
STATUTORY INSTRUMENTS

2015 No. 1568

The Faculty Jurisdiction Rules 2015

PART 8

Archdeacon's jurisdiction

Removal of article to place of safety

8.1.—(1) Where the archdeacon is of the opinion that an article should be removed to a place of safety immediately, an order made by the archdeacon under section 21 of the Measure must be in Form 13.

(2) In any other case where an archdeacon is considering making an order under section 21 of the Measure—

- (a) the notice required by section 21(2) must be in Form 14; and
- (b) if the archdeacon makes an order, it must be in Form 15.

Temporary minor re-ordering

8.2.—(1) On the application of the minister and the parochial church council an archdeacon may give a licence in Form 9 authorising a scheme of temporary minor re-ordering of a church (including its fixtures and fittings) for a specified period not exceeding 15 months.

(2) A licence may not be given by the archdeacon under this rule where a parish has no minister.

(3) Before giving a licence the archdeacon must seek the advice of the Diocesan Advisory Committee or such of its members or officers as the archdeacon thinks fit.

(4) The archdeacon must not give a licence unless satisfied that—

- (a) the scheme does not involve any material interference with or alteration to the fabric of the church or the carrying out of electrical works;
- (b) it does not involve the disposal of any fixture or other article; and
- (c) if the scheme involves moving any item—
 - (i) it will be moved by suitably competent or qualified persons;
 - (ii) it will be safely stored in a place approved by the archdeacon; and
 - (iii) it can easily be reinstated.

(5) The archdeacon may give a licence subject to any conditions that appear to the archdeacon to be necessary.

(6) The archdeacon may amend or revoke a licence.

(7) If the archdeacon refuses to give a licence, or revokes a licence, the archdeacon must inform the applicants that they may, if they wish, petition the court for a faculty authorising the proposed scheme.

(8) A copy of every licence given by the archdeacon must be sent to the registrar and the secretary of the Diocesan Advisory Committee.

(9) The period specified in the licence may not be extended by the archdeacon.

(10) If a petition for a faculty in respect of the scheme authorised by the licence is submitted to the court not less than 2 months before the expiry of the period specified in the licence, the scheme is deemed to continue to be authorised by the licence until the petition is determined by the court.

Steps to be taken on expiry of licence for temporary minor re-ordering

8.3.—(1) On the expiry of the period specified in a licence given under rule 8.2—

(a) the archdeacon must send the minister a copy of Form 10 (which asks the minister to state whether a faculty has been applied for in respect of the scheme of temporary minor re-ordering and, if not, whether the position has been restored to that which existed before the scheme was implemented); and

(b) the minister must complete Form 10 and return it to the archdeacon within 14 days of receiving it.

(2) If on the expiry of the period specified in the licence the parish does not have a minister, paragraph (1) is to apply as if the references to the minister were references to the churchwardens of the parish.

(3) Save to the extent that it has been authorised by faculty, when a scheme of temporary minor re-ordering ceases to be authorised under rule 8.2 the archdeacon must take steps to ensure that the position is restored to that which existed before the scheme was implemented.