
STATUTORY INSTRUMENTS

2013 No. 1916

The Faculty Jurisdiction Rules 2013

PART 5

Public Notice

Requirement for public notice

5.1.—(1) Subject to paragraphs (2) and (3), every petition for a faculty is subject to the requirements of rules 5.2 to 5.5 as to the giving of public notice.

(2) Rule 5.6 (exhumation, reservation of grave space and other special cases) makes special provision which applies instead of the requirements of rules 5.2 to 5.5.

(3) The chancellor may dispense with the giving of public notice in accordance with rule 5.7.

Form of public notice

5.2.—(1) Except where paragraph (2) applies the public notice must be in Form 4A.

(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 public notice must be in Form 4B.

(3) Every public notice must—

- (a) describe the works or other proposals in the same way as they are described in the schedule of works or proposals in the petition; and
- (b) contain the other details required by the relevant form.

Display of public notice etc.

5.3.—(1) Not later than the day on which the petition is submitted to the diocesan registry (or on a later day if the chancellor so directs) the petitioner must—

- (a) display the public notice in accordance with paragraph (2) if a petitioner is the minister, a churchwarden or a parochial church council (or a person acting on its behalf);
- (b) display the public notice in accordance with paragraph (3) if the petitioner is the relevant person or body; and
- (c) send a copy of the public notice to the registry.

(2) Where a petitioner is the minister, a churchwarden or a parochial church council (or a person acting on its behalf) the public notice must be displayed as follows—

- (a) it must be displayed for a continuous period of 28 days;
- (b) in the case of a petition relating to a parish church or its churchyard, it must be displayed at the parish church;

- (c) in the case of a petition relating to a church or place of worship, or any churchyard belonging to it, which is not a parish church, it must be displayed at the church or place of worship and also at the parish church (or each of the parish churches) of the parish;
 - (d) in the case of a petition relating to any other churchyard or consecrated burial ground, it must be displayed at the parish church (if any) and at the churchyard or burial ground in question;
 - (e) where the public notice is displayed in accordance with paragraphs (b) or (c) it must be displayed—
 - (i) inside the church on a notice board or in some other prominent position; and
 - (ii) on a notice board outside the church or in some other prominent position (whether on the church door or elsewhere) so that it can be read by the public;
 - (f) where the public notice is displayed in accordance with paragraph (d) it must be displayed on a notice board outside the parish church (if any) and on a notice board or other suitable place at the churchyard or burial ground in question so that it can be read by the public.
- (3) Where the petitioner is the relevant person or body the public notice must be displayed as follows—
- (a) it must be displayed for a continuous period of 28 days;
 - (b) it must be displayed—
 - (i) inside the building to which the proposals relate on a notice board or in some other prominent position; and
 - (ii) on a notice board outside the building or in some other prominent position (whether on the outside of the building or elsewhere) so that it can be read by the public.

Directions by registrar as to public notice

5.4. If the registrar considers that any of the following apply the registrar must give directions to the petitioner to meet the circumstances of the case—

- (a) the works or proposals are not adequately described in the public notice;
- (b) a copy of the public notice should be displayed inside or outside any other church or place of worship in the parish concerned;
- (c) a copy of the public notice should be displayed in some prominent position elsewhere in the parish concerned (whether inside or outside a building) so that it can be read by the public;
- (d) a copy of the public notice should be displayed in a place or places other than or in addition to those specified in rule 5.3(3)(b);
- (e) the public notice should be displayed for longer than 28 days.

Return of public notice to registrar

5.5. Once the period of 28 days required by rule 5.3(2)(a) or (3)(a), or such longer period as may have been directed under rule 5.4, has expired the petitioner must send to the registrar the public notice (or a copy of the public notice) with a completed certificate of publication.

Exhumation, reservation of grave space and other special cases

- 5.6.—**(1) Where paragraph (2) applies the registrar must—
- (a) complete the public notice; and

- (b) give directions for the display of the public notice in accordance with any directions in that regard given by the chancellor or otherwise as the registrar thinks fit having regard to the matters in rule 5.4(b) to (d).
- (2) This paragraph applies where—
 - (a) the petition relates exclusively to exhumation or to the reservation of a grave space, or
 - (b) the petitioner is not the minister or a churchwarden, a parochial church council (or a person acting on its behalf) or the relevant person or body.
- (3) In the case of a petition that relates exclusively to exhumation, the chancellor may dispense with the giving of public notice if satisfied that any near relatives of the deceased still living and any other persons who in the opinion of the chancellor it is reasonable to regard as being concerned with the matter—
 - (a) are petitioners; or
 - (b) consent to the proposed faculty being granted.
- (4) In any other case of a petition that relates exclusively to exhumation, the chancellor may dispense with the giving of public notice and may direct that any of the persons referred to in paragraph (3) who are not petitioners be given special notice.

Emergencies etc. – dispensing with giving of public notice

- 5.7.**—(1) An order may be made under this rule in any case where the chancellor is satisfied—
- (a) that the petition is concerned with addressing an emergency that involves interests of safety or health, or the preservation of a church or part of it, and is of sufficient urgency to justify the grant of a faculty without the giving of public notice under rules 5.1 to 5.6; or
 - (b) that other factors mean that it would not be expedient to require the giving of public notice under those rules.
- (2) An order made under this rule may—
- (a) dispense with the giving of public notice under those rules; and
 - (b) having regard to all the circumstances, contain directions for a specified period of notice to be given to such persons or bodies as the chancellor thinks fit.

Interim faculties

5.8. This Part is without prejudice to the court’s power at any time to grant an interim faculty under Part 14.