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STATUTORY INSTRUMENTS

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**2000 No. 2047**

**The Faculty Jurisdiction Rules 2000**

**PART IV**

**MATTERS WITHIN THE CHANCELLOR'S JURISDICTION**

**Objections to Petition**

**16.**—(1) Any interested person who wishes to object to a proposed faculty being granted for all or some of the works or other proposals shall at any time during the period of 28 days display of public notice of the petition required by rule 6(4) or such longer period as may be directed under rule 6(5)(d) write to the registrar and to the petitioners a letter of objection so as to arrive within the period of 28 days.

(2) In this rule “interested person”, in relation to a petition for a faculty, means—

- (a) any person who is resident in the ecclesiastical parish concerned and any person whose name is entered on the church electoral roll of the ecclesiastical parish concerned but who does not reside therein;
- (b) the archdeacon of the archdeaconry in which the parish concerned is situated;
- (c) the parochial church council;
- (d) the local planning authority for the area in which the church or place of worship is situated;
- (e) any national amenity society;
- (f) any other body designated by the chancellor for the purpose of the petition; and
- (g) any other person or body appearing to the chancellor to have a sufficient interest in the subject matter of the petition.

(3) Following receipt of a letter of objection from an interested person (whether as to all or some of the works or proposals) the registrar shall after the end of the period of display of the public notice inform the objector in writing that he may:

- (a) leave the chancellor to take the letter of objection into account in reaching a decision without the objector becoming a party in the proceedings, in which case a copy of the letter of objection will be sent to the petitioners to allow them to comment on it before the chancellor reaches a decision, or
- (b) send or deliver to the registrar formal written particulars of objection in Form No. 4 in Appendix C and thereupon become a party in the proceedings.

(4) The registrar shall in addition

- (i) inform the interested person that unless he chooses alternative (b) in paragraph (3) above, he will not be entitled to be heard at any hearing of the matter in open court in the consistory court which the chancellor may decide to hold, nor to make written representations if the proceedings are to be dealt with under rule 26, nor will he be a party to the proceedings for the purpose of any order for costs which may be made by the chancellor under section 60 of the Ecclesiastical Jurisdiction Measure 1963;

- (ii) inform the interested person that if he chooses alternative (b) in paragraph (3) above he will be entitled to participate in the proceedings at a hearing in the consistory court or in any disposal of the proceedings under rule 26 and that he will be a party to the proceedings for the purpose of any order for costs which may be made by the chancellor under section 60 of the Ecclesiastical Jurisdiction Measure 1963, and shall send him a brief statement in terms approved by the chancellor as to the principles which apply to costs in the consistory court; and
  - (iii) provide the interested person with a copy of Form No. 4 notifying him that if he chooses alternative (b) in paragraph 3 above he must send or deliver his completed Form No. 4 to arrive at the registry within 21 days of receipt of the letter of notification and form from the registrar and also serve a copy of his completed Form No. 4 on the petitioners within the same period of 21 days at such address as the registrar may direct, and
  - (iv) further inform the interested person that if no response and no Form No. 4 is received by the registrar within the period of 21 days as required by sub-paragraph (iii) above, he will be treated as having chosen the alternative course of action in paragraph (3)(a) and the matter will proceed accordingly.
- (5) Where any person has taken the course of action in paragraph (3)(a), or is to be treated as having done so under paragraph (4)(iv), then the registrar shall, after the expiry of the period of 21 days
- (a) forward a copy of any letter of objection to the petitioners for comment by them within 7 days, and
  - (b) not later than 7 days after expiry of the last date for comment, forward to the chancellor a copy of any letter of objection received under paragraph (1) above, together with any comments received from the petitioners.
- (6) On receipt of any letters or comments forwarded by the registrar under paragraph (5), the chancellor shall take them into account in reaching a decision on the petition, or in giving any directions in the proceedings.