
STATUTORY INSTRUMENTS

2015 No. 1568

The Faculty Jurisdiction Rules 2015

PART 10

Objections to faculty petition

Interested persons

10.1.—(1) For the purposes of this Part “interested person” in relation to a petition for a faculty means—

- (a) any person who is resident in the ecclesiastical parish concerned;
- (b) any person whose name is entered on the church electoral roll of the ecclesiastical parish concerned but who does not reside there;
- (c) the parochial church council;
- (d) the archdeacon;
- (e) the local planning authority;
- (f) any national amenity society;
- (g) any other body designated by the chancellor for the purpose of the petition;
- (h) any other person or body appearing to the chancellor to have a sufficient interest in the subject matter of the petition.

(2) But in the case of 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 subparagraphs (a) to (c) of paragraph (1) are to be disregarded.

(3) 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

10.2.—(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 a letter of objection to the registry, addressed to the registrar.

(3) A letter of objection must state—

- (a) the basis on which the person objecting is an interested person; and
- (b) the grounds on which objection is made.

(4) A letter of objection must arrive at the registry—

- (a) within the period of 28 days for the display of a public notice under rule 6.3, or
- (b) in a case where the court has given directions for a particular period of notice, within that period.

(5) An interested person who sends a letter of objection in accordance with this rule is referred to as an “objector”.

Procedure following receipt of letter of objection

10.3.—(1) Following receipt of a letter of objection 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 serving the petitioner and sending 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 14.1) by making written representations, and to appeal against any order or judgment of the court (subject to obtaining permission to appeal, if needed);
 - (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) or 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 served on the petitioner.
- (3) The registrar must include a copy of Form 5 with the written notice.

Further proceedings where objector becomes party opponent

10.4.—(1) An objector who serves particulars of objection in accordance with the procedure described in rule 10.3(1)(a) becomes a party opponent and is entitled to take part in the proceedings accordingly.

- (2) The petitioner may serve a reply to the particulars of objection.
- (3) The petitioner must serve a reply if directed to do so by the court.
- (4) A reply must be in Form 6 and state the petitioner’s case in respect of the matters raised by the party opponent in the particulars of objection.
- (5) Any reply must be sent to the registry and a copy served on the party opponent, within 21 days of the petitioner being served with the particulars of objection by the party opponent.

Further proceedings where objector does not become party opponent

- 10.5.**—(1) Where an objector does not become a party opponent 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) 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.

Unopposed petitions

10.6.—(1) 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.

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