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STATUTORY INSTRUMENTS

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**2013 No. 1916**

**The Faculty Jurisdiction Rules 2013**

**PART 4**

**Faculty proceedings – parties and commencement**

**Parties to proceedings**

- 4.1.**—(1) The parties to faculty proceedings are—
- (a) the petitioner (or petitioners);
  - (b) any party opponent; and
  - (c) any person added as a party by the court by way of special citation.
- (2) Rule 4.2 sets out the procedure under which a person may submit a petition for a faculty to the court.
- (3) A person who submits a petition is referred to as a petitioner.
- (4) Rules 8.5 and 9.4 make provision for a person to become a party opponent.
- (5) Rule 18.4 makes provision for the addition of a person as a party by way of special citation.

**How to start faculty proceedings – the petition**

- 4.2.**—(1) Proceedings for obtaining a faculty are started by submitting a petition to the court.
- (2) A petition may be submitted by—
- (a) the archdeacon (or in certain circumstances a person appointed by the bishop to act in place of the archdeacon);
  - (b) the minister and churchwardens of the parish concerned;
  - (c) the relevant person or body (in the case of a building included in the list maintained by the Church Buildings Council under section 1(1) of the Care of Places of Worship Measure 1999); or
  - (d) any other person appearing to the court to have a sufficient interest in the matter.
- (3) A petition is submitted to the court by sending it to the diocesan registry.
- (4) The fact that the petitioner has not complied with rule 3.1(1) (which makes provision for intending applicants to seek the advice of the Diocesan Advisory Committee) does not prevent proceedings for obtaining a faculty from being started.
- (5) Paragraph (4) is without prejudice to rule 6.2 (which makes provision for the chancellor to seek the advice of the Diocesan Advisory Committee).

### **Form of petition – general**

**4.3.**—(1) Where proceedings are to be started pursuant to a resolution of the parochial church council the petition must be in Form 3A except in a case to which paragraph (3) or rule 4.4 (trees) applies.

(2) Where the proceedings are to be started by the relevant person or body (in the case of a building included in the list maintained by the Church Buildings Council under section 1(1) of the Care of Places of Worship Measure 1999) the petition must be in Form 3B except in a case to which paragraph (3) applies.

(3) Where a faculty is sought—

- (a) for exhumation,
- (b) for the reservation of a grave space, or
- (c) in relation to a memorial in a churchyard or consecrated burial ground,

the petition must be in a form approved for that purpose by the chancellor under rule 19.6(2).

### **Form of petition – trees**

**4.4.** Where a petition relates to proposals for planting, felling or carrying out works to a tree or trees in a churchyard or consecrated burial ground the petition must be in Form 15.

### **Content of petition**

**4.5.**—(1) The works or other proposals in respect of which a faculty is sought must be fully and accurately stated in the schedule of works or proposals contained in the petition (or, in the case of a petition which is not required to be in Form 3A or 3B, in the relevant part of the petition).

(2) The works or other proposals must be the same as those in respect of which the Diocesan Advisory Committee has given any advice under rule 3.6 (subject to any modifications to the works or proposals that have been made in order to take account of advice received by the petitioner under Part 3).

### **Documents etc. to accompany petition**

**4.6.**—(1) Where proceedings are started pursuant to a resolution of the parochial church council the standard information required by Form 1A must be submitted with the petition.

(2) Where the proceedings are started by the relevant person or body (in the case of a building included in the list maintained by the Church Buildings Council under section 1(1) of the Care of Places of Worship Measure 1999) the standard information required by Form 1B must be submitted with the petition.

(3) The following are also to be submitted with every petition—

- (a) the Diocesan Advisory Committee’s notification of advice (except in a case to which rule 3.1(2) or 4.2(4) applies);
- (b) any relevant designs;
- (c) any relevant plans;
- (d) any relevant photographs;
- (e) any other documents giving particulars of the works or proposals; and
- (f) copies of any relevant correspondence received from a body mentioned in rule 3.6(6).

### **Register of petitions**

**4.7.**—(1) The registrar must notify the secretary of the Diocesan Advisory Committee of the details of every petition submitted to the registry for which the advice of the Committee is required under these Rules.

(2) Notification must be in Form 10.

(3) The secretary of the Diocesan Advisory Committee must enter the details notified in the register of petitions maintained on behalf of the Committee.

### **Display of petition and associated documents etc. in church**

**4.8.**—(1) Where changes to a church or other building are proposed a copy of the petition and of any designs, plans, photographs and other documents that were submitted with it must be displayed—

(a) in the church or building to which the works or other proposals relate; or

(b) at another place where they may conveniently be inspected by the public and which is identified in a notice displayed both inside and outside the church or the building.

(2) The petition, designs, plans photographs and other documents must remain on display until the petition has been determined.

(3) The chancellor or registrar may direct that paragraphs (1) and (2) are not to apply in a particular case.