
STATUTORY INSTRUMENTS

2015 No. 1568

The Faculty Jurisdiction Rules 2015

PART 9

Special notice of petition, consultation etc.

Special notice

9.1. If the chancellor directs, or the law otherwise requires, any person or body to be given special notice of faculty proceedings the registrar must serve on that person a copy of the public notice and any other documents directed by the chancellor.

Publication of notice in newspaper etc.

9.2. The chancellor may give directions for the publication of details relating to a petition in any newspaper or other publication (including a website).

Special notice to Historic England, amenity societies and the local planning authority

9.3.—(1) Subject to paragraph (2), the chancellor must direct that the following bodies be given special notice if a petition relates to works in respect of which Schedule 2 provides for them to be consulted—

- (a) Historic England;
- (b) any national amenity society which has an interest in the church or the works;
- (c) the local planning authority.

(2) Special notice is not required to be given to a body referred to in paragraph (1) if it appears to the chancellor that the body has previously been consulted on the works in question and has indicated that it has no objection or no comment to make.

Graves and memorials maintained by the Commonwealth War Graves Commission

9.4. If it appears that the works or proposals to which a petition relates will or may affect a grave or memorial maintained by the Commonwealth War Graves Commission the chancellor must direct that the Commission be given special notice.

Representations or objection by body given special notice

9.5.—(1) Where the chancellor directs that a body be given special notice under rule 9.3 or 9.4 it has a period of 21 days from the date on which it is served with the copy of the public notice within which it may—

- (a) send representations on the proposed works to the registrar and the petitioner; or
- (b) send particulars of objection in Form 5 to the registrar and the petitioner.

(2) A body which sends particulars of objection under paragraph (1)(b) becomes a party opponent to the proceedings and paragraphs (2) to (5) of rule 10.4 apply.

Mandatory consultation with the Church Buildings Council

9.6.—(1) This rule applies where proposals contained in a petition for a faculty or in an application for an injunction or a restoration order involve—

- (a) the introduction, conservation, alteration or disposal of an article of special historic, architectural, archaeological or artistic interest;
- (b) the alteration, extension or re-ordering of a church in a way that is likely significantly to affect the setting of an article of special historic, architectural, archaeological or artistic interest; or
- (c) the movement or removal of an article of special historic, architectural, archaeological or artistic interest such that the article might be adversely affected unless special precautions are taken.

(2) The chancellor must seek the advice of the Church Buildings Council on the proposals that fall within paragraph (1) unless the chancellor is satisfied that there has already been adequate consultation with the Church Buildings Council and the Council’s advice is available to the court.

(3) In this rule, “article” includes an object fixed to land or a building or any part of such an object.

Discretionary consultation with the Church Buildings Council

9.7. In any case where rule 9.6 does not apply (or does not apply to a particular proposal) but the chancellor thinks that the advice of the Church Buildings Council would be of assistance, the chancellor may seek its advice.

Procedure for seeking and giving the Church Buildings Council’s advice

9.8.—(1) Where the chancellor seeks the advice of the Church Buildings Council under rule 9.6 or 9.7 the registrar must serve a request on the Council in Form 12 seeking the advice of the Council within 21 days (or such longer period as the court may direct).

(2) Where a request is served under paragraph (1) the registrar is also to serve on the Council a copy of the petition or application for an injunction or restoration order and such other documents and materials as the registrar thinks fit.

Works affecting character of listed building etc: publication of notice on diocesan website

9.9.—(1) This rule applies where a petition relates to works that involve—

- (a) demolition of a listed building;
- (b) alteration to or the extension of—
 - (i) any part of a grade I or II* listed building, or
 - (ii) the exterior of a grade II listed buildingto such extent as would be likely to affect its character as a building of special architectural or historic interest; or
- (c) demolition affecting the exterior of an unlisted building in a conservation area.

(2) The registrar or chancellor must give directions for the publication on the diocesan website of a notice which contains the following—

- (a) details of the church or building to which the petition relates,

- (b) a statement that an application is being made to the consistory court for permission to carry out works to the church or building,
- (c) a description of the works;
- (d) details of where a copy of the petition, plans and other documents may be inspected, and
- (e) a date (which must not be less than 21 days from the date of publication of the notice) by which any objection must reach the registrar.

Interim faculties

9.10. This Part is without prejudice to the court's power at any time to grant an interim faculty under Part 15.