



# Ecclesiastical Jurisdiction and Care of Churches Measure 2018

2018 No. 3

## PART 4

### FACULTY JURISDICTION

*Cases where faculty not required*

#### **78 Power of chancellor to specify matters**

- (1) The chancellor of a diocese may by order provide that a matter specified in the order may be undertaken without a faculty (in addition to the matters that are specified in rules by virtue of section 77(1)).
- (2) An order under subsection (1)—
  - (a) may specify a matter only if it could be specified in rules by virtue of section 77(1) [<sup>F1</sup>(but see subsection (2A))];
  - (b) may specify such conditions as may be specified in rules by virtue of section 77(2);
  - (c) may apply to the whole or a specified part of the diocese.

[<sup>F2</sup>(2A) The reference in subsection (2)(a) to section 77(1) is to be read as a reference to section 77(1) as it has effect subject only to section 77(7)(a) to (j); accordingly, an order under this section may specify a matter referred to in section 77(7)(k) (introduction of monument etc.).]

- (3) Where the chancellor of a diocese considers that there are special circumstances affecting a parish or church, churchyard or other building or place in the diocese which justify doing so, he or she may by order provide that a matter specified in the order may not be undertaken without a faculty even though it is a matter that is specified by virtue of section 77(1).

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*Changes to legislation:* There are currently no known outstanding effects for the Ecclesiastical Jurisdiction and Care of Churches Measure 2018, Section 78. (See end of Document for details)

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- (4) The chancellor of a diocese must seek the advice of the advisory committee before making an order under subsection (1) or (3), unless he or she is satisfied that the matter is sufficiently urgent to justify making an order without obtaining the committee's advice.
- (5) The chancellor of a diocese must send each order he or she makes under subsection (1) or (3) to the registrar of the diocese; and the registrar must file each order in the diocesan registry.
- (6) Where an order is made under subsection (3), the registrar must serve a copy of the order on—
- (a) the minister and churchwardens of every parish affected by the order,
  - (b) the archdeacon of every archdeaconry in which a parish affected by the order is situated, and
  - (c) the secretary of the advisory committee.
- (7) Any churchwardens on whom a copy of an order is served under subsection (6) must—
- (a) keep it with the inventory maintained under section 49(1), and
  - (b) insert a copy of it in the log-book maintained under section 49(2).
- (8) The chancellor of a diocese may by order vary or revoke an order made under subsection (1) or (3) in relation to the diocese; and a reference in this section to an order under subsection (1) or (3) includes a reference to an order varying or revoking the order.

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#### **Textual Amendments**

- F1** Words in s. 78(2)(a) inserted (17.5.2024) by [Church of England \(Miscellaneous Provisions\) Measure 2024 \(No. 1\)](#), **ss. 13(6)**, 22(4); S.I. 2024/631, art. 2
- F2** S. 78(2A) inserted (17.5.2024) by [Church of England \(Miscellaneous Provisions\) Measure 2024 \(No. 1\)](#), **ss. 13(5)**, 22(4); S.I. 2024/631, art. 2
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#### **Commencement Information**

- I1** S. 78 in force at 1.9.2018 by [S.I. 2018/720](#), **art. 2**

**Changes to legislation:**

There are currently no known outstanding effects for the Ecclesiastical Jurisdiction and Care of Churches Measure 2018, Section 78.