
STATUTORY INSTRUMENTS

1992 No. 2882

Faculty Jurisdiction Rules 1992

PART II

PETITION AND CITATION

Seeking Advisory Committee Advice and Lodging Petition

3.—(1) Before lodging a petition for a faculty in the consistory court intending applicants should seek the advice of the advisory committee in respect of the proposed works or purposes for which a faculty is required (except where the action proposed relates exclusively to exhumation or the reservation of a grave space) and should submit to the advisory committee all necessary designs, plans or other documents giving particulars of the proposed works or purposes together with a summary list of the works proposed.

(2) If the advisory committee decide to recommend the works or purposes or to raise no objection to them their decision together with any provisos attached thereto shall be set out in a certificate in Form No. 1 in Appendix B and shall be sent to the intending applicants together with the designs, plans and other documents submitted to the advisory committee under rule 3.

(3) If the advisory committee decide not to recommend the works or purposes they shall inform the intending applicants by way of a certificate in Form No. 1 in Appendix B and shall advise them that they are entitled to petition for a faculty from the chancellor, if they so wish, notwithstanding the committee's decision.

(4) As soon as they have received the advice of the advisory committee under paragraph (2) or (3) above the applicants may lodge at the diocesan registry a petition for a faculty in Form No 2 in Appendix B in respect of the works or purposes and

- (a) the works or purposes shall be fully and accurately stated in the petition and shall be the same as those in respect of which the advisory committee has supplied a certificate in Form No. 1 in Appendix B under paragraph (2) or (3), and
- (b) any necessary designs, plans or other documents giving particulars of the works or purposes for which the faculty is required, together with the said certificate of the advisory committee relating to those documents, shall be lodged with the petition.

(5) Notwithstanding that any of the requirements of paragraphs(1) to (4) of this Rule have not been complied with a petition may at any time be lodged at the diocesan registry and every petition shall (subject to rule 33) be in Form No 2 in Appendix B.

Petition for partial demolition or demolition

4. —A petition for a faculty for the partial demolition or demolition of a church shall include all such statements and information, so far as relevant, as are required by Form No 2 in Appendix B and shall also state which of the grounds specified in section 17 of the Measure are relied on, and shall give full particulars of those grounds and of the circumstances giving rise to the petition and of the arrangements proposed to be made to meet the situation arising from the partial demolition or

demolition of the church, including arrangements for the disposal of the fittings and contents of the church, and shall give information on any other matters on which the court should be informed.

General Citation

5.—(1) As soon as a petitioner is ready to lodge a petition for a faculty the petitioner shall fill in the general citation in Form No 3 in Appendix B (except where the petitioner is not the minister or a churchwarden or where the petition relates to exhumation or reservation of a grave space) and shall describe the works or purposes in the citation in the same manner as they are described in the schedule to the petition.

(2) Notwithstanding paragraph (1) above any petitioner may, if he so wishes, consult the registrar for advice prior to completing any petition or general citation, and he should do so in respect of citation where the petition relates to a matter which is not within Appendix A.

(3) As soon as a petitioner has filled in the citation

- (a) he shall immediately lodge in the registry the petition and the documents required by rule 3(4)(b) and a copy of the completed citation;
- (b) he shall immediately display the citation in accordance with paragraph (4) below save that if he is not the minister, or a churchwarden he shall send the citation to the registrar for his directions.

(4) Subject to paragraph (3)(b) above and rule 12(4) a copy of the citation shall be displayed for a continuous period of not less than fourteen days including at least one Sunday when the church is used for worship.

- (a) in the case of a petition relating to a parish church or its churchyard—
 - (i) inside the church on a notice board or in some other prominent position, and
 - (ii) on a notice board outside that church,
- (b) in the case of a petition relating to a church or place of worship (or any churchyard belonging to it) which is not a parish church—
 - (i) on a notice board or in some other prominent position inside that church or place of worship and inside the parish church or parish churches in the parish concerned, and
 - (ii) on a notice board outside the church or place of worship to which the application relates and outside the parish church or parish churches in the parish concerned.

and if there is no notice board within the grounds of any building mentioned in sub-paragraph (a)(ii) or (b)(ii) above, the notice required to be displayed outside that building under those sub-paragraphs shall be displayed on the outside of or near to the principal door of that building and in some other prominent position readily visible to the public.

(5) If on receipt of the petition and copy citation the registrar considers that

- (a) the works or purposes are not adequately described in the citation, or
- (b) a copy of the citation should be displayed inside or outside any other church or place of worship in the parish concerned, or
- (c) a copy of the citation should be displayed in some prominent position elsewhere in the parish concerned (whether inside or outside a building) where it will be clearly visible to the public, or
- (d) the citation should be displayed for a longer period than is provided for in paragraph (4) of this rule

he may give such directions to the petitioners as he thinks fit.

(6) Upon the expiry of the period of general citation required under paragraph (4) or such longer period as may be directed under paragraph (5)(d) of this rule the citation or a copy thereof shall be

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returned to the registrar by the petitioners with the certificate of execution duly completed thereon in accordance with Form No 3 in Appendix B.