
STATUTORY INSTRUMENTS

2015 No. 1568

The Faculty Jurisdiction Rules 2015

PART 20

Miscellaneous and General

Inspection of church etc.

20.1. The court may at any stage in proceedings inspect any church, other building, article or thing which is the subject of the proceedings or concerning which any question arises in the proceedings.

Non-compliance

20.2.—(1) A failure to comply with any provision of these Rules does not render any proceedings void unless the court directs otherwise.

(2) Where there has been a failure to comply with any provision of these Rules, the court may set aside (either wholly or in part) or vary any faculty, judgment, order or decree on such terms as appear to the court to be just.

Amendment and setting aside in other circumstances

20.3.—(1) If it appears to the court just and expedient to do so, it may order that any faculty, judgment, order or decree—

- (a) be set aside (either in whole or in part); or
- (b) be amended.

(2) If the court is considering exercising the power conferred by paragraph (1)(b) in a manner that would constitute a substantial change in the works or proposals already authorised by faculty the court must give such directions as to the giving of notice to the public and to such other persons and bodies as it considers just.

Clerk of the court

20.4.—(1) Subject to paragraph (2), the registrar is to sit as clerk of the court.

(2) If the court considers that the registrar ought not to sit as the clerk of the court at a particular hearing because—

- (a) the registrar has acted for any of the parties; or
- (b) has otherwise been personally connected with the proceedings,

the court must appoint another suitably qualified person to sit as clerk in place of the registrar at the hearing.

Procedural questions

20.5.—(1) Where—

- (a) any procedural question arises in relation to proceedings to which these Rules apply; or
- (b) the court considers it expedient that any procedural direction be given in relation to the proceedings,

and in either case no provision is made for that matter in these Rules, the court is to resolve that question or to give such directions as appear to the court to be just and convenient.

(2) In resolving any question, or giving any directions, under paragraph (1) the court must be guided, so far as practicable, by the Civil Procedure Rules 1998(1).

Departure from prescribed forms

20.6.—(1) Where a rule requires a document to be in a particular form prescribed by these Rules and that form is not in all respects suitable, the rule is to be construed as requiring a form in substantially the same form but subject to such variations as the circumstances require.

- (2) The court may approve or give directions as to the forms that are to be used—
 - (a) where a faculty is sought—
 - (i) for exhumation;
 - (ii) for the reservation of a grave space;
 - (iii) in relation to a memorial in a churchyard or consecrated burial ground;
 - (b) in any other case where these Rules do not require a document to be in a particular form.

Electronic signatures

20.7. Where any provision of these Rules requires a document to be signed, or any form prescribed by these Rules requires a signature, the document or form may be signed by electronic means.