STATUTORY INSTRUMENTS

1998 No. 1713

The Faculty Jurisdiction (Appeals) Rules 1998

PART V

GENERAL PROVISIONS

Interlocutory applications

19.—(1) This rule applies to—

(a) applications made under these rules to a registrar; and

(b) applications made under these rules, except under rules 10, 13 and 15, to an appellate court or Commission of Review otherwise than at the hearing of an appeal or petition.

(2) An application to which this rule applies shall be in writing in Form No. 9 in the Appendix to these Rules and shall be lodged with the registrar to whom it is made or the registrar of the court or Commission to which it is made, and a copy of the application shall be served on each other party.

(3) A registrar may grant any application made to him (other than an application for directions under rule 11) without a hearing, if there is lodged with the application a consent in writing signed by each of the other parties or his solicitor, or if the registrar is otherwise satisfied that none of the other parties opposes the application.

(4) In the case of any application lodged with a registrar under this rule (other than an application under paragraph (3)) the registrar shall fix a time and place for the hearing of the application and shall give not less than 7 days' notice in writing of that time and place to all the parties.

(5) An application under this rule may be granted or a direction may be made on an application under this rule on such terms as the person or body granting the application may think just.

(6) Any party may appeal from a decision of a registrar of an appellate court or Commission of Review to that appellate court or Commission.

(7) Any party wishing to appeal from a decision of a registrar under paragraph (6) of this rule shall lodge with the registrar not more than 7 days after the decision in question a notice of appeal in writing in Form No. 10 in the Appendix to these Rules, setting out the grounds of the appeal, and shall serve a copy of the notice of appeal on each other party, and the registrar shall fix the time and place of the hearing of the appeal and give not less than 7 days' notice in writing of that time and place to all the parties.

(8) Any application or appeal under this rule to the Arches Court of Canterbury or the Chancery Court of York may be heard and determined by the Dean.

(9) Any application or appeal under this rule to the Court of Ecclesiastical Causes Reserved may be heard and determined by such two of the judges of the Court of Ecclesiastical Causes Reserves as may be agreed between the judges of that court.

(10) Any application or appeal under these rules to a Commission of Review may be heard and determined by the presiding judge of the Commission of Review.