

1989 No. 1243

**ECCLESIASTICAL LAW, ENGLAND**

**The Faculty Jurisdiction (Amendment) Rules 1989**

*Made (approved by the General Synod) 10th July 1989*

*Laid before Parliament 24th July 1989*

*Coming into force 1st April 1990*

In pursuance of section 14 of the Faculty Jurisdiction Measure 1964(a) the Rule Committee constituted in accordance with the Schedule to the said Measure hereby make the following Rules:—

1.—(1) These Rules may be cited as the Faculty Jurisdiction (Amendment) Rules 1989 and shall come into force on the first day of April 1990.

(2) In these Rules a rule referred to by number means the rule so numbered in the Faculty Jurisdiction Rules 1967(b).

(3) The Interpretation Act 1978(c) shall apply for the interpretation of these Rules as it applies for the interpretation of Measures passed by the General Synod.

2. After Rule 15 there shall be inserted the following rule:—

“15A. Where, in the exercise of the faculty jurisdiction, any procedural question or issue arises, or it is expedient that any procedural direction shall be given in order that the proceedings may expeditiously and justly be disposed of, and where no provision of these Rules appears to the judge to be applicable, the judge shall resolve such question or issue, or shall give such directions as shall appear to him to be just and convenient, and in doing so he shall be guided, so far as practicable, by the Rules of the Supreme Court for the time being in force.”

3. In the Appendix to the Faculty Jurisdiction Rules 1967 in place of Form No. 6 there shall be substituted Form No. 6 in the Appendix to these Rules.

*G. H. Newsom*  
(Chairman)  
*S. M. C. Cameron*  
*T. A. C. Coningsby*  
*B. J. T. Hanson*  
*R. B. Harris*  
*L. P. M. Lennox*  
*R. R. V. Nicholson*  
*John Owen*  
*F. E. Robson*  
*Peter Truron*

Dated this 12th day of May 1989

---

(a) 1964 No. 5.  
(b) S.I. 1967/1002.  
(c) 1978 c.30.

---

APPENDIX

Form No.6

Rule 4(1)

PETITION FOR FACULTY

In the Consistory Court of the Diocese of  
Parish of  
Church of  
To the Worshipful the Chancellor of the Diocese  
We

*State in respect of each petitioner:- (a) full names; (b) residential address; and (c) office held (e.g. churchwarden)*

Petition as follows:

1. The Petitioners seek a faculty authorising the works or purposes described in the Schedule hereto.
  2. The particulars of the works or purposes are accurately shown in the designs, plans, specifications or other documents accompanying this petition.
  3. \*(i) An \*estimate/quotation has been obtained for the works or purposes in the sum of £                      from the contractor or supplier named in the answer to Question 9 below or  
\*(ii) The architect who has been engaged in respect of the works or purposes has indicated the cost as being of the order of £                      ,  
or  
\*(iii) No \*estimate/quotation/indication of cost has been obtained for the works or purposes.
  4. \*(i) The Parochial Church Council will contribute to the cost of the works or purposes the sum of approximately £                      which it has immediately available from the following sources:  
\*(ii) The Parochial Church Council proposes to raise any balance in the following ways:  
or  
\*(iii) The works or purposes will be paid for privately or by way of gifts which have already been made or promised.
  5. The Parochial Church Council at its meeting on                      passed [\*unanimously] [\*without dissent] [\*by a majority of                      to                      among those present and voting] a resolution relating to the works or purposes. A copy of such resolution signed by the [\*Chairman] [\*Secretary] is attached to this Petition. There are                      members of the Council.
  6. The Diocesan Advisory Committee has been consulted in relation to the works or purposes and evidence of its recommendations accompanies this petition.
- \*Delete that which does not apply.

## SCHEDULE OF WORKS OR PURPOSES

### NOTES:

1. Any faculty granted on this petition can only authorise works or purposes which are clearly included in this Schedule. They should therefore be fully detailed, (on a separate sheet if necessary), and the petition should be accompanied by all relevant plans, specifications and other documents identifying the works or purposes to be undertaken.

2. The reference number and date on the architect's drawing[s] and specification[s] should be included adjacent to the description of the works or purposes to which they refer. All documents lodged with the Petition will be retained in the registry after the issue of the faculty.

3. The subject and position of any window, tablet or other memorial and the wording and style of any inscription should be included.

*Please set out clearly in numbered paragraphs what you want leave to do.*

### QUESTIONS

*Such of these questions as apply to the case are to be answered by the Petitioners. Any question that is not applicable should be marked "N/A". If the answer to any question cannot conveniently be fitted in the space provided a separate piece of paper, duly identified, should be used.*

1. What is the approximate age of the building?
2. (a) Is the building listed under the Town and Country Planning Act 1971?  
(b) If so, state of what grade.
3. (a) Has any previous faculty or archdeacon's certificate, relevant to the present proposals, been sought or granted?  
(b) If yes, give date and other details.
4. (a) Is grant aid being sought from English Heritage?  
(b) If so, attach copies of correspondence including copies of any application and any offer of assistance or grant.
5. (a) Has the building previously been the subject of a grant from English Heritage, or one of its predecessors?  
(b) If so, have the present proposals been reported to English Heritage?  
(c) If so, state with what result. If appropriate, please send copies of any relevant correspondence.
6. (a) If any external works to the building are proposed, has outline or detailed planning permission been sought?  
(b) If so, with what result? Please supply a copy of any planning permission or notice of refusal.
7. If work to a churchyard, or other land occupied with the church, is involved in the works or purposes:
  - (i) is the land in question consecrated or unconsecrated?
  - (ii) has any part of the land on which the works will take place ever been used for burials?
  - (iii) is any part of the land now used for burials?
  - (iv) if the churchyard is no longer in use, has it been closed by Order in Council? If so, please enclose a copy of the Order in Council.

8. (a) Who is the architect appointed for the church in question under the Inspection of Churches Measure 1955?
- (b) Has this architect been
  - (i) instructed or
  - (ii) consulted
 in relation to the proposed works?
- (c) If another architect is to be employed:
  - (i) state his or her name and address
  - (ii) why is he or she being instructed in relation to the proposed works?

9. What are the names and addresses of the contractor, builder, electrical engineer, organ builder, artist or other person instructed to carry out the proposed works?

10. If the proposed works would affect the electrical installation or will affect the security of the building against fire, vandalism, theft or other risks, has the consent of the insurers of the church been sought? A copy of the insurers' approval or other reply must be submitted.

11. (a) How soon will work start after a faculty is granted?
- (b) After work has been started, how long will it take for the work to be completed?

12. If works inside a church are proposed

- (a) (i) will any graves, monuments, or inscriptions be affected?
  - (ii) if so, how?
  - (iii) have the owners consented and on what terms?
  - (iv) if the owners have not been found, what efforts have been made to find them?
- (b) (i) if a commemorative plaque or other memorial is proposed to be introduced into the church, what special contribution has been made by the person to be commemorated to the life of the Church, country or mankind?
  - (ii) are there any relevant circumstances as to that person's local connections or services?
- (c) (i) will divine service be interrupted?
  - (ii) if so, what alternative arrangements are proposed?
- (d) (i) are any private rights in seats likely to be affected?
  - (ii) if so, have the owners consented and on what terms?

13. (a) Is the disposal of any item of church property contemplated?
- (b) Has a professional valuation been obtained? If so, supply a copy.
- (c) If not, what is the value of the item?
- (d) How do the Petitioners propose to dispose of it?
- (e) What do the Petitioners wish to be authorised to do with any proceeds of sale?

14. (a) Is work to a churchyard proposed? If so, will any graves, reserved grave spaces, monuments or inscriptions be interfered with?
  - (b) (i) How will they be dealt with?
    - (ii) To what extent do the owners consent and on what terms?
    - (iii) If the owners have not been found what efforts have been made to find them?
  - (c) (i) Will a War Grave be affected?
    - (ii) How will it be dealt with?
      - (iii) Does the Commonwealth War Graves Commission consent and, if so, on what terms?
  - (d) Is any such monument listed under the Town and Country Planning Act 1971?
 

Note: In dealing with this question the consent of known near relatives should be sought as if they were owners.

15. (a) If work to a chancel is proposed, is there a Lay Rector?
- (b) If so, state his or her name and address.
- (c) Has the Lay Rector been informed of the work?
- (d) Is he or she intending to contribute to the cost?

16. Is there any further information which the Petitioners would like the Chancellor to take into account?

The Statements in this Petition and the answer to the questions above are true to the best of the knowledge and belief of each one of us.

Date: ..... 19.....

.....  
.....  
.....  
.....  
.....

(Signatures of Petitioners)