
STATUTORY INSTRUMENTS

2015 No. 1568

The Faculty Jurisdiction Rules 2015

PART 22

Destination of appeals and permission to appeal

Appeals from consistory courts

22.1.—(1) This rule explains—

- (a) the destination of an appeal from a judgment, order or decree of a consistory court—
 - (i) in faculty proceedings, or
 - (ii) in proceedings for an injunction or a restoration order; and
- (b) whether permission to appeal is needed.

(2) The appeal lies to the provincial court unless the appeal to any extent relates to matter involving doctrine, ritual or ceremonial.

(3) The appeal lies to the Court of Ecclesiastical Causes Reserved if the appeal to any extent relates to matter involving doctrine, ritual or ceremonial.

(4) Rules 23.1 and 23.2 make provision for determining whether an appeal relates to any extent to matter involving doctrine, ritual or ceremonial.

(5) An appellant who wishes to appeal to the provincial court under paragraph (2) needs permission to appeal. (See rule 22.2 and Part 23.)

(6) Permission is not needed to appeal to the Court of Ecclesiastical Causes Reserved under paragraph (3).

Test for permission to appeal to provincial courts

22.2. Permission to appeal to a provincial court may be granted only where the judge to whom the application for permission to appeal is made considers that—

- (a) the appeal would have a real prospect of success; or
- (b) there is some other compelling reason why the appeal should be heard.

Appeals from provincial courts

22.3.—(1) An appeal from a judgment of a provincial court in faculty proceedings (but not in proceedings for an injunction or restoration order) lies to the Judicial Committee of the Privy Council (“the Judicial Committee”).

(2) An appellant needs permission from the Judicial Committee to bring an appeal under paragraph (1).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(3) The procedure for appeals to the Judicial Committee (including the procedure for obtaining permission to appeal) is governed by the Judicial Committee (Appellate Jurisdiction) Rules 2009(1).

(4) An appellant who applies to the Judicial Committee for permission to bring an appeal must at the same time file a copy of the application for permission and the proposed grounds of appeal with the registrar of the provincial court.

Review of findings of the Court of Ecclesiastical Causes Reserved

22.4.—(1) A finding of the Court of Ecclesiastical Causes Reserved may be reviewed by a Commission of Review.

(2) Permission is not needed to file a petition seeking a review under paragraph (1).

(3) Part 26 makes provision for the procedure to be followed in seeking a review of a finding of the Court of Ecclesiastical Causes Reserved by a Commission of Review.

(1) Contained in the Schedule to The Judicial Committee (Appellate Jurisdiction) Rules Order 2009 (S.I. 2009/224). Relevant amendments were made by the Judicial Committee (Appellate Jurisdiction) Rules (Amendment) Order 2013 (S.I. 2013/246).