
STATUTORY INSTRUMENTS

1992 No. 2882

Faculty Jurisdiction Rules 1992

PART III

MATTERS WITHIN THE ARCHDEACON'S JURISDICTION

Allocation to the Archdeacon

6.—(1) Where a petition for a faculty for any of the works or purposes specified in Appendix A to these Rules (not being works falling within rule 12(3)) is unopposed and the advisory committee recommends the works or purposes in question or raises no objection to them an archdeacon may exercise the jurisdiction of the consistory court of the diocese in respect of every such cause of faculty arising in his archdeaconry to the extent provided in the said Appendix.

(2) If the registrar is satisfied that the subject matter of the petition falls within the jurisdiction conferred upon an archdeacon under paragraph (1) above he shall endorse the petition accordingly and send it to the archdeacon for his consideration.

(3) An archdeacon shall not make a final determination in any cause of faculty within his jurisdiction until he has sought the advice of the advisory committee in respect of the works or purposes the subject of the petition, provided that where the advisory committee supplied a certificate in Form No 1 under rule 3(2) above in respect of the same works or purposes not more than 12 months prior to the lodging of the petition the advisory committee may, if appropriate, confirm that they do not wish to alter the said certificate.

(4) If an archdeacon decides to grant a faculty he shall endorse the petition accordingly and shall return it to the registrar whereupon the registrar on the expiry of the period for objection specified in rule 15 and provided the petition is unopposed shall issue

- (a) the faculty in Form No 5 in Appendix B, and
- (b) a certificate in Form No 6 in Appendix B to be completed in accordance with the requirement in the faculty.

(5) If any person objects to the grant of a faculty before the archdeacon has determined the matter the registrar shall notify the archdeacon who shall immediately return the petition to the registrar and if an objection is received after the archdeacon has endorsed the petition under paragraph (4) above the archdeacon's decision shall be of no effect and the petition shall be referred to the chancellor by the registrar and be dealt with by him.

Referral from the Archdeacon to the Chancellor

7.—(1) An archdeacon shall decline to exercise jurisdiction in a cause of faculty where

- (a) he is the minister of the parish to which the petition relates, or
- (b) he has been personally involved with the petitioners in relation to the subject matter of the petition or otherwise to such an extent that he deems it inappropriate to act in the matter

in which event he shall inform the registrar prior to the allocation of the petition to him, or if this is not practicable he shall as soon as possible return the petition and accompanying papers to the registrar who shall immediately endorse the petition as one to be dealt with by the chancellor.

(2) An archdeacon may for any reason decline to exercise his jurisdiction in any cause of faculty and may in respect of a petition otherwise falling within his jurisdiction, return the petition to the registrar with a request that the petition or any matter raised in it be referred to the chancellor for decision or advice.

(3) If an archdeacon becomes aware of any matter for which a faculty is required and he considers that the matter

- (a) needs to be dealt with as a matter of urgency without reference to the advisory committee for advice in accordance with section 15(2) of the Measure, or
- (b) may necessitate the issue of an injunction, the making of a restoration order or the grant of any interim faculty pending the final determination of the matter, or
- (c) gives rise to any question as to the payment of costs or expenses,

then whether or not a petition has been lodged he shall inform the registrar who shall immediately refer the matter to the chancellor to be dealt with by him and the chancellor may give such licence or other directions in respect of the said matter on such terms or conditions as he thinks fit.

Temporary Re-ordering

8.—(1) On the application of a minister and the majority of the parochial church council an archdeacon may give a licence in writing in accordance with Form No 7 in Appendix B for a temporary period not exceeding 12 months for a scheme of re-ordering provided he is satisfied that

- (a) the scheme does not involve any interference with the fabric of the church and
- (b) it does not involve the fixing of any item to the fabric of the church nor the disposal of any fixture and
- (c) if the scheme involves the moving of any item, the same is to be done by suitably competent or qualified persons and such item will be safeguarded and stored in the church or in such other place as he approves, and can easily be reinstated.

(2) The archdeacon may add such other conditions to the licence as he considers necessary.

(3) A copy of any such licence shall be lodged with the registrar and with the secretary to the advisory committee.

(4) The period specified in the licence shall not be extended by the archdeacon provided that where a petition for a chancellor's faculty in respect of the scheme is lodged in the registry not later than two months before the expiry of the said period the scheme shall be deemed to be authorised until the determination of the petition by the chancellor.

(5) An archdeacon may for any reason decline to grant such a licence in which event he shall advise the minister that he may apply to the chancellor for an interim faculty authorising the scheme.

Referral by the Registrar to the Chancellor

9.—(1) Notwithstanding anything in rule 6(1) the registrar shall refer the petition to the chancellor when he considers that

- (a) a confirmatory faculty is required, or
- (b) the proposed works or purposes raise a question of law or as to the doctrine, ritual or ceremonial of the Church of England or affect the legal rights of any person or body, or
- (c) any person or body may need to be specially cited, or

- (d) there is uncertainty whether the subject matter of the petition falls within the jurisdiction conferred on the archdeacon by rule 6(1), or
- (e) the advisory committee has not recommended the works or purposes and has so certified by paragraph 4 of Form No 1 in Appendix B, or
- (f) the petition raises matters which may justify the issue of any injunction, or
- (g) for any other reason it is desirable to refer the petition to the chancellor.

(2) Where a matter is being dealt with by the archdeacon if at any stage in the proceedings the registrar becomes aware that information supplied in the petition is incorrect, or that information has been omitted from the petition, so that the matter falls outside the jurisdiction conferred on the archdeacon under rule 6(1) he shall in writing immediately cancel the allocation of the petition to the archdeacon, give written notice thereof to the archdeacon and refer the matter to the chancellor to be dealt with by him and the archdeacon shall immediately return the petition and accompanying documents to the registrar.

(3) If any petition is referred to the chancellor pursuant to rules 7(1) or (2), or 9(1) or (2) above then, unless the chancellor orders otherwise, the matter shall proceed from the stage reached in the proceedings immediately before the petition was sent to the archdeacon under rule 6(2) as if the petition had been presented to the chancellor from the commencement of proceedings.

Register of Petitions

10. On receipt of any petition for a faculty for which the advice of the advisory committee is required to be sought under the Measure or these Rules the registrar shall notify the secretary to the advisory committee of the details of the petition in Form No 8 in Appendix B and the secretary shall enter the details in the register of petitions maintained by him.