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STATUTORY INSTRUMENTS

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**2000 No. 2047**

**The Faculty Jurisdiction Rules 2000**

**PART II**

**PETITION AND PUBLIC NOTICE**

**Seeking Advisory Committee Advice**

**3.—(1)** Before submitting a petition for a faculty in the consistory court intending applicants should seek the advice of the advisory committee in respect of the works or other proposals for which a faculty is required (except where the action proposed relates exclusively to exhumation or the reservation of a grave space).

(2) Except in a case within paragraph (4) intending applicants should submit to the advisory committee designs, plans, photographs and other documents giving particulars of the works or other proposals together with a summary list of the works or proposals.

(3) Where significant changes to a listed church are proposed the intending applicant should—

- (a) provide the advisory committee (in addition to the particulars required by paragraph (2) of this rule) with a Statement of Significance and a Statement of Needs, and
- (b) if the works fall within paragraph 1 of Appendix B consult English Heritage, such of the national amenity societies as appears likely to have an interest in the church or the works, and the local planning authority in accordance with Appendix B.

(4) Where the intending applicants are proposing to carry out works to a tree or trees in a churchyard or in a consecrated burial ground for which a faculty is required they shall complete Form No. 16 in Appendix C and send it to the advisory committee at the time of seeking the advice of the advisory committee in respect of the proposed works.

(5) If the advisory committee decides to recommend the works or proposals or to raise no objection to them its decision together with any provisos shall be set out in a certificate in Form No. 1 in Appendix C and shall be sent to the intending applicants together with the designs, plans, photographs and other documents which were submitted to the advisory committee under paragraph (2) of this rule and are the subject of the certificate.

(6) If the advisory committee decides not to recommend the works or proposals it shall inform the intending applicants by way of a certificate in Form No. 1 in Appendix C 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.

(7) When the advisory committee issues a certificate under paragraph (5) or (6) the certificate may include a recommendation to the intending applicants that they should consult English Heritage, or the local planning authority, or one or more of the national amenity societies, or the Council for the Care of Churches or any other body or person about some or all of the works or other proposals for which a certificate is sought if they have not already done so, and the advisory committee shall consider including such a recommendation in any case where it appears to the committee that the works—

- (a) involve alteration to or extension of a listed church to such an extent as is likely to affect its character as a building of special architectural or historic interest, or
- (b) are likely to affect the archaeological importance of the church or archaeological remains existing within the church or its curtilage, or
- (c) in the case of an unlisted church in a conservation area, will involve demolition affecting the exterior of the church.

### **Submission of Petition**

4.—(1) As soon as they have received the advice of the advisory committee under paragraph (5) or (6) of rule 3 the applicants may submit to the diocesan registry a petition for a faculty in Form No. 2 in Appendix C in respect of the works or other proposals and

- (a) the works or other proposals 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 C under paragraph (5) or (6) of rule 3, and
- (b) any designs, plans, photographs and other documents giving particulars of the works or proposals for which the faculty is required, together with the certificate of the advisory committee relating to those documents, shall be submitted with the petition.

(2) Where significant changes to a church are proposed a copy of the designs, plans, photographs and other documents submitted with the petition shall be displayed in the church to which the works or other proposals relate and shall remain on display until the petition for a faculty has been determined.

(3) As soon as they have received the advice of the advisory committee under rule 3(5) or (6) in respect of works within rule 3(4) the applicants may send or deliver to the diocesan registry the petition for a faculty in Form No. 16 in Appendix C which was considered by the advisory committee.

(4) Notwithstanding that any of the requirements of rule 3 have not been complied with a petition may at any time be submitted to the diocesan registry and every petition shall (subject to rule 36) be in Form No. 2 or in Form No. 16 in Appendix C.

### **Petition for Partial Demolition or Demolition**

5. 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 C.

### **Public Notice of Petition for a Faculty**

6.—(1) As soon as a petitioner is ready to submit a petition for a faculty the petitioner shall fill in the public notice in Form No.3 in Appendix C (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 proposals in the public notice 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 public notice, and he should do so in respect of a public notice where the petition relates to a matter which is not within Appendix A.

(3) As soon as a petitioner has filled in the public notice he shall immediately—

- (a) send or deliver to the registry the petition and the documents required by rule 4(1)(b) and a copy of the completed public notice; and
- (b) display the public notice in accordance with paragraph (4) below save that if he is not the minister or a churchwarden he shall send the public notice to the registrar for directions about display; and

- (c) send a copy of the public notice to English Heritage or other grant making body in accordance with the terms of any previous grant.
- (4) Subject to paragraph (3)(b) of this rule and rule 13(10) a copy of the public notice shall be displayed for a continuous period of not less than 28 days in accordance with paragraphs (a) to (d) of this paragraph.
- (a) Display of the public notice shall take place as follows:
- (i) in the case of a petition relating to a parish church or its churchyard, display of the notice shall be at that parish church;
  - (ii) 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, display of the notice shall be at that church or place of worship and also at the parish church or parish churches of the parish;
  - (iii) in the case of a petition relating to any other churchyard or consecrated burial ground, display of the notice shall be at the parish church (if any) and the churchyard or consecrated burial ground concerned.
- (b) Display of the notice shall take place under paragraphs (a)(i) and (ii)—
- (i) inside the church on a notice board or in some other prominent position, and
  - (ii) on a notice board outside that church or in some other prominent position (whether on the outside of the church door or elsewhere) so that it is readily visible to the public.
- (c) Display of the notice shall take place in accordance with paragraphs (b)(i) and (ii) in respect of each church or place of worship where display is required under paragraphs (a) (i) and (ii).
- (d) Display of the notice in accordance with paragraph (a)(iii) shall take place on a notice board outside the parish church (if any) and on a notice board or other suitable place at the churchyard or consecrated burial ground concerned to that it is readily visible to the public.
- (5) If on receipt of the petition and copy public notice the registrar considers that—
- (a) the works or proposals are not adequately described in the public notice, or
  - (b) a copy of the public notice should be displayed inside or outside any other church or place of worship in the parish concerned, or
  - (c) a copy of the public notice 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 public notice should be displayed for a longer period than is provided for in paragraph (4) of this rule

then the registrar may give such directions to the petitioners as are appropriate in the circumstances of the case.

(6) Upon the expiry of the period of 28 days required under paragraph (4) or such longer period as may be directed under paragraph (5)(d) of this rule the public notice or a copy thereof shall be returned to the registrar by the petitioners with the certificate of publication duly completed in accordance with Form No. 3 in Appendix C.