
STATUTORY INSTRUMENTS

2015 No. 1568

The Faculty Jurisdiction Rules 2015

PART 7

Chancellor's jurisdiction

Jurisdiction of consistory court exercised by chancellor

7.1. The jurisdiction of the consistory court is to be exercised by the chancellor (except as otherwise provided by these Rules).

Chancellor to seek advice of Diocesan Advisory Committee

7.2.—(1) Unless paragraph (2) or (3) applies, the chancellor must seek the advice of the Diocesan Advisory Committee before—

- (a) making a final determination in faculty proceedings;
- (b) issuing a permanent injunction; or
- (c) making a restoration order.

(2) If the Diocesan Advisory Committee has given its advice under rule 4.5 in respect of the works or other proposals not more than 24 months before the submission of the petition or application, the chancellor may proceed to do any of the things mentioned in paragraph (1)(a) to (c) without seeking further advice from the Committee.

(3) The chancellor may proceed to do any of the things mentioned in paragraph (1)(a) to (c) without seeking the advice of the Diocesan Advisory Committee if—

- (a) the proceedings relate exclusively to exhumation or the reservation of a grave space; or
- (b) the chancellor is satisfied that the matter is sufficiently urgent to justify the grant of a faculty, the issue of an injunction or the making of a restoration order without obtaining the Committee's advice.

(4) This rule is without prejudice to the court's power at any time to grant an interim faculty under Part 15 or an interim injunction or interim restoration order under rule 16.6.

Reasons for grant of faculty or dismissal of petition

7.3.—(1) Where an unopposed petition gives rise to a question of law or of doctrine, ritual or ceremonial or relates to proposals that affect the legal rights of any person or body, and the chancellor decrees the grant of a faculty but does not give judgment in court or hand down a written judgment, the chancellor must record in summary form the reasons for granting the faculty.

(2) Where a faculty is granted in opposed proceedings or where in any proceedings a petition is dismissed (in whole or in part) the chancellor must give a judgment in court or hand down a written judgment which contains the reasons for the grant or dismissal.

Issue of faculty

7.4.—(1) If the chancellor decrees the grant of a faculty the registrar must, subject to any directions given by the chancellor, issue the faculty in Form 7.

(2) If a faculty is granted subject to conditions they must be set out in the faculty.

(3) The registrar must send the faculty to the petitioner.

(4) The registrar must also send the petitioner a certificate of practical completion of works in Form 8 unless the chancellor directs otherwise.