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STATUTORY INSTRUMENTS

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**2013 No. 1916**

**The Faculty Jurisdiction Rules 2013**

**PART 12**

**Evidence of non-parties**

**Evidence of non-parties – generally**

- 12.1.**—(1) A person who is not a party to proceedings may apply to give evidence at a hearing.
- (2) An application under paragraph (1) must be accompanied by a witness statement containing the evidence that is intended to be given by the person concerned.

**Demolition – evidence of the Church Buildings Council and other persons**

- 12.2.**—(1) An application to give evidence made by the Church Buildings Council, or by any other person, under section 17(4)(d) of the Measure is to be made to the registrar.
- (2) If the application is made by the Church Buildings Council, the application must be submitted to the registry not more than 21 days after the Council has received notice of the petition under section 17(4)(b) of the Measure.
- (3) If the application is made by any other person, the application must be submitted to the registry not more than 28 days after the date of the last publication of the notice in accordance with rule 8.10(a).
- (4) An application under this rule must be accompanied by a witness statement containing the evidence to be relied on.

**Evidence of the Church Buildings Council in other cases**

- 12.3.**—(1) In any case not falling within rule 12.2 the Church Buildings Council may apply to give evidence.
- (2) An application under this rule must be—
- (a) submitted to the registry not less than 21 days before the hearing; and
  - (b) accompanied by a witness statement containing the evidence to be relied on.

**Evidence of English Heritage and national amenity societies**

- 12.4.**—(1) English Heritage or a national amenity society may apply to give evidence whether or not it has been given special notice under rule 8.3.
- (2) An application under this rule must be—
- (a) submitted to the registry not less than 21 days before the hearing; and
  - (b) accompanied by a witness statement containing the evidence to be relied on.

### **Judge's witness**

**12.5.** The chancellor may direct the attendance of any of the following to give evidence at a hearing if it appears that the person may be able to give relevant evidence and is willing to give it—

- (a) a member or officer of the Church Buildings Council;
- (b) a member or officer of the Diocesan Advisory Committee;
- (c) any other person.

### **Witness statements**

**12.6.** The requirements of rule 10.4(2) apply to a witness statement made for the purposes of this Part.

### **Notice to parties**

**12.7.** Where an application to give evidence is made under rules 12.1 to 12.4, or where a direction is given under rule 12.5, the registrar must—

- (a) give the parties written notice of the application or direction;
- (b) provide them with the name and address of the witness;
- (c) in the case of an application made under rules 12.1 to 12.4, send them a copy of the witness statement that accompanies the application; and
- (d) in the case of a witness whose attendance is directed under rule 12.5, inform them of the nature of the evidence that is sought from that witness.

### **Treatment of non-party witness**

**12.8.** A witness who gives evidence under any of rules 12.2 to 12.5 may ask questions of any party if the chancellor gives permission.