

2023 No. 866

ECCLESIASTICAL LAW, ENGLAND

The Faculty Jurisdiction (Amendment) Rules 2023

Made (approved by the General Synod) 10th July 2023

Laid before Parliament 31st July 2023

Coming into force in accordance with rule 1(2) and (3)

The Rule Committee, in exercise of the powers conferred by section 83(1) and (2) of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018(a), makes the following Rules:

Citation, commencement and interpretation

- 1.—(1) These Rules may be cited as the Faculty Jurisdiction (Amendment) Rules 2023.
- (2) These Rules, except for rule 4(1) and (2), come into force on 1st January 2024.
- (3) Rule 4(1) and (2) comes into force immediately after the commencement of the amendments made to section 78 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 by the Measure resulting from the draft Church of England (Miscellaneous Provisions) Measure given First Consideration by the General Synod on 11th July 2022.
- (4) In these Rules, a reference to a numbered rule is a reference to the rule so numbered in the Faculty Jurisdiction Rules 2015(b).

Guidance in relation to monuments etc. conflicting with role of church

2.—(1) In rule 4.2 (documents etc. to be submitted to Diocesan Advisory Committee), in paragraph (2), after sub-paragraph (b) insert—

“(ba) where proposals involve the movement, removal or alteration of a statue, plaque, memorial, monument or other article because it is considered to conflict with the role of a church as a local centre of worship and mission, an explanation of how the intending applicants, in formulating the proposals, have had due regard to guidance issued for the purposes of this sub-paragraph by the Church Buildings Council under section 55 of the Dioceses, Pastoral and Mission Measure 2007;”.

(2) In rule 4.9 (notification of advice), after paragraph (7A) insert—

“(7B) In the case of works or proposals involving the movement, removal or alteration of a statue, plaque, memorial, monument or other article because it is considered to conflict with the role of a church as a local centre of worship and mission, the Committee’s advice must include a statement of—

(a) whether, in its opinion, the explanation under rule 4.2(2)(ba) is adequate, and

(a) 2018 No. 3.

(b) S.I. 2015/1568. Relevant amendments have been made by the Ecclesiastical Jurisdiction and Care of Churches Measure 2018, S.I. 2019/1184 and S.I. 2022/155.

(b) if its opinion is that the explanation is not adequate, its reasons for that opinion.”.

(3) In rule 5.5 (documents to accompany faculty petition) after paragraph (3) insert—

“(3A) Where a petition seeks a faculty for the movement, removal or alteration of a statue, plaque, memorial, monument or other article because it is considered to conflict with the role of a church as a local centre of worship and mission, an explanation of how the petitioner, in formulating the proposals, has had due regard to guidance issued for the purposes of rule 4.2(2)(ba) by the Church Buildings Council under section 55 of the Dioceses, Pastoral and Mission Measure 2007 must be submitted with the petition.”.

Chancellor’s reasons to state how guidance taken into account

3. In rule 7.3 (reasons for grant of faculty or dismissal of petition), after paragraph (2) insert—

“(3) Reasons under paragraphs (1) or (2) must identify any relevant guidance issued by the Church Buildings Council under section 55 of the Dioceses, Pastoral and Mission Measure 2007 and state how the chancellor has taken it into account in determining the petition.”.

Minor amendments

4.—(1) In rule 3.4 (additional matters which may be undertaken without a faculty), after paragraph (1) insert—

“(1A) An additional matters order may, by virtue of section 78(2A) of the Measure, specify a matter referred to in section 77(7)(k) of the Measure (introduction of monument etc.)”.

(2) In rule 3.5 (excluded matters: general), in paragraph (1)(k), before “the introduction” insert “subject to rule 3.4(1A)”.

(3) In rule 5.5(3)(g), for “mentioned in rule 4.5(6)” substitute “consulted under rule 4.5 or 4.6”.

Transitional provisions

5.—(1) The amendments made to rules 4.2 and 4.9 (consultation with Diocesan Advisory Committee etc.) by rule 2(1) and (2) of these Rules do not apply to works or proposals in respect of which intending applicants have sought the advice of the Diocesan Advisory Committee under Part 4 of the Faculty Jurisdiction Rules 2015 before 1st January 2024.

(2) The amendment made to rule 5.5 (documents to accompany faculty petition) by rule 2(3) of these Rules does not apply to proceedings in a consistory court started before 1st January 2024.

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These Rules were approved by the General Synod on 10th July 2023

A.S. McGregor
Registrar of the General Synod

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Faculty Jurisdiction Rules 2015 (S.I. 2015/1568) (“the 2015 Rules”).

Rule 2 provides that persons proposing the movement, removal or alteration of a statue, plaque, memorial, monument or other article because it is considered to conflict with the role of a church as a local centre of worship and mission must, as part of the procedure, provide an explanation of how they have had due regard to guidance issued by the Church Buildings Council.

Rule 3 provides that in giving reasons for granting or refusing a faculty, the chancellor must state how any relevant guidance issued by the Church Buildings Council has been taken into account.

Rule 4 makes minor amendments to the 2015 Rules.

Rule 5 contains transitional provisions.

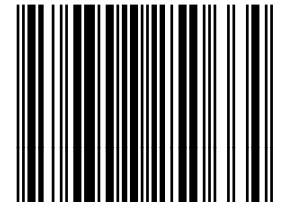
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