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 STATUTORY INSTRUMENTS
 

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**2023 No.****ECCLESIASTICAL LAW, ENGLAND****The Faculty Jurisdiction (Amendment) Rules 2023**

*Made (approved by the General Synod)* \*\*\*

*Laid before Parliament* \*\*\*

*Coming into force* \*\*\*

The Rule Committee, in exercise of the powers conferred by section 83(1) and (2) of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018(a), makes the following Rules:

**Citation, commencement and interpretation**

- 1.—(1) These Rules may be cited as the Faculty Jurisdiction (Amendment) Rules 2023.  
 (2) These Rules come into force on 1st January 2024.  
 (3) In these Rules, a reference to a numbered rule is a reference to a the rule so numbered in the Faculty Jurisdiction Rules 2015(b).

**Guidance in relation to monuments etc. conflicting with role of church**

2.—(1) In rule 4.2 (documents etc. to be submitted to Diocesan Advisory Committee), in paragraph (2), after sub-paragraph (b) insert—

“(ba) where proposals involve the movement, removal or alteration of a statue, plaque, memorial, monument or other article because it is considered to conflict with the role of a church as a local centre of worship and mission, an explanation of how the intending applicants, in formulating the proposals, have had due regard to guidance issued for the purposes of this sub-paragraph by the Church Buildings Council under section 55 of the Dioceses, Pastoral and Mission Measure 2007;”.

(2) In rule 4.9 (notification of advice), after paragraph (7A) insert—

“(7B) In the case of works or proposals involving the movement, removal or alteration of a statue, plaque, memorial, monument or other article because it is considered to conflict with the role of a church as a local centre of worship and mission, the Committee’s advice must include a statement of—

- (a) whether, in its opinion, the explanation under rule 4.2(2)(ba) is adequate, and  
 (b) if its opinion is that the explanation is not adequate, its reasons for that opinion.”.

(3) In rule 5.5 (documents to accompany faculty petition) after paragraph (3) insert—

“(3A) Where a petition seeks a faculty for the movement, removal or alteration of a statue, plaque, memorial, monument or other article because it is considered to conflict with

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(a) 2018 No. 3.

(b) S.I. 2015/1568. Relevant amendments have been made by the Ecclesiastical Jurisdiction and Care of Churches Measure 2018, S.I. 2019/1184 and S.I. 2022/155.

the role of a church as a local centre of worship and mission, an explanation of how the petitioner, in formulating the proposals, has had due regard to guidance issued for the purposes of rule 4.2(2)(ba) by the Church Buildings Council under section 55 of the Dioceses, Pastoral and Mission Measure 2007 must be submitted with the petition.”.

### **Chancellor’s reasons to state how guidance taken into account**

3. In rule 7.3 (reasons for grant of faculty or dismissal of petition), after paragraph (2) insert—
- “(3) Reasons under paragraphs (1) or (2) must identify any relevant guidance issued by the Church Buildings Council under section 55 of the Dioceses, Pastoral and Mission Measure 2007 and state how the chancellor has taken it into account in determining the petition.”

### **Correction of reference**

4. In rule 5.5(3)(g), for “mentioned in rule 4.5(6)” substitute “consulted under rule 4.5 or 4.6”

### **Transitional provisions**

5.—(1) The amendments made to rules 4.2 and 4.9 (consultation with Diocesan Advisory Committee etc.) by rule 2(1) and (2) of these Rules do not apply to works or proposals in respect of which intending applicants have sought the advice of the Diocesan Advisory Committee under Part 4 of the Faculty Jurisdiction Rules 2015 before 1st January 2024.

(2) The amendment made to rule 5.5 (documents to accompany faculty petition) by rule 2(3) of these Rules does not apply to proceedings in a consistory court started before 1st January 2024.

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These Rules were approved by the General Synod on

*A.S. McGregor*  
Registrar of the General Synod

### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

These Rules amend the Faculty Jurisdiction Rules 2015 (S.I. 2015/1568) (“the 2015 Rules”).

Rule 2 provides that persons proposing the movement, removal or alteration of a statue, plaque, memorial, monument or other article because it is considered to conflict with the role of a church as a local centre of worship and mission must, as part of the procedure, provide an explanation of how they have had due regard to guidance issued by the Church Buildings Council.

Rule 3 provides that in giving reasons for granting or refusing a faculty, the chancellor must state how any relevant guidance issued by the Church Buildings Council has been taken into account.

Rule 4 corrects a cross reference in the 2015 Rules.

Rule 5 contains transitional provisions.