
STATUTORY INSTRUMENTS

1992 No. 2882

Faculty Jurisdiction Rules 1992

PART V

MISCELLANEOUS AND GENERAL

Appointment of person to act for Archdeacon

26.—(1) In making an appointment under section 16(3) of the Measure of a person to act in place of an archdeacon on the ground of incapacity, the bishop may act on such evidence of the incapacity of the archdeacon as he shall think sufficient, and a statement of the fact of his incapacity in the instrument of appointment shall be conclusive.

(2) An instrument of appointment under section 16(3) shall be in Form No 12 in Appendix B.

Appointment of person to sit as clerk of the court in place of registrar

27. If the chancellor by whom any proceedings for a faculty are to be heard is of opinion that by reason of the fact that the registrar has acted for any of the parties or has otherwise been personally connected with the proceedings he ought not to sit as clerk of the court at the hearing, he shall appoint another practising solicitor to sit as such clerk in place of the registrar.

Service of Document

28.—(1) Service of any document may be effected—

- (a) by leaving the document at the proper address of the person to be served, or
- (b) by sending it by post to that address, or
- (c) in such other manner as the chancellor or registrar may direct.

(2) For the purpose of this rule, and of the Interpretation Act 1978 in its application to this rule, the proper address of any person on whom a document is to be served under this rule shall be—

- (a) his usual or last known address, or
- (b) the business address of the solicitor (if any) who is acting for him in the proceedings.

(3) Any document required by these Rules to be lodged at the diocesan registry may be lodged by delivering the document at the registry, or by sending it by post properly addressed to the registrar at the registry.

General Provisions

29.—(1) Where anything is required by these Rules to be done not more than a specified number of days or weeks after a specified act or event, the day on which the act or event occurred shall not be counted.

(2) The registrar or chancellor may, on an application made by the person concerned, extend the time within which anything is required to be done by these Rules, and the application may be made notwithstanding that the time has expired.

(3) The registrar or chancellor may exercise the power under paragraph (2) on an ex parte application, or may give directions for the giving of notice thereof and for a hearing.

(4) Any such application may be granted on such terms as the registrar or chancellor thinks just.

(5) The registrar or chancellor may give leave to any party to amend any pleading at any stage in the proceedings on such terms as he deems just and in the case of an amended petition he may direct such further citation as he considers necessary.

Non-Compliance and Setting Aside

30.—(1) Non-compliance with any of these Rules shall not render any proceeding void unless the chancellor so directs, but the proceedings may be set aside, either wholly or in part, as irregular, or may be amended or otherwise dealt with in such manner and upon such terms as the chancellor thinks fit.

(2) The chancellor may amend or set aside a faculty whenever he is satisfied that it is just and expedient to do so.

Procedural Questions

31. Where, in the exercise of the faculty jurisdiction, any procedural question or issue arises, or it is expedient that any procedural direction shall be given in order that the proceedings may expeditiously and justly be disposed of, and where no provision of these Rules appears to the chancellor to be applicable, the chancellor shall resolve such question or issue, or shall give such directions as shall appear to him to be just and convenient, and in doing so he shall be guided, so far as practicable, by the Rules of the Supreme Court for the time being in force.

Adjournment of hearing

32. The chancellor may adjourn the hearing of any proceedings or application from time to time on such terms as he considers just.

Departure from Forms in Appendix B

33.—(1) Where any of these Rules require a document to be in a form set out in Appendix B, and that form is not in all respects appropriate, the Rules shall be construed as requiring a form of the like character, with such variations as circumstances may require, to be used.

(2) The chancellor may direct such forms as he thinks fit to be used where a faculty is sought for exhumation or reservation of a grave space and, save where any of these Rules require a document to be in a form set out in Appendix B, in any other case in respect of any stage of the proceedings for a faculty.