
STATUTORY INSTRUMENTS

2015 No. 1568

The Faculty Jurisdiction Rules 2015

PART 27

General provisions relating to appeals

Stay

27.1.—(1) Unless the appeal court or the lower court orders otherwise, the taking of any of the steps mentioned in paragraph (2) has the effect of staying the judgment, order or decree of the consistory court and any other lower court, except in the case of an order for an injunction.

(2) The steps referred to in paragraph (1) are—

- (a) the making of an application to the chancellor in accordance with rule 23.1;
- (b) the making of an application to the Dean in accordance with rule 23.3;
- (c) the filing of a petition addressed to Her Majesty in accordance with rule 26.1.

(a) (3) (a) A stay provided for by paragraph (1) ceases to have effect in accordance with the following provisions of this paragraph.

(b) Where an application was made to the chancellor under rule 23.1, the stay ceases to have effect—

- (i) 15 days after the date on which the appellant receives a determination from the chancellor under rule 23.2 refusing permission to appeal (but this does not prevent a further stay arising if the appellant makes an application to the Dean under rule 23.3) or,
- (ii) if permission to appeal is granted, or if the chancellor's determination under rule 23.2 states that permission to appeal is not needed, 30 days after the date on which judgment in the appeal is given by the provincial court or the Court of Ecclesiastical Causes Reserved (as the case may be);

(c) Where an application was made to the Dean under rule 23.3, the stay ceases to have effect—

- (i) when the appellant receives a determination from the Dean under rule 23.4 refusing permission to appeal or,
- (ii) if permission to appeal is granted, 30 days after the date on which judgment in the appeal is given by the provincial court;

(d) Where a petition is filed under rule 26.1, the stay ceases to have effect when the petition has been determined by the Commission of Review.

(4) A stay provided for by paragraph (1) also ceases to have effect if the application or appeal in consequence of which it has arisen is wholly set aside, withdrawn or struck out.

(5) The appeal court or the lower court may make an order staying the judgment, order or decree of the consistory court and any other lower court where a stay does not automatically arise under paragraph (1) or has ceased to have effect by virtue of paragraph (3) or (4).