
STATUTORY INSTRUMENTS

2015 No. 1568

The Faculty Jurisdiction Rules 2015

PART 25

Appeals in the Court of Ecclesiastical Causes Reserved

Notice of appeal

25.1.—(1) A party may give notice of appeal in the Court of Ecclesiastical Causes Reserved (“the Court”) if the chancellor’s determination under rule 23.2 contains a certificate stating that the appeal to any extent relates to matter involving doctrine, ritual or ceremonial.

(2) The notice of appeal must—

- (a) be filed by the appellant with the registrar of the Court with 14 days of the appellant receiving the chancellor’s determination under rule 23.2;
- (b) be in Form 26.

(3) The notice of appeal must be accompanied by 6 copies of—

- (a) the judgment, order or decree of the consistory court against which the appeal is brought;
- (b) the application in Form 22 and the proposed grounds of appeal that were filed under rule 23.1(3); and
- (c) the chancellor’s determination in Form 23 under rule 23.2.

Service of appeal documents

25.2.—(1) Within 7 days of the date on which the notice of appeal is filed with the registrar of the Court the appellant must serve a copy of the notice of appeal on—

- (a) every other party; and
- (b) the diocesan registrar.

(2) The registrar of the Court must send a copy of the notice of appeal to—

- (a) any person or body who was given special notice of the petition and who sent representations under rule 9.5(1)(a) or who gave evidence under rule 13.3 (Evidence of Historic England and national amenity societies); and
- (b) the Church Buildings Council.

Grounds of appeal

25.3.—(1) Unless the Court orders otherwise, the proposed grounds of appeal that were filed under rule 23.1(3) constitute the grounds of appeal to the Court.

(2) Paragraph (1) is subject to any order of the Court giving permission for grounds of appeal to be amended.

Respondent's notice

- 25.4.**—(1) A respondent may file a respondent's notice with the registrar of the Court.
- (2) A respondent must file a respondent's notice if the respondent—
- (a) wishes to appeal; or
 - (b) wishes to ask the Court to uphold the decision of the consistory court for reasons different from or additional to those given by the consistory court.
- (3) Any respondent's notice must be filed within 14 days of the date on which the respondent receives a copy of the notice of appeal under rule 25.2(1).
- (4) A respondent who files a respondent's notice must serve a copy on the appellant and every other party not later than 7 days after it is filed.

Transfer of appeals

- 25.5.**—(1) If the Court considers that it has heard and determined an appeal so far as it relates to matter involving doctrine, ritual or ceremonial but the appeal also relates to other matter, it may—
- (a) deal with the other matter if it considers it expedient to do so; or
 - (b) transfer the other matter to the provincial court to be heard and determined by that court.
- (2) If the Court considers that no matter of doctrine, ritual or ceremonial is involved, it must transfer the appeal to the provincial court to be heard and determined by that court.
- (3) Where the Court transfers a matter under paragraph (1)(b) or an appeal under paragraph (2), the registrar of the provincial court or the Dean may give directions for the purpose of transferring the matter or the appeal (which may include directions dispensing with or modifying any of the provisions of Part 24).

Determination of appeals

- 25.6.**—(1) The Court will hold a hearing for the purpose of determining an appeal under this Part unless it makes an order under paragraph (2).
- (2) The Court may order that any appeal to which this Part applies is to be determined on consideration of written representations instead of at a hearing if both of the conditions in paragraph (3) are met.
- (3) The conditions are—
- (a) the Court considers that determination of the appeal on consideration of written representations is expedient; and
 - (b) all of the parties have agreed in writing to such a course.
- (4) Where an order is made under paragraph (2) the Court may give directions for the purpose of determining the appeal on consideration of written representations.
- (5) The Court may at any time prior to the final determination of an appeal revoke an order made under paragraph (2).
- (6) The Court's determination of an appeal pursuant to an order under paragraph (2) has the same effect for all purposes as if it had been made following a hearing.

Registrars

- 25.7.**—(1) The registrar of the province of Canterbury and the registrar of the province of York are joint registrars of the Court.

(2) The duties of the registrar of the Court in relation to an appeal are to be carried out by the registrar of the province comprising the diocese from whose consistory court the appeal is brought unless the joint registrars determine otherwise in a particular case.