
EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules are made under section 26 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991. They replace the Faculty Jurisdiction Rules 1992 which introduced various changes in procedure in conjunction with the implementation of the 1991 Measure. The general framework of the procedure established by the 1992 Rules is continued in these new Rules but some changes in procedure have been introduced.

Rules 3 to 6 concern various preliminary procedural matters relating to a petition for the grant of a faculty, in particular, the obtaining of advice from the Diocesan Advisory Committee, consultation with English Heritage, the National Amenity Societies and the Local Planning Authority in the case of a proposal to make significant changes to a listed church, the submission of a petition to the diocesan registry and the display of a public notice describing the works or proposals. Rule 3(4) provides the procedure where the proposal is for work to trees for which a faculty is required.

Rules 7 to 10 deal with matters which fall within the jurisdiction of the archdeacon, including the power in Rule 9 to licence the temporary re-ordering of a church for a period of up to 15 months. Rule 11 sets out the procedure for the maintenance of a register of petitions by the secretary of the Diocesan Advisory Committee.

Rules 12 to 27 deal with matters which fall within the jurisdiction of the chancellor. In particular, they provide for specific bodies to be specially notified in relation to faculties in certain cases (Rule 13(3)), for advice to be sought from the Council for the Care of Churches (Rule 15), and for objectors to choose between having a letter of objection taken into account by the chancellor or becoming a formal party to the proceedings. The chancellor has extensive power to give directions having regard to all the circumstances of the case (and with particular reference to the desirability of minimising dispute) (Rule 19).

Rules 28 to 38 contain miscellaneous and general provision including the procedure applicable when an archdeacon makes an order for the removal of an article to a place of safety under section 21 of the 1991 Measure.

Appendix A lists the specific faculty matters over which the archdeacon has jurisdiction. Appendix B sets out the criteria for consultation with English Heritage, the National Amenity Societies and the Local Planning Authority. Appendix C contains the forms and notices specified in the Rules.