
STATUTORY INSTRUMENTS

1988 No. 1996

ECCLESIASTICAL LAW, ENGLAND

Benefices (Institution Appeals) Rules 1988

*Made (approved by the
General Synod) - - 8th November 1988*

Laid before Parliament 16th November 1988

Coming into force - - 1st January 1989

In the exercise of the powers conferred on it by section 11 of the Benefices Act 1898⁽¹⁾ the Patronage (Appeals) Committee constituted in accordance with paragraph 10 of Schedule 1 to the Patronage (Benefices) Measure 1986⁽²⁾ hereby makes the following Rules:

PART I
PRELIMINARY

Citation and commencement

1. These Rules may be cited as the Benefices (Institution Appeals) Rules 1988 and shall come into force on 1st January 1989.

Revocation

2. The Benefices Rules 1899⁽³⁾ are hereby revoked.

Interpretation

3.—(1) In these Rules—

“the Act” means the Benefices Act 1898;

“appeal” means an appeal by a patron or presentee under section 3 of the Act;

“appellant” means the patron or presentee who has served the notice of appeal;

“the Appendix” means the Appendix to these Rules;

⁽¹⁾ 1898 c. 48 (61 & 62 Vict.); section 11 was substituted by the Patronage (Benefices) Measure 1986 (No. 3), section 18(2).

⁽²⁾ 1986 No. 3.

⁽³⁾ S.R. & O. 1899/141.

“archbishop” means the archbishop of the province in which the benefice is or, where the benefice is in the diocese of the archbishop of that province or the archbishopric of the province is vacant or the archbishop is patron of that benefice, the archbishop of the other province;

“benefice” (except for the purposes of paragraph (1) of rule 4) means the benefice to which the appeal relates;

“bishop” means the bishop of the diocese;

“bishop’s reply” means a reply to grounds of appeal served by the bishop under paragraph (2) of rule 7;

“chancellor” means the chancellor of a diocese (or, in the case of the diocese of Canterbury, the commissary general);

“diocese” (except for the purposes of rule 17 and when used in relation to the term “chancellor”) means the diocese in which the benefice is;

“grounds of appeal” means grounds of appeal served by the appellant under paragraph (1) of rule 7;

“institution” includes admission and the term “institute” includes the term “admit”;

“judge” means the Dean of the Arches and Auditor, or any chancellor nominated by him to hear the appeal under sub-section (6) of section 3 of the Act;

“list of documents” means a list of documents served under paragraph (1) of rule 9;

“the Measure” means the Patronage (Benefices) Measure 1986;

“notice of appeal” means a notice of appeal under sub-section (1) of section 3 of the Act and under rule 5;

“notice to produce” means a notice to produce a document served under paragraph (2) of rule 9;

“patron” means the person who is registered as a patron of the benefice under the Measure, or who is otherwise entitled to present to the benefice, and who has presented the presentee to the bishop for institution to the benefice;

“pleading” means a request for particulars, a statement of particulars, grounds of appeal or a bishop’s reply;

“presentee” means a person presented to the bishop for institution to the benefice whom the bishop has refused to institute;

“registrar” (except when used in relation to the registrar of a diocese) means the registrar of the province of the archbishop, and includes any registrar of a diocese appointed to act as his deputy under rule 17;

“registry” means the provincial registry of the archbishop;

“request for particulars” means a request served by the appellant under paragraph (1) of rule 6;

“response” means a response to a notice to produce served under paragraph (4) of rule 9;

“rule 9 document” means a list of documents, a notice to produce or a response;

“statement of particulars” means a statement of particulars served by the bishop of the diocese under paragraph (3) of rule 6 or in compliance with an order under paragraph (1)(b) of rule 10, or a statement of particulars or further statement of particulars served by a party under paragraph (1) of rule 8;

“statement of refusal” means a document signifying the bishop’s refusal to institute the presentee to the benefice under sub-section (1) of section 3 of the Act and paragraph (1) of rule 4;

“tribunal” means

- (a) — in relation to the hearing of the appeal, any application made, heard or refused at the hearing of the appeal and any order, direction or leave made, given, granted or refused at the hearing of the appeal, and for the purposes of rule 17 — the archbishop and the judge, and
- (b) — for all other purposes — the judge.

(2) The Interpretation Measure 1925(4) and the Interpretation Act 1978(5) shall apply for the interpretation of these Rules as they apply for the interpretation of Measures passed by the General Synod.

PART II

REFUSAL TO INSTITUTE AND APPEAL

Statement of refusal

4.—(1) A refusal by a bishop to institute a presentee to a benefice under section 2 of the Act and the grounds of that refusal shall be signified to the patron and the presentee in accordance with section 3 of the Act by serving upon each of them (in the same terms) a statement of refusal in Form 1 of the Appendix.

(2) On serving a statement of refusal on the patron and the presentee in accordance with paragraph (1) of this rule, the bishop shall forthwith send notice of his refusal to institute in Form 2 of the Appendix to the parochial church council of each parish within the area of the benefice (or, if any such parish has no parochial church council, to the churchwardens of the parish).

Notice of appeal

5.—(1) A patron or presentee shall commence an appeal under section 3 of the Act by serving on the bishop a notice of appeal in Form 3 of the Appendix within one month after the date of service on him of the statement of refusal.

(2) On serving a notice of appeal on the bishop in accordance with paragraph (1) of this rule, the patron or presentee shall forthwith lodge with the registrar copies of the statement of refusal and the notice of appeal.

PART III

PLEADINGS, DISCOVERY, AMENDMENT, WITHDRAWAL AND DISMISSAL

Request for particulars and statement of particulars

6.—(1) The appellant may if he so wishes serve on the bishop with his notice of appeal a request for particulars in Form 4 of the Appendix seeking particulars of the facts on which the bishop intends to rely at the hearing of the appeal.

(2) If an appellant serves a request for particulars on the bishop under paragraph (1) of this rule, he shall lodge a copy with the registrar at the same time as he lodges copies of the statement of refusal and the notice of appeal.

(4) 1925 No. 1.
(5) 1978 c. 30.

(3) The bishop shall within twenty-one days after the date of service on him of a request for particulars—

- (a) serve on the appellant a statement of particulars in Form 5 of the Appendix, giving the particulars sought; and
- (b) lodge a copy of the statement of particulars with the registrar.

Grounds of appeal and bishop's reply

7.—(1) Within fourteen days after the date of service on the appellant of a statement of particulars under paragraph (3) of rule 6 or, if the appellant has not served a request for particulars, within twenty-eight days after the date of service on the bishop of the notice of appeal, the appellant shall serve on the bishop grounds of appeal in Form 6 of the Appendix—

- (a) setting out the grounds on which the appellant intends to rely at the hearing of the appeal;
- (b) indicating which (if any) of the facts which are set out in the statement of refusal or in any statement of particulars which has been served by the bishop the appellant admits and which (if any) he disputes; and
- (c) giving particulars of any facts which are not set out in the statement of refusal or in any statement of particulars but on which the appellant intends to rely at the hearing;

and shall lodge a copy of the grounds of appeal with the registrar.

(2) Within fourteen days after the date of service on the bishop of grounds of appeal, the bishop may if he so wishes serve on the appellant a bishop's reply in Form 7 of the Appendix—

- (a) stating his response to the grounds of appeal; and
- (b) giving particulars of any further facts on which he intends to rely at the hearing of appeal.

(3) On serving a bishop's reply on the appellant under paragraph (2) of this rule, the bishop shall forthwith lodge a copy with the registrar.

Voluntary statements of particulars

8.—(1) At any time before the hearing of the appeal either party may, with the leave of the registrar or the tribunal, serve on the other party a statement of particulars or further statement of particulars in Form 5 of the Appendix giving particulars of facts or further facts on which he intends to rely at the hearing of the appeal.

(2) On serving a statement of particulars or further statement of particulars on the other party under paragraph (1) of this rule, a party shall forthwith lodge a copy with the registrar.

Discovery

9.—(1) Within fourteen days after the final date for serving a bishop's reply under rule 7, each party shall—

- (a) serve on the other party a list of documents in Form 8 of the Appendix, specifying all documents which are in the possession, custody or power of the party serving the list and to which that party intends to refer at the hearing of the appeal; and
- (b) lodge a copy of the list of documents with the registrar.

(2) A party may at any time before the hearing of the appeal or, with the leave of the tribunal, at the hearing of the appeal, serve on the other party a notice to produce in Form 9 of the Appendix, requiring that other party to produce any document specified in that other party's list of documents for the inspection of the party serving the notice to produce.

(3) A party who serves a notice to produce under paragraph (2) of this rule on the other party shall forthwith lodge a copy with the registrar.

(4) A party on whom a notice to produce is served shall serve on the other party within fourteen days after the date of service on him of the notice to produce (or, if the notice to produce is served at or within fourteen days of the hearing of the appeal, within such other period as the tribunal may direct) a response in Form 10 of the Appendix, stating in relation to each document specified in the notice to produce either—

- (a) a time within fourteen days after the date of service on him of the notice to produce (or, if the notice to produce is served at or within fourteen days of the hearing of the appeal, within such other period as the tribunal may direct), and a place, at which that document will be produced for the inspection of the party who has served the notice to produce; or
- (b) that the party serving the response objects to the production of that document and the grounds of his objection;

and shall lodge a copy of the response with the registrar.

(5) A party who has served a response containing the statement provided for by paragraph (4) (a) of this rule in relation to any document shall make that document available for inspection by the other party at the time and place stated in the response and shall on request by the other party and on payment of reasonable copying charges supply the other party with a copy of that document.

(6) Except with the leave of the tribunal at the hearing of the appeal, a party shall not be permitted to refer at the hearing to any document in his possession, custody or power—

- (a) which is not specified in his list of documents; or
- (b) which has been specified in a notice to produce served on him but in respect of which he has not both—
 - (i) served a response containing the statement provided for by paragraph (4)(a) of this rule; and
 - (ii) complied with paragraph (5) of this rule.

Amendment, finality of pleadings, withdrawal and dismissal

10.—(1) The registrar may at any time before the hearing of the appeal, and the tribunal may at or before the hearing of the appeal, in each case on the application of either party or of his or its own motion—

- (a) permit either party to amend or add to any pleading of his;
- (b) order the bishop (in the event of his failing to give the particulars sought under paragraph (1) of rule 6) to serve within a specified period on the appellant a statement of particulars in Form 5 of the Appendix giving particulars or further particulars of the facts on which the bishop intends to rely at the hearing of the appeal, and to lodge a copy with the registrar;

and on giving any such leave or making any such order the registrar or the tribunal shall give such further direction as to further pleadings or otherwise as he or it thinks fit.

(2) Except with the leave of the tribunal at the hearing of the appeal—

- (a) the bishop shall not be permitted to rely at the hearing on any grounds for the refusal to institute which are not set out in the statement of refusal;
- (b) the appellant shall not be permitted to rely at the hearing on any grounds which are not set out in the grounds of appeal; and

- (c) neither party shall be permitted to rely at the hearing on any fact which is not set out in the statement of refusal, in any statement of particulars, in the grounds of appeal or in any bishop's reply;

and (without prejudice to paragraph (1) of this rule and the preceding provisions of this paragraph) the tribunal may give such leave at the hearing of the appeal on the application of either party or of its own motion.

(3) The registrar may at any time before the hearing of the appeal, and the tribunal may at the hearing of the appeal, in each case on the application of the bishop, permit the bishop to withdraw his refusal to institute and his statement of refusal, and upon such withdrawal the tribunal shall be deemed to have directed the bishop under sub-section (1) of section 3 of the Act to institute the presentee.

(4) The registrar may at any time before the hearing of the appeal, and the tribunal may at the hearing of the appeal, in each case upon the application of the appellant, permit the appellant to withdraw his notice of appeal, and upon such withdrawal the tribunal shall be deemed to have decided under sub-section (1) of section 3 of the Act to uphold the bishop's refusal to institute the presentee.

(5) If the appellant fails to serve grounds of appeal in accordance with paragraph (1) of rule 7 the registrar shall, on the application of the bishop and after giving notice to the appellant, refer the proceedings to the tribunal, and the tribunal (subject to the granting of any extension of time) shall dismiss the appeal and uphold the bishop's refusal to institute the presentee.

(6) If the bishop fails to serve a statement of particulars in compliance with an order under paragraph (1)(b) of this rule, the registrar shall, on the application of the appellant and after giving notice to the bishop, refer the proceedings to the tribunal, and the tribunal (subject to the granting of any extension of time) shall uphold the appeal and direct the bishop to institute the presentee.

PART IV

DIRECTIONS AND HEARING

Consolidation

11.—(1) This rule shall apply to appeals by both a patron and a presentee in respect of the same refusal by the bishop to institute the presentee to a benefice.

(2) At any time before the hearing of any appeals to which this rule applies, the registrar may on the application of either of the appellants or of his own motion make an order consolidating the appeals.

(3) For the purposes of these Rules, and subject to the terms on which any order under paragraph (2) of this rule is made—

- (a) the appeals to which this rule applies shall from the date of any such order be treated as a single appeal and the appellants shall be treated (except for the purpose of service on them) as a single appellant; and
- (b) any statement of refusal, pleading or rule 9 document served or lodged before that date by or served before that date on either of the appellants shall be treated as served or lodged by or served on them both.

(4) If at any time any appeals to which this rule applies have not been consolidated under paragraph (2) of this rule, the registrar shall serve on the appellant in each appeal—

- (a) a copy of any pleading or rule 9 document lodged with the registrar in connection with the appeal by the other appellant; and
- (b) a copy of any leave granted or order made under rule 10 in the appeal by the other appellant.

Directions as to evidence

12.—(1) The registrar may at any time before the hearing of the appeal, and the tribunal may at the hearing of the appeal, in each case on the application of either party or of his or its own motion—

- (a) direct either party to produce any specified document for the inspection of the other party within a specified period and, if the registrar or the tribunal giving the direction thinks fit, to do either or both of the following—
 - (i) to permit the other party to make extracts from and take copies of such documents; and
 - (ii) to give notice to the other party of the time and place at which the document is to be produced;
- (b) direct any party or other person to produce any specified document at the hearing of the appeal;
- (c) direct the attendance of any party or other person for the purpose of giving evidence at the appeal;
- (d) direct either party to make general discovery of documents;
- (e) direct that all or a specified part of the evidence of any person at the hearing of the appeal may be given on oath before an examiner appointed by the registrar or the tribunal, and direct the attendance of such person before the examiner at a specified time and place;
- (f) direct that all or a specified part of the evidence of any person at the hearing of the appeal may be given by affidavit.

(2) Where a direction under paragraph (1)(b), (c), (e) or (f) of this rule relates to a person other than a party, the registrar shall serve a copy of the direction on that person and, if applicable, and without prejudice to paragraph (5) of rule 13, shall give him not less than fourteen days' notice of the time and place of any appointment at which his attendance is required.

Directions for hearing

13.—(1) After the expiration of the time prescribed for the service of lists of documents under paragraph (1) of rule 9, the registrar shall lay before the tribunal copies of—

- (a) the statement of refusal;
- (b) the notice of appeal;
- (c) all pleadings and rule 9 documents;

and all other documents which are relevant to the appeal.

(2) The tribunal (or the registrar so far as he has been authorised by the tribunal to determine any matter under this paragraph) shall appoint a time and place for the hearing of the appeal and shall give such further directions as it or he thinks fit.

- (a) (3) (a) At any time before the hearing of the appeal either party may apply to the tribunal (or, if the application is made before the hearing of the appeal and the registrar has been authorised by the tribunal to determine such applications, to the registrar) for a postponement or adjournment of the hearing, and on any such application the tribunal or the registrar may postpone or adjourn the hearing of the appeal to such date as it or he may specify.
- (b) The tribunal may at any time, of its own motion, postpone or adjourn the hearing of the appeal to such date as it may specify.

(4) The registrar shall serve on each party copies of all orders and directions made or given under paragraphs (2) and (3) of this rule.

(5) The registrar shall serve on each party and each other person directed to attend or to produce a document at the hearing of the appeal under paragraph (1)(b) or (c) of rule 12—

- (a) not less than twenty-one days' notice of the time and place appointed for the hearing of the appeal under paragraph (2) of this rule; and
- (b) notice of any later date specified for the hearing of the appeal under paragraph (3) of this rule.

Hearing of appeal

14.—(1) Subject to any direction under paragraph (1) of rule 12, evidence by any person at the hearing of the appeal shall be given orally and upon oath.

(2) Any evidence which pursuant to a direction under paragraph (1) of rule 12 may be given by affidavit or before an examiner may with the leave of the tribunal be proved at the hearing of the appeal by production of a copy of the affidavit or deposition as the case may be.

(3) If either party proposes to apply to the tribunal under any of the preceding rules or under rule 15 to exercise any of its powers under those rules at the hearing of the appeal, that party shall give prior notice to the other party and to the registrar of his proposed application, save that if the giving of such prior notice is impracticable the tribunal may nevertheless exercise any of those powers at the hearing of the appeal without such prior notice having been given.

(4) Any appeals to which rule 11 applies and which have not been consolidated under paragraph (2) of that rule shall be heard together if the registrar or the tribunal so directs.

(5) On the hearing of the appeal the tribunal shall consider all the relevant circumstances, shall determine all questions raised by the appeal on the basis of the evidence placed before it, and shall decide whether—

- (a) to uphold the bishop's refusal to institute the presentee; or
- (b) to direct the bishop to institute the presentee.

PART V

COSTS, MISCELLANEOUS AND GENERAL

Application of the Patronage (Appeals) Rules 1988(6) to costs, interlocutory applications, orders and directions, representation, notices, documents, time, parochial church councils, and non-compliance

15. Rules 14 to 27 of the Patronage (Appeals) Rules 1988 (in this rule and the Schedule to these Rules referred to as “the associated Rules”) shall apply mutatis mutandis to appeals within the meaning of paragraph (1) of rule 3 of these Rules as they apply to appeals within the meaning of the associated Rules, subject to the provisions of rule 2 of the associated Rules and with the modifications set out in the Schedule to these Rules.

Notice to parochial church council of result of appeal

16. The registrar shall send notice of the decision of the tribunal on any appeal (including any decision deemed to be taken under paragraphs (3) or (4) of rule 10) to the parochial church council of each parish within the area of the benefice (or, if any such parish has no parochial church council, to the churchwardens of the parish).

Appointment of deputy registrar

17. The tribunal may at any time, at the request of the registrar of the province, appoint the registrar of any diocese within the province of the archbishop (other than the diocese in which the benefice is) to act as a deputy to the registrar of the province in relation to an appeal specified by the tribunal, and any deputy so appointed shall have all the powers and perform all the duties of the registrar of the province under these Rules in relation to that appeal.

Dated this eleventh day of October 1988

*T. A. C. Coningsby
D. N. Cheetham
O. W. H. Clark
M. B. Goodman
J. F. M. Smallwood*

Approved by the General Synod

the eighth day of November 1988

W. D. Pattinson
Secretary-General

SCHEDULE

Rule 15

MODIFICATIONS TO RULES 14 TO 27 OF THE PATRONAGE
(APPEALS) RULES 1988 IN THEIR APPLICATION TO THESE RULES

1. Subject to the following provisions of this Schedule, any term which appears in any of rules 14 to 27 of the associated Rules and to which a meaning is given by paragraph (1) of rule 3 of these Rules shall bear that meaning.

2. References in any of rules 14 to 27 of the associated Rules to “these Rules” shall be read as references to the present Rules.

3. The references in rules 18, 20, 21 and 23 of the associated Rules to an interlocutory application shall be read as referring (so far as the context admits) to—

(a) any application made under these Rules to the registrar otherwise than on a taxation of costs; and

(b) any application made under these Rules to or heard under these Rules by the tribunal otherwise than at the hearing of the appeal or on a review of taxation of costs.

4. The references in rules 14, 16, 17, 20, 21, 22, 25 and 27 of the associated Rules to the chancellor shall be read as references to the tribunal.

5. The references in paragraphs (a) and (b) of rule 18 and in rule 19 of the associated Rules to the chancellor shall be read as references to the judge.

6. The reference in rule 22 of the associated Rules to the making, giving or refusing of any order or direction shall be read as including a reference to the making, giving or refusing of any leave required or granted under these Rules, and the reference in paragraph (1) of rule 24 of the associated Rules to any orders or directions shall be read as including a reference to any such leave.

7. The reference in rule 23 of the associated Rules to any interested person who has been permitted to address the chancellor shall be deemed to be omitted.

8. The reference in paragraph (4)(b) of rule 24 of the associated Rules to a person’s usual or last known address shall, in the case of the bishop, be read as a reference to the address of his official residence.

9. The references in rules 20, 21 and 22 of the associated Rules to rules 11, 12 and 13 of the associated Rules and to specified paragraphs of those Rules shall be read as references to rules 12, 13 and 14 respectively of these Rules and to the corresponding paragraphs of the said rules 12, 13 and 14.

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APPENDIX

FORM 1 BENEFICES ACT 1898 BENEFICES (INSTITUTION APPEALS) RULES 1988 Rule 4(1) STATEMENT OF REFUSAL TO INSTITUTE

Benefice of

Diocese of

TO of (patron)

AND TO of (presentee)

With reference to the presentation to me on by

..... of for institution to the

above benefice, I Bishop of

hereby refuse to institute to the benefice

in the exercise of my powers under section 2 of the Benefices Act 1898 on the grounds that-

.....
.....
.....

Dated

Signed

Note

Each of the persons to whom this statement is addressed may appeal against the bishop's refusal. The appeal must be brought within one month of the date of service of this statement on the person concerned. Further information about the procedure for the appeal may be obtained from the Provincial Registrar of the province of

whose address is

FORM 2 BENEFICES ACT 1898 BENEFICES (INSTITUTION APPEALS) RULES 1988 Rule 4(2) NOTICE TO PAROCHIAL CHURCH COUNCIL OF REFUSAL TO INSTITUTE

Benefice of

Diocese of

TO the parochial church council of the parish of

I, Bishop of, hereby give you notice that in the exercise of my powers under section 2 of the Benefices Act 1898 I have refused to

institute to the above benefice.

Dated

Signed

FORM 3 BENEFICES ACT 1898 BENEFICES (INSTITUTION APPEALS) RULES 1988 Rule 5 NOTICE OF APPEAL

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Benefice of

Diocese of

TO the Right Reverend the Bishop of

*Delete as appropriate

1. I, of the *patron/
*presentee for the purposes of the Benefices Act 1898, hereby appeal under section 3(1) of that Act
against your refusal dated

*Delete/insert as appropriate
*Delete if inapplicable

to institute *me/* to the above
benefice.

*2. The solicitors acting for me on the appeal are
of

3. My address for service of documents relating to the appeal is *c/o the solicitors named above

*Delete as appropriate

OR*

Dated

Signed

(Signature of patron/presentee or his solicitor on his behalf)

Note

This notice must be completed and served on the bishop within one month of the date on which the bishop's statement of refusal to institute is served on you. A copy of the notice of appeal must also be lodged with the Provincial Registrar.

FORM 4BENEFICES ACT 1898BENEFICES (INSTITUTION APPEALS) RULES 1988 Rule 6(1)REQUESTS FOR PARTICULARS

Benefice of

Diocese of

TO the Right Reverend the Bishop of

With reference to-

(1) your refusal dated to institute *me/

*Delete/insert as appropriate

* to the above benefice; and

(2) my Notice of Appeal against that refusal of the same date as this request;

I, of, hereby require
you to give particulars of the facts on which you intend to rely at the hearing of the appeal in
support of your refusal to institute.

Dated

Signed

(Signature of patron/presentee or his solicitor on his behalf)

Note

If the appellant wishes to make a request for particulars, this form should be completed and served on the bishop with the Notice of Appeal. A copy should also be lodged with the Provincial Registrar at the same time as the copy of the Notice of Appeal.

FORM 5BENEFICES ACT 1898BENEFICES (INSTITUTION APPEALS) RULES 1988 Rules 6(3), 8(1) and 10(1)(b)STATEMENT OF PARTICULARS

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Benefice of

Diocese of

TO of

With reference to-

*Delete as appropriate

*your Request for Particulars dated

OR

*the order dated *requiring me/*granting me leave to give certain *particulars/*further particulars

*Delete as appropriate

*I,, Bishop of intend to rely on the following facts at the hearing of the appeal in support of my refusal to institute-

OR

*I, of intend to rely on the following facts at the hearing in support of my appeal-

Grounds

Facts

An additional sheet or sheets may be used if required

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| 1. | |
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| | |

Dated

Signed

(Signature of bishop/patron/presentee or his solicitor on his behalf)

FORM 6BENEFICES ACT 1898BENEFICES (INSTITUTION APPEALS) RULES 1988 Rule 7(1)GROUNDS OF APPEAL

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Form 6 – continued

*Delete in inappropriate

(b) I dispute the following facts set out in your Statement of Refusal *and your Statement of Particulars–

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.....

*Delete if inappropriate

*3. I intend to rely on the following further facts at the hearing of the appeal–

.....
.....
.....
.....
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.....
.....
.....
.....

Dated

Signed

(Signature of patron/presentee or his solicitor on his behalf)

Notes

1. This form should be completed and served on the bishop (or his solicitor), and a copy lodged with the Provincial Registrar, within fourteen days after the date of service of the bishop's Statement of Particulars (or, if you have not made a request for particulars, within twenty-eight days after the date of service of the Notice of Appeal).

2. Except with the leave of the tribunal at the hearing, you will not be permitted to rely at the hearing on–

- (a) grounds of appeal other than those set out in this form; and
- (b) facts other than those set out in this form, in any Statement of Particulars served by you, in the bishop's Statement of Refusal to institute, or in any Statement of Particulars or Bishop's Reply served by or on behalf of the bishop.

3. An additional sheet or sheets may be used for paragraphs 1 to 3 of this form if required.

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Benefice of

Diocese of

TO of

With reference to—

*Delete as appropriate

*my refusal dated to institute *you/*

..... to the benefice

OR

*my Notice of Appeal dated

The following are all the documents which are in my possession, custody or power and on which I,

of intend to rely at the hearing of the appeal—

<i>Date</i>	<i>Sent by</i>	<i>Sent to</i>	<i>Description of Document</i>
-------------	----------------	----------------	--------------------------------

Dated

Signed

(Signature of bishop/patron/presentee or his solicitor on his behalf)

Notes

1. This form must be completed and served on the other party to the appeal (or his solicitor), and a copy lodged with the Provincial Registrar, within fourteen days after the final date for service of a Reply by the bishop.

2. Except with the leave of the tribunal at the hearing of the appeal, a party to the appeal will not be permitted to refer at the hearing to any document which is in his possession, custody or power and which has not been listed by him on this form.

FORM 9BENEFICES ACT 1898BENEFICES (INSTITUTION APPEALS) RULES 1988 Rule 9(2)NOTICE TO PRODUCE

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Benefice of

Diocese of

TO of

With reference to your List of Documents dated

I, of, hereby require you to produce the following documents referred to in your List of Documents in accordance with rule 9 of the Benefices (Institution Appeals) Rules 1988-

<i>Date</i>	<i>Sent by</i>	<i>Sent to</i>	<i>Description of Document</i>
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Dated

Signed

(Signature of bishop/patron/presentee or his solicitor on his behalf)

Notes

1. This notice should be completed and served on the other party to the appeal (or his solicitor) and a copy lodged with the Provincial Registrar. If the notice is not served before the hearing of the appeal, the leave of the tribunal hearing the appeal will be needed before it can be served.

2. The party to whom the notice is addressed must respond within fourteen days by serving a Response in the form prescribed by the Benefices (Institution Appeals) Rules 1988.

FORM 10BENEFICES ACT 1898BENEFICES (INSTITUTION APPEALS) RULES 1988 Rule 9(4)RESPONSE

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Benefice of

Diocese of

TO of

With reference to your Notice to Produce dated

I, of hereby give you notice that—

1. The following documents referred to in your Notice to Produce will be available for your inspection at [place] at [time] on [date].

<i>Date</i>	<i>Sent by</i>	<i>Sent to</i>	<i>Description of Document</i>
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2. I object to the production of the following documents on the grounds stated below—

<i>Document</i>	<i>Grounds</i>
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Dated

Signed

(Signature of bishop/patron/presentee or his solicitor on his behalf)

Notes

1. The date inserted in paragraph 1 should be within fourteen days of the date of service of the Notice to Produce.

2. The documents listed in paragraph 1 must be made available for inspection by the other party at the date, time and place stated, and the other party must be provided with a copy of each document on request and on paying reasonable copying charges.

3. A party to the appeal on whom a Notice to Produce is served will not be permitted to refer at the hearing of the appeal to any document which is referred to in the Notice to Produce and which is not listed by him in paragraph 1 of the above form, or in respect of which he has not complied with Note 2 above, unless he has the leave of the tribunal at the hearing of the appeal.