
STATUTORY INSTRUMENTS

1988 No. 1980

Patronage (Appeals) Rules 1988

PART V

GENERAL

Interlocutory applications and directions

20.—(1) Subject to paragraph (3) of rule 25, every interlocutory application shall be lodged with the registrar.

(2) The registrar may grant any interlocutory application made to him, without a hearing, if there is lodged with the application a consent signed by each other party or his solicitor, or if the registrar is otherwise satisfied that none of the other parties opposes the application.

(3) In any other case, subject to paragraph (3) of rule 25, the registrar shall appoint a time and place for the hearing of the interlocutory application and shall give not less than fourteen days' notice of that time and place to each party.

(4) Without prejudice to rules 11, 12 and 25, the registrar shall have power on any interlocutory application made to him to give all such directions as he shall consider necessary in the circumstances.

- (a) (5) (a) Any party who is dissatisfied with any order or direction proposed to be made or given under these rules by the registrar on an interlocutory application or with any proposed refusal by the registrar of such an application shall have the right to have the application adjourned to the chancellor to be heard and determined by him.
- (b) For the purposes of this paragraph any order or direction made under these rules by the registrar of his own motion otherwise than on a taxation of costs shall be treated as made on the application of any party in whose favour it is made or to whom it relates.
- (c) On the exercise by any party of the right conferred by the preceding provisions of this paragraph, the chancellor shall appoint a time and place for the hearing of the adjourned application and the registrar shall give not less than fourteen days' notice of that time and place to each party.

Notice of interlocutory orders

21. Without prejudice to paragraph (2) of rule 11 or to paragraphs (4) and (5) of rule 12, the registrar shall serve on each party a copy of any order or direction made or given under these Rules, save that in the case of an order or direction made or given on a taxation of costs or on a review of a taxation of costs under rule 17 the registrar shall serve a copy of the order or direction on each party to the taxation.

Orders, directions etc.

22. Where the registrar or the chancellor grants or refuses any application made under these Rules or makes, gives or refuses to make or give any other order or direction under these Rules he may do so on such terms as to costs, postponement or adjournment of any hearing or otherwise as he thinks fit.

Representation

23. At the hearing of—

- (a) any interlocutory application;
- (b) any appeal; and
- (c) any taxation of costs, or any review of a taxation of costs under rule 17;

any party, or in the case of the hearing of the appeal any interested person who has been permitted under paragraph (7) of rule 13 to address the chancellor, shall be entitled to appear in person or to be represented by counsel or solicitor.

Notices and other documents

24.—(1) Except where otherwise expressly provided, all notices, pleadings, applications, orders, directions and consents required or authorised by these Rules to be served, sent, given or made shall be in writing.

(2) Where any of these Rules requires the use of a document in a form set out in the Appendix, and that form is not in all respects appropriate, these Rules shall be construed as requiring the use of a form of the like character, with such variations as circumstances may require.

(3) Subject to paragraph (5) of this rule and to rule 26, any notice or other document required or authorised by these Rules to be served on or to be sent or given to any person shall be duly served on or sent or given to that person if it is delivered to him, or left at his proper address, or sent by first class post to his proper address.

(4) Subject to paragraph (5) of this rule and to rule 26, for the purposes of paragraph (3) of this rule and of section 7 of the Interpretation Act 1978 in its application to this rule, the proper address of a person on or to whom any such notice or other document is required or authorised to be served, sent or given shall be—

- (a) the business address of the solicitor (if any) who is acting for that person in the appeal; or, if none
- (b) that person's usual or last known address.

(5) Any document required by these Rules to be lodged with the registrar may be so lodged—

- (a) by delivering the document to the registry; or
- (b) by sending it by post to the registrar at the registry (save that lodging shall not be treated as effected by sending by post until actual delivery of the document at the registry).

Time

25.—(1) Where any act is required by these Rules to be done within a specified number of days after or not more than a specified number of days after a specified date, act or event, that date or the day on which that act or event occurred shall not be counted.

(2) The registrar or the chancellor may at any time, on an application by the person concerned, extend the time limit within which that person is required to do any act by these Rules, and such application may be made notwithstanding that such time has expired.

(3) The registrar or the chancellor may exercise the power conferred by paragraph (2) of this rule on an application which is made orally or ex parte or both, or may give directions on such application or of his own motion for the lodging with the registrar of an application in writing or for the giving of notice of the application, or both, and may direct a hearing of such application.

Parochial church councils

26.—(1) Any notice or other document required or authorised by these Rules to be served on or to be sent or given to a parochial church council of a parish shall be served on or sent or given to the secretary of the parochial church council (or, if the parochial church council has no secretary, on the churchwardens of the parish) in accordance with paragraphs (3) and (4) of rule 24.

(2) Without prejudice to rule 23, any application or other act authorised to be made or done by a parochial church council under these Rules may be made or done on its behalf by its secretary or by such other person as it may authorise for that purpose.

Non-compliance

27. Non-compliance with these Rules shall not render any proceedings void unless the chancellor so directs, but the chancellor may of his own motion or on the application of any party direct—

- (a) that the proceedings be set aside, wholly or in part, as irregular; or
- (b) that any pleading or other document or any order or direction be amended or otherwise dealt with as the chancellor thinks fit.

Appointment of alternate registrar

28.—(1) Any party may at any time apply to the chancellor for a direction that the registrar of the diocese shall cease to discharge the functions which he would otherwise discharge in relation to the appeal (in this rule and rule 29 referred to as “the registrar’s functions”).

(2) On granting any application under paragraph (1) of this rule, the chancellor shall direct that the registrar’s functions or any of them shall be discharged in either of the following ways (or partly in the one way and partly in the other)—

- (a) by the registrar of another diocese specified by the chancellor, being a registrar who is willing to discharge those functions; or
 - (b) by the chancellor (except in relation to such of the registrar’s functions as are to be discharged at the hearing of the appeal or on a taxation of costs).
- (3) Where the chancellor makes any direction under paragraph (2)(a) of this rule—
- (a) subject to sub-paragraph (b) of this paragraph, the expression “the registrar” in these Rules shall from the date of that direction be treated, in relation to the appeal and the functions specified in the direction, as referring to the registrar of the other diocese specified in the direction; and
 - (b) the fees payable to the registrar of the diocese in respect of the appeal shall be apportioned between the registrar of the diocese and the registrar of the other diocese specified in the direction as they shall agree, or in default of agreement as the chancellor shall direct.

Appointment of deputy registrar

29.—(1) If at any time the chancellor considers it is necessary or expedient to do so, he may appoint a person to act as deputy to the registrar of the diocese to discharge the registrar’s functions in relation to such appeal or appeals as the chancellor may specify from time to time, and any deputy

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so appointed shall have all the powers and perform all the duties of the registrar of the diocese under these Rules in relation to that appeal or those appeals.

(2) Any deputy appointed under paragraph (1) of this rule shall be the registrar of another diocese or some other person who complies with the requirements of paragraphs 2 and 3 of Canon G4 of the Canons of the Church of England regarding registrars (subject to the substitution in the said paragraph 2 of a reference to the chancellor for a reference to the archbishop or bishop).

(3) Any appointment under paragraph (1) of this rule shall require the consent of the registrar of the diocese unless he is unable to give such consent because of absence, illness or incapacity.