

1988 No. 1980

ECCLESIASTICAL LAW, ENGLAND

Patronage (Appeals) Rules 1988

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Coming into force 1st January 1989

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APPENDIX

Forms

In exercise of the powers conferred on it by paragraph 11 of Schedule 1 to the Patronage (Benefices) Measure 1986^(a) the Patronage (Appeals) Committee constituted in accordance with paragraph 10 of the said Schedule hereby makes the following Rules:

PART I

PRELIMINARY

Citation and commencement

1. These Rules may be cited as the Patronage (Appeals) Rules 1988 and shall come into force on 1st January 1989.

Interpretation

- 2.—(1) In these Rules—

“answer” means an answer under paragraph (1) of rule 6 commenting on a respondent’s notice or any part of it;

^(a) 1986 No. 3.

“appeal” means an appeal under paragraph 8 of Schedule 1 against a decision of the registrar in respect of which a paragraph 7 notice has been served;

“appellant” means the person within the categories specified in paragraph 7 of Schedule 1 who has given the notice of appeal;

“Appendix” means the Appendix to these Rules;

“benefice” means the benefice to which the appeal relates;

“chancellor” means the chancellor of the diocese (or, in the case of the diocese of Canterbury, the commissary general);

“costs” includes fees, charges, disbursements, expenses and remuneration;

“diocese” means the diocese in which the benefice is situated;

“Fees Order” means an Order made under Part II of the Ecclesiastical Fees Measure 1986(a) ;

“interested person” means—

(a) the incumbent of the benefice;

(b) the parochial church council of any parish within the area of the benefice or, if any such parish has no parochial church council, the churchwardens of that parish; and

(c) any other person whom the chancellor directs is to be an interested person;

“interlocutory application” means—

(a) any application made under these Rules to the registrar otherwise than on a taxation of costs; and

(b) any application made under these Rules to or heard under these Rules by the chancellor (including an application treated as made under paragraph (5)(b) of rule 20) otherwise than at the hearing of an appeal or on a review of a taxation of costs;

“the Measure” means the Patronage (Benefices) Measure 1986;

“notice of appeal” means a notice of appeal given under paragraph 8 of Schedule 1;

“paragraph 7 notice” means a notice served by the registrar under paragraph 7 of Schedule 1;

“party” means the appellant or any respondent who has lodged a respondent’s notice;

“person” includes any individual or any body of persons, corporate or unincorporate;

“pleading” means a notice of appeal, respondent’s notice or answer;

“register” means the register compiled and maintained by the registrar under section 1 of the Measure;

“registrar” means the registrar of the diocese (subject to paragraph (3) of rule 28), and includes any person appointed to act as his deputy under rule 29;

“registry” means the diocesan registry;

“respondent” means any person who is a respondent to the appeal under rule 4;

“respondent’s notice” means a notice lodged by a respondent under paragraph (2) of rule 5 in response to a notice of appeal or any part of it;

“Schedule 1” means Schedule 1 to the Measure;

“statement of observations” means a statement lodged by an interested person under paragraph (4) of rule 10;

“taxed costs” means costs taxed by the registrar in accordance with rule 16.

(2) The Interpretation Measure 1925(b) and the Interpretation Act 1978(c) shall apply for the interpretation of these Rules as they apply for the interpretation of Measures passed by the General Synod.

(a) 1986 No. 2.

(b) 1925 No. 1.

(c) 1978 c.30.

PART II

PARTIES, PLEADINGS AND EVIDENCE

Notice of appeal

3.—(1) A notice of appeal shall state the grounds of the appeal and shall be in Form 1 of the Appendix.

(2) The appellant shall lodge with the registrar, together with the notice of appeal or within fourteen days after the date of the notice of appeal, copies of all documents on which he relies other than documents which or copies of which have already been lodged with or are otherwise in the custody of the registrar.

Respondent

4. The following persons shall be respondents to an appeal—

(1) Any person (other than the appellant) who is registered in the register as a patron of the benefice, or in respect of whom the registrar shall certify that, if no appeal had been brought against the decision set out in the paragraph 7 notice, he would have been so registered;

(2) Any interested person in respect of whom the chancellor shall at any time direct that he is to be a respondent;

(3) Any person (other than the appellant) who—

(a) is a person named as a patron of the benefice in a list prepared under paragraph 1 of Schedule 1, or who has made an application under paragraphs 3, 4 or 5 of Schedule 1 in relation to the benefice; and

(b) is a person in respect of whom the registrar shall certify either—

(i) that the notice of appeal either expressly or by inference disputes the entitlement of such person to be registered as a patron; or

(ii) that the notice of appeal raises an issue as to the correctness of any information contained in the list or the register, being information in respect of which such person has made an application under paragraph 5(b) of Schedule 1;

but excluding Her Majesty (whether in right of her Crown or her Duchy of Lancaster or otherwise), the possessor for the time being of the Duchy of Cornwall and the Lord Chancellor.

Notification of appeal and notice to respondent

5.—(1) Within seven days of receiving a notice of appeal, the registrar shall serve on each person who is then a respondent under rule 4 a notice of the lodging of the appeal in Form 2 of the Appendix, together with copies of the notice of appeal and of the paragraph 7 notice setting out the decision appealed against.

(2) Any respondent may, within twenty-eight days after the date of service on him of a notice under paragraph (1) of this rule, or within such other period as the registrar or the chancellor may direct, lodge with the registrar a respondent's notice in Form 3 of the Appendix stating his response to the notice of appeal or any part of it and the grounds of that response.

(3) A respondent lodging a respondent's notice shall, at the time of lodging such notice or within fourteen days thereafter, also lodge with the registrar copies of all documents on which he relies other than documents which or copies of which have already been lodged with or are otherwise in the custody of the registrar.

(4) On receiving a respondent's notice, the registrar shall—

(a) serve a copy of the notice on the appellant; and

(b) serve on the respondent lodging the notice copies of all pleadings other than the notice of appeal which have already been lodged with the registrar.

(5) Any person who is a respondent to the appeal shall be bound by the decision of the chancellor upon the appeal whether or not he has lodged a respondent's notice under paragraph (2) of this rule.

Answer

6.—(1) Where a copy of a respondent's notice has been served on the appellant, he may within fourteen days after the date of such service lodge with the registrar an answer in Form 4 of the Appendix making his comments on the respondent's notice or any part of it.

(2) On receiving an answer from the appellant, the registrar shall serve a copy of the answer on any respondent who has lodged a respondent's notice.

Amendment and withdrawal of pleadings and additions to documents lodged

7. The registrar may at any time before the hearing of the appeal, on the application of any party, and the chancellor may at the hearing of the appeal, on the application of any party or of his own motion, permit any party—

- (a) to withdraw or amend any pleading of his;
- (b) to add any further document to those of which copies have been lodged with the registrar under paragraph (2) of rule 3 or paragraph (3) of rule 5.

Party to be bound by his pleadings and documents lodged

8. Except with the leave of the chancellor, a party shall not be entitled at the hearing of the appeal to rely on—

- (a) any grounds not stated in his pleading or pleadings; or
- (b) any document which or copies of which have not been lodged with and are not otherwise in the custody of the registrar.

Inspection of documents held by registrar

9. Any party shall be entitled on reasonable notice to inspect and take extracts from and copies of any document (including a copy of a document) which is relevant to the appeal and has been lodged with or is otherwise in the custody of the registrar.

Interested person, notification and statement of observations

10.—(1) The registrar may of his own motion at any time before the hearing of the appeal refer to the chancellor the question whether any person other than the incumbent of the benefice or the parochial church council of any parish within the area of the benefice (or, if any such parish has no parochial church council, the churchwardens of that parish) should be an interested person for the purposes of these Rules, save that no such direction shall be made in relation to Her Majesty (whether in right of her Crown or her Duchy of Lancaster or otherwise), the possessor for the time being of the Duchy of Cornwall or the Lord Chancellor without her or his consent.

(2) The chancellor may at any time before the hearing of the appeal, upon a reference by the registrar under paragraph (1) of this rule or on the application of any such person as is referred to in that paragraph, direct that any such person is to be an interested person for the purposes of these Rules.

(3) Within seven days after the registrar receives a notice of appeal or, in the case of a person whom the chancellor has directed under paragraph (2) of this rule is to be an interested person, within seven days after the date of that direction, the registrar shall send to each interested person a notice of the lodging of the appeal in Form 5 of the Appendix, together with copies of the notice of appeal and of the paragraph 7 notice setting out the decision appealed against.

(4) Any interested person may, within twenty-eight days after the date of receiving a notice sent to him under paragraph (3) of this rule, lodge with the registrar a statement of observations in Form 6 of the Appendix setting out or stating either or both of the following—

- (a) his observations on the notice of appeal or any part of it; and
- (b) that he encloses documents which are or may be relevant to the appeal.

(5) On receiving a statement of observations, the registrar shall send a copy of it and of any document accompanying it to each party.

Directions as to evidence

11.—(1) The registrar may at any time before the hearing of the appeal, and the chancellor may at or before the hearing of the appeal, in each case of his own motion or on the application of any party—

- (a) direct any party to produce any specified document for the inspection of any other party within a specified period and, if the registrar or chancellor giving the direction thinks fit, to do either or both of the following—
 - (i) to permit that other party to make extracts from and take copies of such document; and
 - (ii) to give notice to that other party of the time and place at which the document is to be produced;
- (b) direct any party or any other person to produce any specified document at the hearing of the appeal;
- (c) direct the attendance of any party or other person for the purpose of giving evidence at the hearing of the appeal;
- (d) direct any party to make general discovery of documents;
- (e) direct that all or a specified part of the evidence of any person at the hearing of the appeal may be given on oath before an examiner appointed by the registrar or by the chancellor, and direct the attendance of such person before that examiner at a specified time and place;
- (f) direct that all or a specified part of the evidence of any person at the hearing of the appeal may be given by affidavit;
- (g) direct any party to deduce title to any right of patronage in relation to the benefice claimed by that party and to lodge with the registrar before such date as the registrar may direct an abstract of title or a synopsis of title or both.

(2) Where a direction under paragraph (1)(b), (c), (e) or (f) of this rule relates to a person other than a party, the registrar shall serve a copy of the direction on that person and, if applicable, and without prejudice to paragraph (5) of rule 12, shall give him not less than fourteen days' notice of the time and place of any appointment at which his attendance is required.

PART III

DIRECTIONS AND HEARING OF APPEAL

Directions for hearing

12.—(1) After the expiration of a period of fourteen days from the final date for serving or lodging of any further pleadings or lodging of documents under the preceding rules and any orders made thereunder, the registrar shall lay before the chancellor copies of the paragraph 7 notice, the pleadings and all other documents which are relevant to the appeal.

(2) The chancellor shall appoint a time and place for the hearing of the appeal and shall give such further directions as he thinks fit.

(3)(a) At any time before or at the hearing of the appeal any party may apply to the chancellor (or, if the application is made before the hearing of the appeal and the registrar has been authorised by the chancellor to determine such applications, to the registrar) for a postponement or adjournment of the hearing, and on any such application the chancellor or the registrar may postpone or adjourn the hearing of the appeal to such date as he may specify.

(b) The chancellor may at any time, of his own motion, postpone or adjourn the hearing of the appeal to such date as he may specify.

(4) The registrar shall serve on each party copies of all orders and directions made or given under paragraphs (2) and (3) of this rule.

(5) The registrar shall serve on each party, each interested person and each other person directed to attend or to produce a document at the hearing of the appeal under paragraph (1)(b) or (c) of rule 11—

- (a) not less than twenty-one days' notice of the time and place appointed for the hearing of the appeal under paragraph (2) of this rule; and
- (b) notice of any later date specified for the hearing of the appeal under paragraph (3) of this rule.

Hearing of appeal

13.—(1) The hearing of any appeal shall be held in public.

(2) On the hearing of the appeal the copy of the paragraph 7 notice laid before the chancellor under paragraph (1) of rule 12 shall be conclusive evidence of the terms of the decision of the registrar which is appealed against.

(3) Subject to any direction under paragraph (1) of rule 11, evidence by any person at the hearing of the appeal shall be given orally and upon oath.

(4) Any evidence which pursuant to a direction under paragraph (1) of rule 11 may be given by affidavit or before an examiner may with the leave of the chancellor be proved at the hearing of the appeal by production of a copy of the affidavit or deposition as the case may be.

(5) If any party proposes to apply to the chancellor under any of the preceding rules or under rule 27 to exercise any of his powers under those rules at the hearing of the appeal, that party shall give prior notice to each other party and to the registrar of his proposed application, save that if the giving of such prior notice is impracticable the chancellor may nevertheless exercise any of those powers at the hearing of the appeal without such prior notice having been given.

(6) On the hearing of the appeal the chancellor may make any decision of fact and draw any inference of fact which the registrar might have reached or drawn in reaching his decision under Schedule 1 to the Measure as to the persons and information to be entered on the register in respect of the benefice.

(7) On the hearing of the appeal, the chancellor may if he thinks fit permit any interested person to address him.

(8) On the hearing of the appeal the chancellor shall consider all the relevant circumstances, shall determine the rights of the appellant and the respondents and any other question or questions raised by the appeal on the basis of the evidence placed before him, and may by his order do either or both of the following—

- (a) confirm, reverse or vary the decision of the registrar appealed against or make any other decision which the registrar might have made under Schedule 1 as to the person or persons or the information to be entered on the register in respect of the benefice; and
- (b) give any appropriate direction to the registrar as to the terms of or the rectification of any entry in the register in respect of the benefice;

but shall not make any order which would affect the rights of a person who is not the appellant or a respondent.

(9) The registrar shall serve on the appellant, each respondent and each interested person a copy of the order of the chancellor under paragraph (8) of this rule and a copy of the entry in the register referred to in any direction under sub-paragraph (b) of that paragraph or, if applicable, of that entry as rectified.

PART IV

COSTS

Orders for payments of costs

14.—(1) No party shall be entitled to recover any costs of or incidental to the appeal except under an order or direction made by the registrar or the chancellor under these Rules.

(2) The chancellor shall have power—

- (a) to make an order for payment of taxed costs or a proportion of such taxed costs by any party to any other party;
- (b) to direct that any party shall be entitled to payment by any other party of a gross sum specified in the direction in lieu of taxed costs;
- (c) to direct if he thinks fit that any party shall pay all or any of the fees provided by rule 18 or any fees prescribed by a Fees Order in respect of the appeal.

Recovery of costs

15.—(1) Where an order or direction for the payment of costs is made under these Rules, such costs may be recovered by the person in whose favour the order or direction was made—

- (a) by proceedings in the county court for the district in which is situate the parish (or any of the parishes) belonging to the benefice to which the appeal relates; or
- (b) if the sum recoverable exceeds the amount which under any legislation for the time being in force is recoverable in the county court in respect of a contract debt, then by proceedings in the High Court;

in either case in all respects as if the said sum was a contract debt payable by the person against whom the order or direction was made.

(2) In any proceedings under sub-paragraphs (a) or (b) of paragraph (1) of this rule, a certificate purporting to be signed by the registrar stating that the sum specified in the certificate is a sum payable to the person named in the certificate pursuant to an order or direction for payment of costs under these Rules by the person named in the certificate shall be conclusive evidence of the matters certified.

Taxation of costs

16.—(1) Where any order or direction for the payment of costs (other than one relating solely to fees specified in paragraph (2)(c) of rule 14) is made under these Rules, the costs to which the order or direction relates shall (in default of agreement) be taxed by the registrar, who shall have power to direct the attendance of witnesses and the production of documents so far as required for the discharge of his functions on that taxation.

(2) Proceedings for the taxation of costs shall be commenced by—

- (a) lodging an application for a taxation with the registrar, together with a bill of costs and all necessary papers and vouchers; and
- (b) serving a copy of the application and of the bill of costs on any other party who is affected by the order or direction for the payment of the costs which are to be taxed (in this rule, rule 17 and rule 21 referred to as a “party to the taxation”).

(3) The registrar shall thereupon appoint a time and place for the taxation of costs and shall give not less than seven days’ notice of that time and place to the applicant and to each other party to the taxation.

(4) If any party to the taxation of costs (other than the applicant) does not attend at the time and place so appointed, the registrar, if he is satisfied that such party had due notice of such time and place, may proceed with the taxation in his absence.

(5) In deciding the amount of costs to be allowed, the registrar shall have regard to the legislation and current practice relating to taxation in the civil courts and to any direction given by the chancellor.

Review of taxation

17.—(1) On a taxation of costs under rule 16, any party to the taxation who is dissatisfied with any decision of the registrar on the taxation may apply for that decision to be reviewed by the chancellor.

(2)(a) An application for such a review shall set out the grounds of the objection to the registrar's decision.

(b) The application shall be lodged with the registrar within eight days after the date of the registrar's decision, and the applicant shall within that period serve a copy of the application on each other party to the taxation.

(3) The chancellor shall appoint the time and place of the review, and the registrar shall give to all parties to the taxation not less than fourteen days' notice of that time and place.

(4) Unless the chancellor otherwise directs—

(a) no further evidence shall be received on the review; and

(b) no ground of objection to the registrar's decision shall be raised which is not set out in the application;

but subject thereto the chancellor may exercise all such powers and discretions as are vested in the registrar on a taxation.

Fees

18. Unless any Fees Order for the time being in force prescribes fees in respect of appeals, the following fees shall be payable to the chancellor and the registrar in respect of an appeal—

(a) on the giving of the notice of appeal to the registrar, the like fees, payable to the chancellor and the registrar, as would be payable to them respectively under any Fees Order for the time being in force on the lodging of a petition for a major faculty;

(b) in respect of the hearing of the appeal, of any interlocutory application, or of a review of a taxation of costs under rule 17, the like fees, payable to the chancellor and the registrar, as would be payable to them respectively under any Fees Order for the time being in force in respect of a hearing of the same duration in faculty proceedings; and

(c) in respect of preparatory and ancillary work and correspondence, interlocutory applications to the registrar and taxation of costs, the like fee, payable to the registrar, as would be payable to him under any Fees Order for the time being in force in respect of preparatory and ancillary work and correspondence in proceedings for a faculty, save that if that Fees Order prescribes a maximum fee for such work in such proceedings which is not to be exceeded without the sanction of the chancellor, the corresponding maximum fee on an appeal which is not to be exceeded without the sanction of the chancellor shall be twice the amount of the maximum fee so prescribed by that Fees Order.

Payment of fees and expenses by Diocesan Board of Finance

19. Save in so far as the same have been paid by any other person under these Rules or under any order or direction made under these Rules, the Diocesan Board of Finance shall pay all fees and all expenses of travel, subsistence and accommodation of the chancellor and the registrar of or in connection with any appeal, provided that the Diocesan Board of Finance, before paying the whole or part of any such expenses, shall first be satisfied that they are reasonable in amount.

PART V

GENERAL

Interlocutory applications and directions

20.—(1) Subject to paragraph (3) of rule 25, every interlocutory application shall be lodged with the registrar.

(2) The registrar may grant any interlocutory application made to him, without a hearing, if there is lodged with the application a consent signed by each other party or his solicitor, or if the registrar is otherwise satisfied that none of the other parties opposes the application.

(3) In any other case, subject to paragraph (3) of rule 25, the registrar shall appoint a time and place for the hearing of the interlocutory application and shall give not less than fourteen days' notice of that time and place to each party.

(4) Without prejudice to rules 11, 12 and 25, the registrar shall have power on any interlocutory application made to him to give all such directions as he shall consider necessary in the circumstances.

(5)(a) Any party who is dissatisfied with any order or direction proposed to be made or given under these rules by the registrar on an interlocutory application or with any proposed refusal by the registrar of such an application shall have the right to have the application adjourned to the chancellor to be heard and determined by him.

(b) For the purposes of this paragraph any order or direction made under these rules by the registrar of his own motion otherwise than on a taxation of costs shall be treated as made on the application of any party in whose favour it is made or to whom it relates.

(c) On the exercise by any party of the right conferred by the preceding provisions of this paragraph, the chancellor shall appoint a time and place for the hearing of the adjourned application and the registrar shall give not less than fourteen days' notice of that time and place to each party.

Notice of interlocutory orders

21. Without prejudice to paragraph (2) of rule 11 or to paragraphs (4) and (5) of rule 12, the registrar shall serve on each party a copy of any order or direction made or given under these Rules, save that in the case of an order or direction made or given on a taxation of costs or on a review of a taxation of costs under rule 17 the registrar shall serve a copy of the order or direction on each party to the taxation.

Orders, directions etc.

22. Where the registrar or the chancellor grants or refuses any application made under these Rules or makes, gives or refuses to make or give any other order or direction under these Rules he may do so on such terms as to costs, postponement or adjournment of any hearing or otherwise as he thinks fit.

Representation

23. At the hearing of—

(a) any interlocutory application;

(b) any appeal; and

(c) any taxation of costs, or any review of a taxation of costs under rule 17;

any party, or in the case of the hearing of the appeal any interested person who has been permitted under paragraph (7) of rule 13 to address the chancellor, shall be entitled to appear in person or to be represented by counsel or solicitor.

Notices and other documents

24.—(1) Except where otherwise expressly provided, all notices, pleadings, applications, orders, directions and consents required or authorised by these Rules to be served, sent, given or made shall be in writing.

(2) Where any of these Rules requires the use of a document in a form set out in the Appendix, and that form is not in all respects appropriate, these Rules shall be construed as requiring the use of a form of the like character, with such variations as circumstances may require.

(3) Subject to paragraph (5) of this rule and to rule 26, any notice or other document required or authorised by these Rules to be served on or to be sent or given to any person shall be duly served on or sent or given to that person if it is delivered to him, or left at his proper address, or sent by first class post to his proper address.

(4) Subject to paragraph (5) of this rule and to rule 26, for the purposes of paragraph (3) of this rule and of section 7 of the Interpretation Act 1978 in its application to this rule, the proper address of a person on or to whom any such notice or other document is required or authorised to be served, sent or given shall be—

- (a) the business address of the solicitor (if any) who is acting for that person in the appeal; or, if none
- (b) that person's usual or last known address.

(5) Any document required by these Rules to be lodged with the registrar may be so lodged—

- (a) by delivering the document to the registry; or
- (b) by sending it by post to the registrar at the registry (save that lodging shall not be treated as effected by sending by post until actual delivery of the document at the registry).

Time

25.—(1) Where any act is required by these Rules to be done within a specified number of days after or not more than a specified number of days after a specified date, act or event, that date or the day on which that act or event occurred shall not be counted.

(2) The registrar or the chancellor may at any time, on an application by the person concerned, extend the time limit within which that person is required to do any act by these Rules, and such application may be made notwithstanding that such time has expired.

(3) The registrar or the chancellor may exercise the power conferred by paragraph (2) of this rule on an application which is made orally or *ex parte* or both, or may give directions on such application or of his own motion for the lodging with the registrar of an application in writing or for the giving of notice of the application, or both, and may direct a hearing of such application.

Parochial church councils

26.—(1) Any notice or other document required or authorised by these Rules to be served on or to be sent or given to a parochial church council of a parish shall be served on or sent or given to the secretary of the parochial church council (or, if the parochial church council has no secretary, on the churchwardens of the parish) in accordance with paragraphs (3) and (4) of rule 24.

(2) Without prejudice to rule 23, any application or other act authorised to be made or done by a parochial church council under these Rules may be made or done on its behalf by its secretary or by such other person as it may authorise for that purpose.

Non-compliance

27. Non-compliance with these Rules shall not render any proceedings void unless the chancellor so directs, but the chancellor may of his own motion or on the application of any party direct—

- (a) that the proceedings be set aside, wholly or in part, as irregular; or

- (b) that any pleading or other document or any order or direction be amended or otherwise dealt with as the chancellor thinks fit.

Appointment of alternate registrar

28.—(1) Any party may at any time apply to the chancellor for a direction that the registrar of the diocese shall cease to discharge the functions which he would otherwise discharge in relation to the appeal (in this rule and rule 29 referred to as “the registrar’s functions”).

(2) On granting any application under paragraph (1) of this rule, the chancellor shall direct that the registrar’s functions or any of them shall be discharged in either of the following ways (or partly in the one way and partly in the other)—

- (a) by the registrar of another diocese specified by the chancellor, being a registrar who is willing to discharge those functions; or
 - (b) by the chancellor (except in relation to such of the registrar’s functions as are to be discharged at the hearing of the appeal or on a taxation of costs).
- (3) Where the chancellor makes any direction under paragraph (2)(a) of this rule—
- (a) subject to sub-paragraph (b) of this paragraph, the expression “the registrar” in these Rules shall from the date of that direction be treated, in relation to the appeal and the functions specified in the direction, as referring to the registrar of the other diocese specified in the direction; and
 - (b) the fees payable to the registrar of the diocese in respect of the appeal shall be apportioned between the registrar of the diocese and the registrar of the other diocese specified in the direction as they shall agree, or in default of agreement as the chancellor shall direct.

Appointment of deputy registrar

29.—(1) If at any time the chancellor considers it is necessary or expedient to do so, he may appoint a person to act as deputy to the registrar of the diocese to discharge the registrar’s functions in relation to such appeal or appeals as the chancellor may specify from time to time, and any deputy so appointed shall have all the powers and perform all the duties of the registrar of the diocese under these Rules in relation to that appeal or those appeals.

(2) Any deputy appointed under paragraph (1) of this rule shall be the registrar of another diocese or some other person who complies with the requirements of paragraphs 2 and 3 of Canon G4 of the Canons of the Church of England regarding registrars (subject to the substitution in the said paragraph 2 of a reference to the chancellor for a reference to the archbishop or bishop).

(3) Any appointment under paragraph (1) of this rule shall require the consent of the registrar of the diocese unless he is unable to give such consent because of absence, illness or incapacity.

Dated this eleventh day of October 1988

*T. A. C. Coningsby
D. N. Cheetham
O. W. H. Clark
M. B. Goodman
J. F. M. Smallwood*

Approved by the General Synod the 8th day of November 1988

W. D. Pattinson
Secretary-General

APPENDIX

FORM 1

PATRONAGE (BENEFICES) MEASURE 1986 Schedule 1 paragraph 8
PATRONAGE (APPEALS) RULES 1988 Rule 3(1)
NOTICE OF APPEAL

Diocese of
Benefice of

TO the diocesan registrar

1. I, of , hereby give notice of my appeal under paragraph 8 of Schedule 1 to the above Measure against your decision in relation to the entries in the register of patrons for the above benefice, of which I was notified by you under paragraph 7 of that Schedule by a notice dated

2. The grounds of my appeal are as follows- (Continue on separate sheet if necessary)

3. I am lodging with you, with this notice, copies of the following documents on which I wish to rely- (Continue on separate sheet if necessary)

*Delete if inapplicable 4. I will lodge with you within fourteen days of the date of this notice copies of the following [*further] documents on which I wish to rely- (Continue on separate sheet if necessary)

5. I also wish to rely on any documents which or copies of which are already held by you.

*Delete if inapplicable *6. The solicitors acting for me on the appeal are of

*Delete as appropriate 7. The address for service upon me of documents relating to the appeal is [*c/o the solicitors named above] OR [*...] Dated

Signed (Signature of person giving notice or his solicitor on his behalf)

NOTE

A person who wishes to appeal against the decision of the diocesan registrar in relation to the entries in the register of patrons for a benefice must complete this form and lodge it with the registrar within twenty-eight days of the date of the notice of the registrar's decision.

FORM 2
PATRONAGE (BENEFICES) MEASURE 1986
PATRONAGE (APPEALS) RULES 1988 Rule 5(1)
NOTICE TO RESPONDENT OF LODGING OF APPEAL

Diocese of

Benefice of

TO of

I hereby give you notice that, by a notice of appeal dated ,
a copy of which is attached, of has
appealed against the decision in relation to the entries in the register of
patrons for the above benefice which is set out in the attached copy notice
dated

If you wish to respond to the appeal or any part of it, you should lodge
with me, within twenty-eight days of the date of service of this notice on
you, a respondent's notice in the form prescribed by the above rules. Two
copies of the form accompany this notice, and further copies are available
from me at the address given below.

Upon lodging a respondent's notice, you will become a party to the appeal
and may become liable for part or all of the costs of the appeal. You may
therefore wish to consider consulting a solicitor before lodging such a
notice.

The time and place of the hearing will be notified to you in due course.

Dated

Signed

Registrar

Address

.....

.....

FORM 3
 PATRONAGE (BENEFICES) MEASURE 1986
 PATRONAGE (BENEFICES) RULES 1988 Rule 5(2)
 RESPONDENT'S NOTICE

Diocese of
 Benefice of

TO the diocesan registrar

In relation to the notice of appeal by dated-

**Delete as appropriate* 1. I, of ,
 wish to oppose the appeal and to respond to [**the notice of appeal*] *OR*
 [**the part of the notice of appeal which relates to*
].

2. My response and the grounds of my response are as follows-

.....
 (Continue on separate sheet if necessary)

3. I am lodging with you, with this notice, copies of the following
 documents on which I wish to rely-

.....
 (Continue on separate sheet if necessary)

**Delete if inapplicable* 4. I will lodge with you within fourteen days of the date of this notice
 copies of the following [**further*] documents on which I wish to rely-

.....
 (Continue on separate sheet if necessary)

5. I also wish to rely on any documents which or copies of which are
 already held by you.

**Delete if inapplicable* *6. The solicitors acting for me in response to the appeal are
 of

**Delete as appropriate* 7. The address for service upon me of documents relating to the
 appeal is [**c/o the solicitors named above*] *OR* [**.....*]

Dated

Signed

NOTES

1. If a person on whom a notice of lodging of an appeal in Form 2 of the above Rules is served wishes to oppose the appeal, he should complete this form and lodge it with the diocesan registrar within twenty-eight days of service on him of the notice of lodging of the appeal.
2. If the person completing the form wishes to dispute any part of the notice of appeal, his grounds for doing so should be stated in paragraph 2. He may also use paragraph 2 to make any other comments he wishes on the notice of appeal.

FORM 4
PATRONAGE (BENEFICES) MEASURE 1986
PATRONAGE (APPEALS) RULES 1988 Rule 6
ANSWER

Diocese of
Benefice of

TO the diocesan registrar

In relation to my notice of appeal dated and to the
respondent's notice of dated

*Delete as I wish to make the following comments on [*the respondent's notice] or
appropriate [*the part of the respondent's notice which relates to]

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

Dated

Signed

(Signature of appellant or his solicitors on his behalf)

NOTE

If the appellant wishes to comment on a respondent's notice of which a copy has been served on him by the diocesan registrar, he or his solicitors should complete this form and lodge it with the diocesan registrar within fourteen days after service of the copy of the respondent's notice on him.

FORM 5
PATRONAGE (BENEFICES) MEASURE 1986
PATRONAGE (APPEALS) RULES 1988 Rule 10(3)
NOTICE TO INTERESTED PERSON OF LODGING OF APPEAL

Diocese of
Benefice of

TO of

I hereby give you notice that, by a notice of appeal dated
....., a copy of which is attached, of
..... has appealed against the decision in relation to the
entries in the register of patrons for the above benefice which is set out in
the attached copy notice dated

If you wish to make any observations on the notice of appeal or any part
of it, you should lodge with me, within twenty-eight days of receipt of this
notice, a statement of observations in the form prescribed by the above
rules. Two copies of the form accompany this notice and additional copies
are available from me at the address given below.

Dated

Signed

Registrar

Address

.....
.....

FORM 6
 PATRONAGE (BENEFICES) MEASURE 1986
 PATRONAGE (APPEALS) RULES 1988 Rule 10(4)
 STATEMENT OF OBSERVATIONS

Diocese of

Benefice of

TO the diocesan registrar

In relation to the notice of appeal by dated

*Delete if inapplicable of *Delete as appropriate of
 1. I/We, *and , wish to make observations on [*the notice of appeal] OR [*the part of the notice of appeal which relates to]

2. My/Our observations are as follows—

.....

(Continue on separate sheet if necessary)

*Complete if observations made by p.c.c. otherwise delete
 *3. These observations were approved by a meeting of the parochial church council of the parish of at a meeting held on A minute of that approval, indicating the voting figures, is attached to this form.

*Delete if inapplicable
 *4. I/We enclose copies of the following documents which are or may be relevant to the appeal—

.....

(Continue on separate sheet if necessary)

5. Any communications relating to the appeal should be sent to me/us at the following address

.....

Dated

Signed

NOTES

1. If an incumbent, a parochial church council (or churchwardens if there is no parochial church council) or any person or body whom the chancellor has directed should be an interested person, wishes to make any observations on the notice of appeal or any part of it, he/they should complete this form and return it to the diocesan registrar within twenty-eight days of receiving the copy of the notice of appeal from the diocesan registrar.

2. Where the observations are made by a parochial church council, the form should normally be signed by the secretary of the council.

