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STATUTORY INSTRUMENTS

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**2015 No. 1568**

**The Faculty Jurisdiction Rules 2015**

**PART 18**

**The court's case management powers**

**The court's general powers of case management**

**18.1.**—(1) The list of powers in this rule is in addition to any powers given to the court by any other rule or by any other enactment or any powers it may otherwise have.

(2) Except where these Rules provide otherwise, the court may—

- (a) extend or shorten the time for compliance with any rule or court order (even if an application for extension is made after the time for compliance has expired);
- (b) give permission to a party to amend any pleading or other document on such terms (including as to the giving of further public notice) as it considers just;
- (c) adjourn or bring forward a hearing;
- (d) require a party or a party's legal representative to attend the court;
- (e) hold a hearing and receive evidence by telephone or by using any other method of direct oral communication;
- (f) direct that part of any proceedings be dealt with as separate proceedings;
- (g) stay the whole or part of any proceedings or judgment either generally or until a specified date or event;
- (h) consolidate proceedings;
- (i) try two or more sets of proceedings on the same occasion;
- (j) direct a separate trial of any issue;
- (k) decide the order in which issues are to be tried;
- (l) exclude an issue from consideration;
- (m) dismiss or give judgment on any proceedings after a decision on a preliminary issue;
- (n) order any party to file and serve an estimate of costs;
- (o) take any other step or make any other order for the purpose of managing the case and furthering the overriding objective.

(3) When the court makes an order, it may—

- (a) make it subject to conditions, including a condition to pay a sum of money into court; and
- (b) specify the consequence of failure to comply with the order or a condition.

(4) A power of the court under these Rules to make an order includes a power to vary or revoke the order.

(5) An order under paragraph (2)(a) may be made by the registrar.

### **Registrar's power to refer to chancellor**

**18.2.** Where, in relation to proceedings in a consistory court, a step is to be taken by the registrar—

- (a) the registrar may consult the chancellor before taking that step;
- (b) the step may be taken by the chancellor instead of the registrar.

### **Court's power to make order of its own initiative**

**18.3.—**(1) Except where a rule or some other enactment provides otherwise, the court may exercise its powers (under this or any other Part) on an application or of its own initiative.

(2) Where the court proposes to make an order of its own initiative—

- (a) it may give any person likely to be affected by the order an opportunity to make representations; and
- (b) where it does so it must specify the time by and the manner in which the representations must be made.

(3) Where the court proposes—

- (a) to make an order of its own initiative; and
- (b) to hold a hearing to decide whether to make the order,

it must give each party likely to be affected by the order at least 3 days' notice of the hearing.

(4) The court may make an order of its own initiative, without hearing the parties or giving them an opportunity to make representations.

(5) Where the court has made an order under paragraph (4)—

- (a) a party affected by the order may apply to have it set aside, varied or stayed; and
- (b) the order must contain a statement of the right to make such an application.

(6) An application under paragraph (5)(a) must be made—

- (a) within such period as may be specified by the court; or
- (b) if the court does not specify a period, not more than 7 days after the date on which the order was served on the party making the application.

(7) Paragraphs (3) to (6) do not apply where the court makes, or proposes to make, an order of its own initiative under rule 3.7(4) (determination of question whether a particular matter may be undertaken without a faculty) or rule 16.7 (injunction or restoration order issued of court's own initiative).