
STATUTORY INSTRUMENTS

2015 No. 1568

The Faculty Jurisdiction Rules 2015

PART 16

Injunctions and restoration orders

Applicant

16.1. An application for an injunction or restoration order may be made by—

- (a) the archdeacon;
- (b) any other person appearing to the court to have a sufficient interest in the matter.

Form of application

16.2.—(1) An application for an injunction or a restoration order is made by submitting an application in Form 16 to the registry to be issued by the registrar (but see rule 16.6 (interim orders)).

(2) An application submitted under paragraph (1) must be accompanied by a witness statement made by the applicant or a person acting on the applicant's behalf.

(3) The witness statement that accompanies an application must—

- (a) give details of the facts and matters relied on in support of the application;
- (b) be verified by a statement of truth in the following form—
“I believe that the facts stated in this witness statement are true.”; and
- (c) be signed and dated by the person making the statement.

(4) Before the registrar issues an application made under paragraph (1) the registrar must enter details of the place and date of hearing in the relevant place in Form 16.

Service of application

16.3.—(1) An application for an injunction or restoration must be served by the applicant in accordance with this rule (but see rule 16.6 (interim orders)).

(2) Unless the court directs otherwise, the application, together with a copy of the witness statement required by rule 16.2(2), must be served not less than 2 days before the date of hearing entered by the registrar under rule 16.2(4) on—

- (a) any person against whom the applicant is seeking an injunction or restoration order;
- (b) where faculty proceedings have been started in relation to the subject matter of the application, each of the parties to those proceedings;
- (c) the archdeacon (unless the archdeacon is the applicant); and
- (d) the minister (unless the minister is the applicant) or, where there is no minister, the churchwardens (unless they are the applicants).

(3) The court may dispense with service on any of the persons mentioned in paragraph (2) if it considers that it is impracticable to serve the application on that person.

(4) If the court dispenses with service under paragraph (3) it may give directions for such other steps to be taken as it thinks fit for bringing the application to the notice of any person who would otherwise be required to be served with the application.

(5) Once the applicant has served each of the persons required to be served with the application, the applicant must submit to the registry a certificate of service that—

- (a) states the title of the proceedings as stated in the application;
- (b) states, in respect of each of the persons who have been served—
 - (i) what was served;
 - (ii) the method of service;
 - (iii) the address at which the application was served; and
 - (iv) the date on which the application was served;
- (c) is verified by a statement of truth in the following form—

“I believe that the facts stated in this certificate are true.”; and
- (d) is signed and dated by the maker of the certificate.

Evidence in response to application

16.4.—(1) Any person who is served with an application for an injunction or a restoration order may serve a witness statement in response.

- (2) A witness statement under paragraph (1) must be—
 - (a) verified by a statement of truth in the following form—

“I believe that the facts stated in this witness statement are true.”; and
 - (b) signed and dated by the person making the statement
 - (c) served on the applicant and sent to the registry within 14 days of the service of the application for an injunction or restoration order.
- (3) Subject to Parts 11 and 12, any person who may serve a witness statement in response under this rule may also—
 - (a) give oral evidence at the hearing;
 - (b) call witnesses; and
 - (c) address the court.

Terms of injunction or restoration order etc.

16.5.—(1) The chancellor may issue an injunction or make a restoration order on such terms as appear to the chancellor to be just.

- (2) An injunction and the terms on which it is issued must be in Form 17.
- (3) A restoration order and the terms on which it is made must be in Form 18.
- (4) Every injunction and restoration order must contain a penal notice in the following form—

“If you the within-named [] do not comply with this order you may be held to be in contempt of court and imprisoned or fined, or your assets may be seized.”
- (5) An order requiring a person to do an act must state the time within which the act is to be done.
- (6) The chancellor must give directions as to the service of an injunction or restoration order.

Interim orders

16.6.—(1) Where an applicant considers that it is necessary to apply for an injunction or restoration order without complying with rules 16.2 and 16.3, the applicant may inform the registrar that the matter is one of urgency and must supply the registrar with such information as the registrar may require.

(2) Where the registrar is informed that a matter is one of urgency under paragraph (1) the registrar must immediately refer the matter to the chancellor.

(3) If the chancellor considers that the matter is of such urgency that an injunction or restoration order should be issued without compliance with rules 16.2 and 16.3 the chancellor may issue an interim injunction or interim restoration order.

(4) If the court considers it just and expedient to do so it may make an interim injunction or interim restoration order without a hearing and without affording the person against who the injunction or restoration order is made an opportunity to be heard.

(5) Subject to paragraph (6), an interim injunction is to continue in force for the period of time specified in the injunction which must not be more than 14 days from the date on which it is issued.

(6) The period of time specified under paragraph (5) may be extended by subsequent order of the court (and may be extended beyond 14 days).

(7) Subject to paragraphs (5) and (6), an interim injunction or interim restoration order may be issued on such terms as appear to the chancellor to be just.

(8) An interim injunction or interim restoration order and the terms on which it is issued must be in Form 19.

(9) If the chancellor issues an interim injunction or interim restoration order the chancellor must give directions—

- (a) for the service of the injunction or restoration order on the person against whom it is issued;
- (b) requiring the applicant to serve an application in Form 16 and a witness statement complying with rule 16.2(3) on the person against who the injunction or restoration order is issued; and
- (c) subject to rule 14.1, for the hearing of the application.

Injunction or restoration order issued of court's own initiative

16.7.—(1) The court may issue an injunction or restoration order (including an interim injunction or interim restoration order) of its own initiative.

(2) If the court considers it just and expedient to do so it may make an interim injunction or interim restoration order without a hearing and without affording the person against who the injunction or restoration order is made an opportunity to be heard.

(3) An injunction issued of the court's own initiative must—

- (a) be in Form 20; and
- (b) in the case of an interim injunction, continue in force for the period of time specified in the injunction which must not be more than 14 days from the date on which it is issued.

(4) The period of time specified under paragraph (2)(b) may be extended by subsequent order of the court (and may be extended beyond 14 days).

(5) If the court issues an interim injunction or interim restoration order of its own initiative the chancellor must give directions—

- (a) for the service of the injunction or restoration order by the registrar on the person against whom it is issued; and

(b) subject to rule 14.1, for the hearing of the matter.

(6) Before making a restoration order of the court's own initiative, the chancellor must consider whether a special citation should be served on any person against whom a restoration order might be made requiring that person to attend before the court and affording that person an opportunity of being heard.

(7) A restoration order made of the court's own initiative must be in Form 21.

Variation etc. of injunction or restoration order

16.8. Any injunction or restoration order may be varied, extended or discharged by the court as it thinks fit.

Undertakings

16.9.—(1) In any proceedings for an injunction or a restoration order the court may accept an undertaking from the person against whom the proceedings have been brought.

(2) In paragraph (1) an undertaking is an undertaking to do or not to do a specified act.

(3) The court may decline to accept an undertaking.

(4) If the court accepts an undertaking it must require the party giving the undertaking to make a signed statement to the effect that the party understands the terms of the undertaking and the consequences of failure to comply with it.

(5) An undertaking to do an act must state the time within which the act is to be done.