



# Ecclesiastical Jurisdiction and Care of Churches Measure 2018

2018 No. 3

## PART 4

### FACULTY JURISDICTION

#### *Application of jurisdiction*

#### **56 Churches, churchyards and articles**

For the avoidance of doubt and without prejudice to the jurisdiction of consistory courts under this Measure or under any other enactment or any rule of law, it is hereby declared that the jurisdiction of the consistory court of a diocese applies to every parish church in the diocese and every churchyard and article appertaining to it.

#### **57 Curtilages of churches**

For the avoidance of doubt, it is hereby declared that, where unconsecrated land forms or is part of the curtilage of a church within the jurisdiction of the consistory court, that court has the same jurisdiction over that land as over the church.

#### **58 Buildings licensed for public worship on or after 1 March 1993**

- (1) A building licensed by the bishop of a diocese on or after 1 March 1993 for public worship according to the rites and ceremonies of the Church of England and the articles appertaining to the building are subject to the jurisdiction of the consistory court of the diocese as though the building were a consecrated church.
- (2) But where the bishop of a diocese, after consultation with the advisory committee, considers that a building in the diocese licensed as mentioned in subsection (1) should not be subject to the faculty jurisdiction, the bishop may by order direct that subsection (1) is not to apply to the building.

---

*Status: This is the original version (as it was originally enacted).*

---

- (3) Subsection (4) applies where, in the case of a building in relation to which an order under subsection (2) is in force, the bishop of the diocese, after consultation with the advisory committee, considers that an article appertaining to the building should be subject to the faculty jurisdiction because it is—
  - (a) of outstanding architectural, artistic, historical or archaeological value,
  - (b) of significant monetary value, or
  - (c) at special risk of being stolen or damaged.
- (4) The bishop may by order direct that the article is to be subject to the jurisdiction of the consistory court of the diocese during such period as the order specifies.
- (5) An article in relation to which an order under subsection (4) is in force is, during the period specified in the order, subject to the jurisdiction of the court as though it were an article appertaining to a consecrated church.
- (6) The bishop of a diocese, after consulting with the advisory committee, may by order vary or revoke an order made under subsection (2) or (4) in relation to the diocese.
- (7) The bishop of a diocese must send each order he or she makes under this section to the registrar of the diocese; and the registrar must file each order in the diocesan registry.
- (8) The registrar is entitled to such fees as may be authorised by an order under section 86 for—
  - (a) filing an order under subsection (7);
  - (b) permitting a search for and inspection of an order filed under that subsection;
  - (c) providing a copy of an order filed under that subsection.
- (9) An order under this section which has the effect of subjecting an article to the faculty jurisdiction does not—
  - (a) make unlawful any act done before the order was made, or
  - (b) require the grant of a faculty to confirm such an act.

## **59 Buildings licensed for public worship before 1 March 1993**

- (1) This section applies where the bishop of a diocese considers that circumstances have arisen which make it desirable that a building which was licensed for public worship before 1 March 1993 should be subject to the faculty jurisdiction.
- (2) The bishop may by order direct that the building is to be subject to the jurisdiction of the consistory court of the diocese during such period as the order may specify.
- (3) Where an order under this section is made, the building and its furnishings and contents are, during the period specified in the order, to be subject to the jurisdiction of the consistory court of the diocese as though the building were a consecrated church.
- (4) An order under this section does not—
  - (a) make unlawful any act done before the order was made, or
  - (b) require the grant of a faculty to confirm such an act.
- (5) The bishop of a diocese may by order vary or revoke an order made under this section in relation to the diocese.
- (6) The bishop of a diocese must send each order he or she makes under this section to the registrar of the diocese; and the registrar must file each order in the diocesan registry.

- (7) The registrar is entitled to such fees as may be authorised by an order under section 86 for—
- (a) filing an order under subsection (6);
  - (b) permitting a search for and inspection of an order filed under that subsection;
  - (c) providing a copy of an order filed under that subsection.