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STATUTORY INSTRUMENTS

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**2013 No. 1916**

**The Faculty Jurisdiction Rules 2013**

**PART 9**

**Objections to faculty petition**

**Interested persons**

**9.1.—**(1) For the purposes of this part “interested person” means—

- (a) in relation to any petition for a faculty—
  - (i) the archdeacon;
  - (ii) the local planning authority;
  - (iii) any national amenity society;
  - (iv) any other body designated by the chancellor for the purpose of the petition; and
  - (v) any other person or body appearing to the chancellor to have a sufficient interest in the subject matter of the petition;
- (b) in relation to any petition for a faculty other than a petition that relates to 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—
  - (i) any person who is resident in the ecclesiastical parish concerned;
  - (ii) any person whose name is entered on the electoral roll of the ecclesiastical parish concerned but who does not reside there; and
  - (iii) the parochial church council.

(2) If any question arises as to whether a person is an interested party it is to be determined by the chancellor.

**Objection by interested person**

**9.2.—**(1) An interested person may object to the grant of a faculty in respect of all or some of the works or other proposals to which a petition relates in accordance with this rule.

(2) An objection is made by sending or delivering to the registry a letter of objection addressed to the registrar.

(3) A letter of objection must state—

- (a) the capacity in which the person is objecting; and
- (b) the grounds on which objection is made.

(4) A letter of objection must arrive at the registry within the period of 28 days for the display of the public notice required under rule 5.3 or where the court has directed a different period (including for the purposes of rule 8.9) within that period.

### **Procedure following receipt of letter of objection**

**9.3.**—(1) Following receipt of a letter of objection from an interested person the registrar must send a written notice to the objector which states that the objector may—

- (a) become a party opponent to the proceedings by sending or delivering to the petitioner and the registrar particulars of objection in Form 5 within 21 days of receiving the written notice from the registrar; or
  - (b) leave the chancellor to take the letter of objection into account in reaching a decision without becoming a party to the proceedings.
- (2) The written notice must additionally contain—
- (a) a statement that if the objector chooses to become a party opponent, the objector will be entitled to take part in the proceedings, either by being heard in court or (where an order is made under rule 13.1) by making written representations, and to seek permission to appeal against any order or judgment of the court;
  - (b) a statement that if the objector chooses not to become a party opponent, the objector will not be entitled to take part in the proceedings (beyond having the letter of objection taken into account by the court) and will not be entitled to seek permission to appeal against any order or judgment of the court;
  - (c) a summary of the principles which apply in relation to costs in the consistory court in a form approved by the chancellor;
  - (d) a statement that if particulars of objection in Form 5 are not received by the registrar within 21 days of the objector receiving the written notice from the registrar, the objector will be treated as having chosen not to become a party opponent; and
  - (e) the address at which any particulars of objection are to be sent or delivered to the petitioner.
- (3) The registrar must include a copy of Form 5 with the written notice.

### **Objector becomes party opponent**

**9.4.** An interested person who serves particulars of objection in accordance with the procedure described in rule 9.3(1)(a) becomes a party opponent and is entitled to take part in the proceedings accordingly.

### **Further proceedings where objector does not become party opponent**

**9.5.**—(1) Where an objector does not become a party opponent in accordance with rule 9.4 the registrar must—

- (a) forward a copy of the objector’s letter of objection to the petitioner;
  - (b) invite the petitioner to send comments on the objector’s letter to the court within 21 days of receipt of the letter by the petitioner;
  - (c) following the expiry of the period for sending comments to the court in respect of the last letter of objection sent to the petitioner under sub-paragraph (b), forward to the chancellor a copy of every letter of objection received in respect of the petition and any comments received from the petitioner.
- (2) The chancellor must take account of any letters of objection and any comments on them received from the petitioner in reaching a decision on the petition or in giving any directions.

### **Unopposed petitions**

**9.6.**—(1) Where this rule applies the chancellor may, subject to the production of any relevant evidence, grant a faculty without further proceedings.

(2) This rule applies where either of the following conditions is met—

- (a) no interested person has become a party opponent to the proceedings; or
- (b) the chancellor is satisfied that all the parties to the proceedings consent to the grant of a faculty.

### **Opposed petition – reply to particulars of objection**

**9.7.**—(1) Where an interested person serves particulars of objection in accordance with the procedure described in rule 9.3(1)(a), the petitioner may serve a reply.

(2) The petitioner must serve a reply if directed to do so by the court.

(3) A reply must be in writing and state the petitioner’s case in respect of the matters raised by the party opponent in the particulars of objection.

(4) A reply is served by submitting it to the registry, and serving a copy on the party opponent, within 21 days of the petitioner receiving the particulars of objection.