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STATUTORY INSTRUMENTS

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**2015 No. 1568**

**The Faculty Jurisdiction Rules 2015**

**PART 24**

Appeals in the provincial courts

**Permission granted by chancellor: filing and service of appeal documents**

**24.1.**—(1) Where permission to appeal has been granted by the chancellor, the appellant must within 14 days of receiving the chancellor's determination under rule 23.2—

- (a) file 4 copies of the following with the registrar of the provincial court—
  - (i) notice of appeal in Form 25
  - (ii) the judgment, order or decree of the consistory court against which the appeal is brought;
  - (iii) the application in Form 22 and the proposed grounds of appeal that were filed under rule 23.1(3); and
  - (iv) the chancellor's determination in Form 23 under rule 23.2; and
- (b) serve a copy of the notice of appeal in Form 25 on every other party.

(2) Upon receiving notice of appeal under paragraph (1)(a) the registrar of the provincial court must send a copy of the notice of appeal to—

- (a) the diocesan registrar;
- (b) any person or body who was given special notice of the petition and sent representations or particulars of objection under rule 9.5 (Representations or objection by body given special notice) or who gave evidence under rule 13.3 (Evidence of Historic England and national amenity societies); and
- (c) the Church Buildings Council.

**Permission granted by the Dean: service of appeal documents**

**24.2.**—(1) Where permission to appeal has been granted by the Dean—

- (a) no notice of appeal is needed; but
- (b) the appellant must within 14 days of receiving the Dean's determination under rule 23.4 serve a copy of the determination on—
  - (i) every other party; and
  - (ii) the diocesan registrar.

(2) Where permission to appeal has been granted by the Dean, the registrar of the provincial court must send a copy of the application for permission to appeal under rule 23.3 and the Dean's determination under rule 23.4 to—

- (a) any person or body who was given special notice of the petition and sent representations under rule 9.5(1)(a) or who gave evidence under rule 13.3 (Evidence of Historic England and national amenity societies); and
- (b) the Church Buildings Council.

### **Grounds of appeal**

**24.3.**—(1) Unless the Dean or the provincial court orders otherwise, the proposed grounds of appeal that were filed under rule 23.1(3) constitute the grounds of appeal to the provincial court.

(2) Paragraph (1) is subject to any provision of an order under rule 23.5—

- (a) limiting the issues to be considered on the appeal; and
- (b) imposing conditions on the grant of permission to appeal.

(3) Paragraph (1) is also subject to any order of the Dean or the provincial court giving permission for grounds of appeal to be amended.

### **Respondent's notice**

**24.4.**—(1) A respondent may file a respondent's notice with the registrar of the provincial court.

(2) A respondent must file a respondent's notice if the respondent—

- (a) is seeking permission to appeal; or
- (b) wishes to ask the provincial court to uphold the decision of the consistory court for reasons different from or additional to those given by the consistory court.

(3) Any respondent's notice must be filed within 14 days of the date on which the respondent receives a copy of the notice of appeal in accordance with rule 24.1(1)(b) or the Dean's determination in accordance with rule 24.2(1)(b).

(4) A respondent who files a respondent's notice must serve a copy on the appellant and every other party not later than 7 days after it is filed.

### **Transfer of appeals**

**24.5.**—(1) If the provincial court considers that an appeal to any extent relates to matter involving doctrine, ritual or ceremonial, it must transfer the appeal to the Court of Ecclesiastical Causes Reserved.

(2) Where the provincial court makes an order under paragraph (1), the registrar of the Court of Ecclesiastical Causes Reserved may give directions for the purpose of transferring the appeal (which may include directions dispensing with or modifying any of the provisions of Part 25).

### **Determination of appeals**

**24.6.**—(1) The provincial court will hold a hearing for the purpose of determining an appeal under this Part unless the Dean makes an order under paragraph (2).

(2) The Dean may order that any appeal to which this Part applies is to be determined by the provincial court on consideration of written representations instead of at a hearing if both of the conditions in paragraph (3) are met.

(3) The conditions are—

- (a) the Dean considers that determination of the appeal on consideration of written representations is expedient; and
- (b) all of the parties have agreed in writing to such a course.

(4) Where an order is made under paragraph (2) the Dean may give directions for the purpose of determining the appeal on consideration of written representations.

(5) The Dean or the provincial court may at any time prior to the final determination of an appeal revoke an order made under paragraph (2).

(6) The provincial court's determination of an appeal pursuant to an order under paragraph (2) has the same effect for all purposes as if it had been made following a hearing.