



Statutory Document No. 2016/0231

CARE OF CHURCHES AND ECCLESIASTICAL JURISDICTION MEASURE 1991

**FACULTY JURISDICTION RULES (ISLE OF MAN) 2016**

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Statutory Document No. 2016/0231

CARE OF CHURCHES AND ECCLESIASTICAL JURISDICTION MEASURE 1991

**FACULTY JURISDICTION RULES (ISLE OF MAN) 2016**

*Approved by Sodor and Man  
Diocesan Synod*

*6th July 2016*

*Coming into operation*

*1 August 2016*

The Legislative Committee of the Sodor and Man Diocesan Synod makes these Rules under sections 14(7), 15(4), 18B, 21(4) and 26 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991, as it has effect in the Isle of Man.

**PART 1**

**Overriding objective**

**1.1 Overriding objective**

- (1) The overriding objective of these Rules is to enable the court to deal with cases justly.
- (2) Dealing with a case justly includes, so far as practicable —
  - (a) ensuring that the parties are on an equal footing;
  - (b) saving expense;
  - (c) dealing with the case in ways that are proportionate to the importance of the case and the complexity of the issues; and
  - (d) ensuring that it is dealt with expeditiously and fairly.

**1.2 Application by the court of the overriding objective**

The court must seek to give effect to the overriding objective when it —

- (a) exercises any power given to it by these Rules; or
- (b) interprets any rule.

**1.3 Duty of the parties**

The parties are required to help the court further the overriding objective.

**1.4 Court's duty to manage cases**

- (1) The court must further the overriding objective by actively managing cases.
- (2) Active case management includes —
  - (a) encouraging the parties and any other persons concerned in the proceedings to co-operate with one another —
    - (i) in the conduct of the proceedings, and

- (ii) in resolving, as far as possible, matters that are in dispute between them;
- (b) identifying the issues at an early stage;
- (c) deciding promptly which issues (if any) need full investigation and a hearing in court and accordingly disposing of others summarily or on consideration of written representations;
- (d) deciding the order in which issues are to be resolved;
- (e) fixing timetables or otherwise controlling the progress of the case;
- (f) considering whether the likely benefits of taking a particular step justify the cost of taking it;
- (g) dealing with as many aspects of the case as the court can on the same occasion;
- (h) dealing with the case without the parties needing to attend court;
- (i) making effective use of technology; and
- (j) giving directions to ensure that the resolution of a case proceeds quickly and efficiently.

### **1.5 Case management powers**

The court's case management powers are set out in Part 18.

## **PART 2**

### **Application and interpretation of the Rules**

#### **2.1 Application of the Rules**

- (1) Parts 1, 2 and 4 to 20 and Schedule 2 apply to proceedings in the court relating to—
  - (a) the faculty jurisdiction;
  - (b) injunctions; and
  - (c) restoration orders.
- (2) Part 3 and Schedule 1 make provision for certain matters within the jurisdiction of the court to be undertaken without a faculty.
- (3) Part 21 applies to appeals relating to proceedings of a kind mentioned in paragraph (1).

#### **2.2 Interpretation**

- (1) In these Rules —

"applicant" means a person who starts faculty proceedings by submitting an application to the court;

"the Archdeacon" means the Archdeacon of Man or, where an instrument made under section 9(1) of the Church of England (Miscellaneous Provisions) Measure 1983 is in force, the person appointed to perform the functions of the Archdeacon to which these Rules relate;

"the Vicar General" means the Vicar General and Chancellor of the diocese of Sodor and Man;

"church" includes—

(a) any building which is licensed for public worship according to the rites and ceremonies of the Church of England and is subject to the faculty jurisdiction, and

(b) the curtilage of a church unless the contrary intention appears;

"churchyard" includes a consecrated burial ground not adjacent to the church;

"costs" includes—

(a) fees, charges, disbursements, expenses and remuneration, and

(b) any costs and expenses which a person may be ordered to pay under section 13(1) of the Measure;

"the DAC" means the Sodor and Man Diocesan Advisory Committee for the Care of Churches;

"exhumation" includes the removal of a body (or part of a body) or of cremated human remains from a catacomb, mausoleum, vault or columbarium;

"injunction" means an injunction issued under section 13(4) of the Measure;

"intending applicant" means a person who intends to start proceedings in the court for a faculty, injunction or restoration order;

"interim faculty" means a faculty issued under Part 15;

"Manx National Heritage" means the Manx Museum and National Trust;

"the Measure" means the Care of Churches and Ecclesiastical Jurisdiction Measure 1991;

"minister", in relation to a parish, has the same meaning as in the Measure;

"party opponent" means a person who to any extent opposes the grant of a faculty and who has become a party to the proceedings;

"registered building" means a building entered in the Protected Buildings Register;

"the registrar" means the Diocesan Registrar;

"the registry" means the diocesan registry;

"restoration order" means an order made under section 13(5) of the Measure.

- (2) References in these Rules to a Measure or a provision of a Measure are to the Measure or provision as it has effect in the Isle of Man.
- (3) A reference in these Rules to a numbered form is a reference to the form bearing that number in Schedule 2.
- (4) For the purposes of these Rules, faculty proceedings are opposed only if there is a party opponent to the proceedings, and references to an application or to proceedings being opposed or unopposed are to be construed accordingly.

### **2.3 Time**

- (1) This rule shows how to calculate any period of time for doing any act which is specified by these Rules.
- (2) A period of time expressed as a number of days shall be computed as clear days.
- (3) In this rule 'clear days' means that in computing the number of days—
  - (a) the day on which the period begins; and

- (b) if the end of the period is defined by reference to an event, the day on which that event occurs,  
are not included.
- (4) Where the specified period is—
  - (a) 5 days or less; and
  - (b) includes—
    - (i) a Saturday or Sunday; or
    - (ii) a Bank Holiday, Christmas Day or Good Friday,  
that day does not count.
- (5) When the period specified by these Rules for doing any act in respect of the registry or registrar ends on a day on which the registry is closed, that act shall be in time if done on the next day on which the registry is open.

### PART 3

#### Matters not requiring a faculty

#### **3.1 Scope and interpretation**

- (1) Rule 3.2 and Schedule 1 provide for the matters prescribed in List A to be undertaken without a faculty.
- (2) Rule 3.3. and Schedule 1 provide for the matters prescribed in List B to be undertaken without a faculty.
- (3) Rule 3.4 provides for additional matters prescribed by the Vicar General to be undertaken without a faculty.
- (4) Rules 3.2 to 3.4 are subject to rules 3.5 to 3.7 (which exclude certain matters from being undertaken without a faculty and make other supplementary provision).
- (5) In this Part "authorised person" means—
  - (a) a person acting on behalf of the minister and churchwardens of the parish concerned (or, if there is no minister, on behalf of the churchwardens); or
  - (b) a person designated by the Vicar General in respect of a parish or other place for the purposes of this Part.
- (6) For the purposes of Schedule 1 and work to an electrical installation or electrical equipment, "accredited certification scheme" means a scheme of product conformity certification for industrial and commercial electrical work which applies to the work that is to be carried out and which is accredited by the United Kingdom Accreditation Service (UKAS).
- (7) If another body is appointed in the United Kingdom as the national accreditation body for the purposes of Article 4(1) of Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9th July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93, the reference in paragraph (6) to UKAS is to be read as a reference to that body.

#### **3.2 Undertaking matters in List A without a faculty**

An authorised person may undertake any matter prescribed in the first column of Table 1 in Schedule 1 ("List A") without a faculty subject to any conditions that are



specified in relation to that matter in the corresponding place in the second column of the Table.

### **3.3 Undertaking matters in List B without a faculty**

- (1) An authorised person may undertake any matter prescribed in the first column of Table 2 in Schedule 1 ("List B") without a faculty —
  - (a) if the Archdeacon has been consulted on the proposal to undertake the matter and has given notice in writing that it may be undertaken without a faculty; and
  - (b) subject to —
    - (i) any conditions that are specified in relation to that matter in the corresponding place in the second column of Table 2; and
    - (ii) any additional conditions imposed by the Archdeacon under paragraph (2)(b).
- (2) Where the Archdeacon is consulted under paragraph (1)(a) on the proposal to undertake a matter, the Archdeacon —
  - (a) must seek the advice of the DAC or such of its members or officers as the Archdeacon thinks fit before deciding whether to give notice that it may be undertaken without a faculty; and
  - (b) may make the undertaking of the matter subject to additional conditions specified by the Archdeacon in the notice.
- (3) A notice given by the Archdeacon under paragraph (1)(a) must specify the proposals which may be undertaken without a faculty.
- (4) The Archdeacon must retain a copy of every notice given under paragraph (1)(a) and must also send a copy to —
  - (a) the registrar for filing in the registry; and
  - (b) the secretary of the DAC.
- (5) If the Archdeacon declines to give notice under paragraph (1)(a) that a proposal may be undertaken without a faculty the Archdeacon must inform the applicants that they may, if they wish, apply to the court for a faculty to authorise the proposal.
- (6) If the Archdeacon is the incumbent or priest in charge of a benefice where it is proposed to undertake a matter that is prescribed in List B, references in this rule to the Archdeacon are to be read as if they were references to the Vicar General.

### **3.4 Additional matters which may be undertaken without a faculty**

- (1) An order made by the Vicar General under section 18C(1) of the Measure (which provides that, in addition to the matters prescribed in List A and List B, any matter specified in the order may be undertaken without a faculty) is known as "an additional matters order".
- (2) The registrar must —
  - (a) register every additional matters order (or order that varies or revokes an additional matters order) in the registry;
  - (b) arrange for its publication on the diocesan website;
  - (c) send a copy to —
    - (i) the Archdeacon; and
    - (ii) the secretary of the DAC.

- (3) Where the Vicar General has made an additional matters order, any matter specified in the order may be undertaken without a faculty; but subject to paragraph (4).
- (4) Where an additional matters order specifies conditions in relation to a matter (including any condition as to who may undertake the matter), the matter may be undertaken without a faculty only if those conditions are complied with.

### **3.5 Excluded matters — general**

- (1) Rules 3.2 to 3.4 do not permit the undertaking of any of the following matters—
  - (a) any works which involve alteration to or the extension of a registered building to such an extent as would be likely to affect its character as a building of special architectural or historic interest;
  - (b) any works which are likely to affect the archaeological importance of a building or any archaeological remains within a building or its curtilage;
  - (c) any works in respect of all or part of which the consent of the Manx Museum and National Trust is required under section 12 of the Manx Museum and National Trust Act 1959 (an Act of Tynwald);
  - (d) any works which involve extension, demolition or partial demolition of a building, or the erection of a new building;
  - (e) any matter which gives rise to a question of law or of doctrine, ritual or ceremonial or which would, if undertaken, affect the legal rights of any person;
  - (f) the exhumation or other disturbance of human remains;
  - (g) the reservation of a grave space;
  - (h) the sale or other disposal of any article of architectural, archaeological, artistic or historic interest;
  - (i) the sale of any book remaining in or belonging to a library referred to in section 18B(7)(i) of the Measure;
  - (j) the introduction of an aumbry or any other receptacle used for the reservation of the sacrament of Holy Communion; or
  - (k) the introduction of, or the carrying out of any work to, a monument of the kind referred to in section 3 of the Faculty Jurisdiction Measure 1964.
- (2) The reference in paragraph (1)(e) to a matter affecting the legal rights of a person does not include a reference to the grant of a licence for the grazing of a churchyard by livestock.
- (3) Where it is proposed to undertake a matter which falls within paragraph (1) a faculty (or an interim faculty under Part 15) must be sought.

### **3.6 Excluded matters orders**

- (1) An order made by the Vicar General under section 18C(3) of the Measure (which provides, in respect of a parish, church, churchyard or other building or place in the diocese, that a matter specified in the order may not be undertaken without a faculty even though it is prescribed in List A or List B) is known as "an excluded matters order".
- (2) The registrar must —
  - (a) register every excluded matters order (or order that varies or revokes an excluded matters order) in the registry;
  - (b) arrange for its publication on the diocesan website;

- (c) send a copy to —
  - (i) the minister and churchwardens of any parish affected by the order;
  - (ii) the Archdeacon; and
  - (iii) the secretary of the DAC.
- (3) Any churchwardens who are sent a copy of an excluded matters order (or order that varies or revokes an excluded matters order) by the registrar of the diocese must keep it with the inventory, and insert a copy in the log book, maintained by them under section 4(1) of the Measure.
- (4) Where the Vicar General has made an excluded matters order and it is proposed to undertake a matter specified in the order in respect of the parish, church, churchyard or other building or place in the diocese to which the order relates, a faculty (or an interim faculty under Part 15) must be sought.

### **3.7 Supplementary**

- (1) The fact that a matter may be undertaken without a faculty under this Part does not remove that matter from the jurisdiction of the court.
- (2) The court may accordingly give any judgment, grant any faculty or make any order or decree (including making the grant of a faculty subject to a condition) in respect of that matter as it might give, grant or make in respect of any other matter which is within the jurisdiction of the court.
- (3) A matter may not be undertaken without a faculty under this Part if undertaking that matter would be in breach of —
  - (a) any condition subject to which a faculty has been granted,
  - (b) the terms of any injunction or restoration order, or
  - (c) the terms of any undertaking given to the court.
- (4) Any question as to whether a particular matter is or is not a matter that may be undertaken without a faculty under this Part is to be determined by the court.
- (5) The determination may be made by the court on its own initiative or on the application of—
  - (a) an authorised person,
  - (b) in the case of a matter specified in an additional matters order, a person who may undertake the matter under the order, or
  - (c) the Archdeacon.
- (6) The court will determine the question without a hearing on consideration of such written representations (if any) as the court thinks fit unless the court orders that the question be determined at a hearing.

## **PART 4**

### **Seeking advice prior to commencement of proceedings**

#### **4.1 Seeking the advice of the DAC**

- (1) Before starting proceedings in the court, intending applicants should seek the advice of the DAC on the works or other proposals in respect of which a faculty, injunction or restoration order is to be sought unless paragraph (2) applies.
- (2) The advice of the DAC is not required if the proceedings —

- (a) relate exclusively to exhumation, or
- (b) are sufficiently urgent to justify the grant of a faculty, the issue of an injunction or the making of a restoration order without obtaining the Committee's advice.

#### **4.2 Documents etc. to be submitted to the DAC**

- (1) Intending applicants must submit the following to the DAC when seeking its advice —
  - (a) the standard information in Form 1 (but see paragraph (2));
  - (b) a summary of the works or other proposals on which advice is being sought;
  - (c) any relevant designs;
  - (d) any relevant plans;
  - (e) any relevant photographs;
  - (f) a copy of any planning approval granted in respect of the works or other proposals;
  - (g) a copy of any registered building consent granted in respect of the works or other proposals;
  - (h) any advice or other material obtained by the intending applicants relating to the environmental implications of the works or other proposals;
  - (i) any other documents giving particulars of the works or other proposals.
- (2) If the intending applicants have previously submitted the standard information required by paragraph (1)(a) to the DAC they need not do so again unless the information that was previously submitted has changed.

#### **4.3 Proposals involving changes to registered buildings: statements of significance and needs**

- (1) Where proposals involve making changes to a registered building intending applicants must provide the DAC with—
  - (a) a document (a "statement of significance") which describes —
    - (i) the significance of the building in terms of its special architectural and historic interest (including any contribution made by its setting) and
    - (ii) any significant features of artistic or archaeological interest that the building has so as to enable the potential impact of the proposals on its significance, and on any such features, to be understood; and
  - (b) a document (a "statement of needs") setting out the justification for the proposals.
- (2) If proposals are likely to result in harm to the significance of the building as a building of special architectural or historic interest, the statement of needs must set out the basis on which it is said that the proposals would result in public benefit that outweighs that harm.

#### **4.4 Giving of DAC's advice**

- (1) In the case of works or other proposals in respect of which a faculty is to be sought, the DAC's advice must be given in a notification of advice in Form 2.
- (2) The notification of advice must state whether the DAC —
  - (a) recommends the works or proposals for approval by the court;

- (b) does not recommend the works or proposals for approval by the court; or
  - (c) does not object to the works or proposals being approved by the court.
- (3) If the notification of advice recommends the works or proposals for approval by the court it must include a statement that the advice does not constitute authority for carrying out the works or other proposals and that a faculty is required.
- (4) If the notification of advice does not recommend the works or proposals for approval by the court it must include —
- (a) the Committee's principal reasons for giving that advice; and
  - (b) a statement that despite the Committee's advice, the intending applicants may, if they wish, application the court for a faculty authorising the works or other proposals.
- (5) If the notification of advice does not object to the works or proposals being approved by the court —
- (a) the Committee must consider whether to include its principal reasons for giving that advice; and
  - (b) the notification of advice must include a statement that the advice does not constitute authority for carrying out the works or other proposals and that a faculty is required.
- (6) A notification of advice may include a recommendation that the intending applicants should consult any of the following about all or some of the works or other proposals on which the advice of the DAC has been sought —
- (a) Manx National Heritage;
  - (b) the Department of Infrastructure;
  - (c) any other body or person.
- (7) In the case of works or other proposals in respect of which an injunction or restoration order is to be sought —
- (a) the Committee's advice must be given in the form of a report or letter; and
  - (b) paragraph (6) applies to that report or letter as it applies to a notification of advice given under paragraph (1).

#### **4.5 Interim faculties and interim injunctions and restoration orders**

This Part is without prejudice to the court's power at any time to grant an interim faculty under Part 15 or an interim injunction or interim restoration order under rule 16.6.

### **PART 5**

#### **Faculty proceedings — parties and commencement**

##### **5.1 Parties to proceedings**

- (1) The parties to faculty proceedings are —
- (a) the applicant (or applicants);
  - (b) any party opponent; and
  - (c) any person added as a party by the court by way of special citation.
- (2) Rule 5.2 explains how to start faculty proceedings.

- (3) Rules 9.5 and 10.4 make provision for a person to become a party opponent.
- (4) Rule 19.4 makes provision for the addition of a person as a party by way of special citation.

## **5.2 How to start faculty proceedings — the application**

- (1) Proceedings for obtaining a faculty are started by submitting an application to the court.
- (2) An application may be submitted by—
  - (a) the Archdeacon;
  - (b) the minister and churchwardens of the parish concerned; or
  - (c) any other person appearing to the court to have a sufficient interest in the matter.
- (3) An application is submitted to the court by sending it to the registry.
- (4) The fact that the applicant has not complied with rule 4.1(1) (which makes provision for intending applicants to seek the advice of the DAC) does not prevent proceedings for obtaining a faculty from being started.
- (5) Paragraph (4) is without prejudice to rule 7.2 (which makes provision for the Vicar General to seek the advice of the DAC).

## **5.3 Form of application**

- (1) The application must be in Form 3 except in a case to which paragraph (2) applies.
- (2) Where a faculty is sought —
  - (a) for exhumation,
  - (b) in relation to a memorial in a churchyard or consecrated burial ground,the application must be in a form approved for that purpose by the Vicar General under rule 20.6(2).

## **5.4 Content of application**

- (1) The works or other proposals in respect of which a faculty is sought must be fully and accurately stated in the schedule of works or proposals contained in the application (or, in the case of an application which is not required to be in Form 3, in the relevant part of the application).
- (2) The works or other proposals must be the same as those in respect of which the DAC has given any advice under rule 4.6, subject to any modifications to the works or proposals that have been made in order to take account of advice received by the applicant under Part 4.
- (3) Where modifications have been made to the works or proposals in order to take account of advice received by the applicant, the modifications must be described in the application.
- (4) Where it is proposed to dispose of any article, details of the proposal must be given in the application.

## **5.5 Documents etc. to accompany application**

- (1) The standard information in Form 1 must be submitted with the application.
- (2) The following must also be submitted with every application —

- (a) the DAC's notification of advice (except in a case to which rule 4.1(2) or 5.2(4) applies);
  - (b) any relevant designs;
  - (c) any relevant plans;
  - (d) any relevant photographs;
  - (e) a copy of any planning approval granted in respect of the works or other proposals;
  - (f) a copy of any registered building consent granted in respect of the works or other proposals;
  - (g) any advice or other material relating to the environmental implications of the works or other proposals;
  - (h) any other documents giving particulars of the works or other proposals; and
  - (i) copies of any relevant correspondence received from a body mentioned in rule 4.5(6).
- (4) Where an application seeks a faculty to authorise the demolition or partial demolition of a church under section 17(2) or (3) of the Measure, the written consent of the Bishop to the proceedings being brought must also be submitted with the application.

#### **5.6 Register of applications**

- (1) The registrar must notify the secretary of the DAC of the details of every application submitted to the court for which the advice of the Committee is required under these Rules.
- (2) Notification must be in Form 11.
- (3) The secretary of the DAC must enter the details notified in the register of applications maintained on behalf of the Committee.

#### **5.7 Display of application and associated documents etc. in church**

- (1) Where changes to a church or other building are proposed a copy of the application and of any designs, plans, photographs and other documents that were submitted with it must be displayed —
  - (a) in the church or building to which the works or other proposals relate; or
  - (b) at another place where they may conveniently be inspected by the public and which is identified in a notice displayed both inside and outside the church or the building.
- (2) The application, designs, plans photographs and other documents must remain on display until the application has been determined.
- (3) The Vicar General or registrar may direct that paragraphs (1) and (2) are not to apply in a particular case.

### **PART 6**

#### **Public Notice**

##### **6.1 Requirement for public notice**

- (1) Subject to paragraphs (2) and (3), every application for a faculty is subject to the requirements of rules 6.2 to 6.5 as to the giving of public notice.

- (2) Rule 6.6 (exhumation, reservation of grave space and other special cases) makes special provision which applies instead of the requirements of rules 6.2 to 6.5.
- (3) The Vicar General may dispense with the giving of public notice in accordance with rule 6.7.

## **6.2 Form of public notice**

- (1) The public notice must be in Form 4.
- (2) The public notice must —
  - (a) describe the works or other proposals in the same way as they are described in the schedule of works or proposals in the application; and
  - (b) contain the other details required by Form 4.

## **6.3 Display of public notice etc.**

- (1) Not later than the day on which the application is sent to the registry (or on a later day if the Vicar General so directs) the applicant must —
  - (a) display the public notice in accordance with paragraph (2); and
  - (b) send a copy of the public notice to the registry.
- (2) The public notice must be displayed as follows —
  - (a) it must be displayed for a continuous period of 28 days;
  - (b) in the case of an application relating to a parish church or its churchyard, it must be displayed at the parish church;
  - (c) in the case of an application relating to a church or place of worship, or any churchyard belonging to it, which is not a parish church, it must be displayed at the church or place of worship and also at the parish church (or each of the parish churches) of the parish;
  - (d) in the case of an application relating to any other churchyard or consecrated burial ground, it must be displayed at the parish church (if any) and at the churchyard or burial ground in question;
  - (e) where the public notice is displayed in accordance with paragraphs (b) or (c) it must be displayed —
    - (i) inside the church on a notice board or in some other prominent position; and
    - (ii) on a notice board outside the church or in some other prominent position (whether on the church door or elsewhere) so that it can be read by the public;
  - (f) where the public notice is displayed in accordance with paragraph (d) it must be displayed on a notice board outside the parish church (if any) and on a notice board or other suitable place at the churchyard or burial ground in question so that it can be read by the public.

## **6.4 Directions by registrar as to public notice**

If the registrar considers that any of the following apply the registrar must give directions to the applicant to meet the circumstances of the case —

- (a) the works or proposals are not adequately described in the public notice;



- (b) a copy of the public notice should be displayed inside or outside any other church or place of worship in the parish concerned;
- (c) a copy of the public notice should be displayed in some prominent position elsewhere in the parish concerned (whether inside or outside a building) so that it can be read by the public;
- (d) a copy of the public notice should be displayed in a place or places other than or in addition to those specified in rule 6.3(3)(b);
- (e) the public notice should be displayed for longer than 28 days.

#### **6.5 Return of public notice to registrar**

Once the period of 28 days required by rule 6.3(2)(a), or such longer period as may have been directed under rule 6.4, has expired the applicant must send to the registrar the public notice (or a copy of the public notice) with a completed certificate of publication.

#### **6.6 Exhumation, reservation of grave space and other special cases**

- (1) Paragraph (2) applies where —
  - (a) an application relates exclusively to exhumation and the Vicar General does not dispense with the giving of public notice under paragraph (3) or (4), or
  - (b) the applicant is not the minister, a churchwarden or a parochial church council (or a person acting on its behalf).
- (2) Where this paragraph applies the registrar must —
  - (a) complete the public notice; and
  - (b) give directions for the display and return of the public notice in accordance with any directions in that regard given by the Vicar General or otherwise as the registrar thinks fit having regard to the matters in rule 6.4(b) to (d).
- (3) In the case of an application that relates exclusively to exhumation, the Vicar General may dispense with the giving of public notice if satisfied that any near relatives of the deceased still living and any other persons who in the opinion of the Vicar General it is reasonable to regard as being concerned with the matter —
  - (a) are applicants; or
  - (b) consent to the proposed faculty being granted.
- (4) In any other case of an application that relates exclusively to exhumation, the Vicar General may dispense with the giving of public notice and may direct that any of the persons referred to in paragraph (3) who are not applicants be given special notice.

#### **6.7 Emergencies etc. — dispensing with giving of public notice**

- (1) An order may be made under this rule in any case where the Vicar General is satisfied —
  - (a) that the application is concerned with addressing an emergency that involves interests of safety or health, or the preservation of a church or part of it, and is of sufficient urgency to justify the grant of a faculty without the giving of public notice under rules 6.1 to 6.6; or
  - (b) that other factors mean that it would not be expedient to require the giving of public notice under those rules.
- (2) An order made under this rule may —

- (a) dispense with the giving of public notice under those rules; and
- (b) having regard to all the circumstances, contain directions for a specified period of notice to be given to such persons or bodies as the Vicar General thinks fit.

### **6.8 Interim faculties**

This Part is without prejudice to the court's power at any time to grant an interim faculty under Part 15.

## **PART 7**

### **Vicar General's jurisdiction**

#### **7.1 Jurisdiction of consistory court exercised by Vicar General**

The jurisdiction of the court is to be exercised by the Vicar General (except as otherwise provided by these Rules).

#### **7.2 Vicar General to seek advice of DAC**

- (1) Unless paragraph (2) or (3) applies, the Vicar General must seek the advice of the DAC before —
  - (a) making a final determination in faculty proceedings;
  - (b) issuing a permanent injunction; or
  - (c) making a restoration order.
- (2) If the DAC has given its advice under rule 4.5 in respect of the works or other proposals not more than 24 months before the submission of the application or application, the Vicar General may proceed to do any of the things mentioned in paragraph (1)(a) to (c) without seeking further advice from the Committee.
- (3) The Vicar General may proceed to do any of the things mentioned in paragraph (1)(a) to (c) without seeking the advice of the DAC if—
  - (a) the proceedings relate exclusively to exhumation; or
  - (b) the Vicar General is satisfied that the matter is sufficiently urgent to justify the grant of a faculty, the issue of an injunction or the making of a restoration order without obtaining the Committee's advice.
- (4) This rule is without prejudice to the court's power at any time to grant an interim faculty under Part 15 or an interim injunction or interim restoration order under rule 16.6.

#### **7.3 Reasons for grant of faculty or dismissal of application**

- (1) Where an unopposed application gives rise to a question of law or of doctrine, ritual or ceremonial or relates to proposals that affect the legal rights of any person or body, and the Vicar General decrees the grant of a faculty but does not give judgment in court or hand down a written judgment, the Vicar General must record in summary form the reasons for granting the faculty.
- (2) Where a faculty is granted in opposed proceedings or where in any proceedings an application is dismissed (in whole or in part) the Vicar General must give a judgment in court or hand down a written judgment which contains the reasons for the grant or dismissal.

**7.4 Issue of faculty**

- (1) If the Vicar General decrees the grant of a faculty the registrar must, subject to any directions given by the Vicar General, issue the faculty in Form 7.
- (2) If a faculty is granted subject to conditions they must be set out in the faculty.
- (3) The registrar must send the faculty to the applicant.
- (4) The registrar must also send the applicant a certificate of practical completion of works in Form 8 unless the Vicar General directs otherwise.

PART 8

Archdeacon's jurisdiction

**8.1 Removal of article to place of safety**

- (1) Where the Archdeacon is of the opinion that an article should be removed to a place of safety immediately, an order made by the Archdeacon under section 21 of the Measure must be in Form 12.
- (2) In any other case where an Archdeacon is considering making an order under section 21 of the Measure —
  - (a) the notice required by section 21(2) must be in Form 13; and
  - (b) if the Archdeacon makes an order, it must be in Form 14.

**8.2 Temporary minor re-ordering**

- (1) On the application of the minister and the parochial church council an Archdeacon may give a licence in Form 9 authorising a scheme of temporary minor re-ordering of a church (including its fixtures and fittings) for a specified period not exceeding 15 months.
- (2) A licence may not be given by the Archdeacon under this rule where a parish has no minister.
- (3) Before giving a licence the Archdeacon must seek the advice of the DAC or such of its members or officers as the Archdeacon thinks fit.
- (4) The Archdeacon must not give a licence unless satisfied that —
  - (a) the scheme does not involve any material interference with or alteration to the fabric of the church or the carrying out of electrical works;
  - (b) it does not involve the disposal of any fixture or other article; and
  - (c) if the scheme involves moving any item —
    - (i) it will be moved by suitably competent or qualified persons;
    - (ii) it will be safely stored in a place approved by the Archdeacon; and
    - (iii) it can easily be reinstated.
- (5) The Archdeacon may give a licence subject to any conditions that appear to the Archdeacon to be necessary.
- (6) The Archdeacon may amend or revoke a licence.
- (7) If the Archdeacon refuses to give a licence, or revokes a licence, the Archdeacon must inform the applicants that they may, if they wish, apply to the court for a faculty authorising the proposed scheme.

- (8) A copy of every licence given by the Archdeacon must be sent to the registrar and the secretary of the DAC.
- (9) The period specified in the licence may not be extended by the Archdeacon.
- (10) If an application for a faculty in respect of the scheme authorised by the licence is submitted to the court not less than 2 months before the expiry of the period specified in the licence, the scheme is deemed to continue to be authorised by the licence until the application is determined by the court.

### **8.3 Steps to be taken on expiry of licence for temporary minor re-ordering**

- (1) On the expiry of the period specified in a licence given under rule 8.2 —
  - (a) the Archdeacon must send the minister a copy of Form 10 (which asks the minister to state whether a faculty has been applied for in respect of the scheme of temporary minor re-ordering and, if not, whether the position has been restored to that which existed before the scheme was implemented); and
  - (b) the minister must complete Form 10 and return it to the Archdeacon within 14 days of receiving it.
- (2) If on the expiry of the period specified in the licence the parish does not have a minister, paragraph (1) is to apply as if the references to the minister were references to the churchwardens of the parish.
- (3) Save to the extent that it has been authorised by faculty, when a scheme of temporary minor re-ordering ceases to be authorised under rule 8.2 the Archdeacon must take steps to ensure that the position is restored to that which existed before the scheme was implemented.

## **PART 9**

### **Special notice of application, consultation etc.**

#### **9.1 Special notice**

If the Vicar General directs, or the law otherwise requires, any person or body to be given special notice of faculty proceedings the registrar must serve on that person a copy of the public notice and any other documents directed by the Vicar General.

#### **9.2 Publication of notice in newspaper etc.**

The Vicar General may give directions for the publication of details relating to an application in any newspaper or other publication (including a website).

#### **9.3 Graves and memorials maintained by the Commonwealth War Graves Commission**

- (1) If it appears that the works or proposals to which an application relates will or may affect a grave or memorial maintained by the Commonwealth War Graves Commission the Vicar General must direct that the Commission be given special notice.
- (2) Where the Vicar General directs that the Commission be given special notice under paragraph (1) it has a period of 21 days from the date on which it is served with the copy of the public notice within which it may —
  - (a) send representations on the proposed works to the registrar and the applicant; or
  - (b) send particulars of objection in Form 5 to the registrar and the applicant.

- (3) If the Commission sends particulars of objection under paragraph (1)(b) it becomes a party opponent to the proceedings and paragraphs (2) to (5) of rule 10.4 apply.

**9.4 Works affecting character of registered building etc: publication of notice on diocesan website**

- (1) This rule applies where an application relates to works that involve —
- (a) demolition of a registered building;
  - (b) any alteration to or the extension of a registered building to such extent as would be likely to affect its character as a building of special architectural or historic interest; or
  - (c) demolition affecting the exterior of an unregistered building in a conservation area.
- (2) The registrar or Vicar General must give directions for the publication on the diocesan website of a notice which contains the following —
- (a) details of the building to which the application relates,
  - (b) a statement that an application is being made to the court for permission to carry out works to the building,
  - (c) a description of the works;
  - (d) details of where a copy of the application, plans and other documents may be inspected, and
  - (e) a date (which must not be less than 21 days from the date of publication of the notice) by which any objection must reach the registrar.

**9.5 Interim faculties**

This Part is without prejudice to the court's power at any time to grant an interim faculty under Part 15.

**PART 10**

**Objections to faculty application**

**10.1 Interested persons**

- (1) For the purposes of this Part "interested person" in relation to an application for a faculty means —
- (a) any person who is resident in the ecclesiastical parish concerned;
  - (b) any person whose name is entered on the church electoral roll of the ecclesiastical parish concerned but who does not reside there;
  - (c) the parochial church council;
  - (d) the Archdeacon;
  - (e) the Department of Infrastructure;
  - (f) any other body designated by the Vicar General for the purpose of the application;
  - (g) any other person or body appearing to the Vicar General to have a sufficient interest in the subject matter of the application.

- (2) If any question arises as to whether a person is an interested party it is to be determined by the Vicar General.

## **10.2 Objection by interested person**

- (1) An interested person may object to the grant of a faculty in respect of all or some of the works or other proposals to which an application relates in accordance with this rule.
- (2) An objection is made by sending a letter of objection to the registry, addressed to the registrar.
- (3) A letter of objection must state —
  - (a) the basis on which the person objecting is an interested person; and
  - (b) the grounds on which objection is made.
- (4) A letter of objection must arrive at the registry —
  - (a) within the period of 28 days for the display of a public notice under rule 6.3, or
  - (b) in a case where the court has given directions for a particular period of notice, within that period.
- (5) An interested person who sends a letter of objection in accordance with this rule is referred to as an "objector".

## **10.3 Procedure following receipt of letter of objection**

- (1) Following receipt of a letter of objection the registrar must send a written notice to the objector which states that the objector may —
  - (a) become a party opponent to the proceedings by serving the applicant and sending the registrar particulars of objection in Form 5 within 21 days of receiving the written notice from the registrar; or
  - (b) leave the Vicar General to take the letter of objection into account in reaching a decision without becoming a party to the proceedings.
- (2) The written notice must additionally contain —
  - (a) a statement that if the objector chooses to become a party opponent, the objector will be entitled to take part in the proceedings, either by being heard in court or (where an order is made under rule 14.1) by making written representations, and to appeal against any order or judgment of the court (subject to obtaining permission to appeal, if needed);
  - (b) a statement that if the objector chooses not to become a party opponent, the objector will not be entitled to take part in the proceedings (beyond having the letter of objection taken into account by the court) or to appeal against any order or judgment of the court;
  - (c) a summary of the principles which apply in relation to costs in the court in a form approved by the Vicar General;
  - (d) a statement that if particulars of objection in Form 5 are not received by the registrar within 21 days of the objector receiving the written notice from the registrar, the objector will be treated as having chosen not to become a party opponent; and
  - (e) the address at which any particulars of objection are to be served on the applicant.
- (3) The registrar must include a copy of Form 5 with the written notice.

**10.4 Further proceedings where objector becomes party opponent**

- (1) An objector who serves particulars of objection in accordance with the procedure described in rule 10.3(1)(a) becomes a party opponent and is entitled to take part in the proceedings accordingly.
- (2) The applicant may serve a reply to the particulars of objection.
- (3) The applicant must serve a reply if directed to do so by the court.
- (4) A reply must be in Form 6 and state the applicant's case in respect of the matters raised by the party opponent in the particulars of objection.
- (5) Any reply must be sent to the registry and a copy served on the party opponent, within 21 days of the applicant being served with the particulars of objection by the party opponent.

**10.5 Further proceedings where objector does not become party opponent**

- (1) Where an objector does not become a party opponent the registrar must —
  - (a) forward a copy of the objector's letter of objection to the applicant;
  - (b) invite the applicant to send comments on the objector's letter to the court within 21 days of receipt of the letter by the applicant;
  - (c) forward to the Vicar General a copy of every letter of objection received in respect of the application and any comments received from the applicant.
- (2) The Vicar General must take account of any letters of objection, and any comments on them received from the applicant, in reaching a decision on the application.

**10.6 Unopposed applications**

- (1) This rule applies where either of the following conditions is met—
  - (a) no interested person has become a party opponent to the proceedings; or
  - (b) the Vicar General is satisfied that all the parties to the proceedings consent to the grant of a faculty.
- (2) Where this rule applies the Vicar General may, subject to the production of any relevant evidence, grant a faculty without further proceedings.

**PART 11**

**Directions**

**11.1 Giving directions**

- (1) In any case the court may give directions for the conduct of the proceedings.
- (2) When determining what, if any, directions to give, the court must seek to give effect to the overriding objective set out in rule 1.1.
- (3) Directions may be given orally or in writing and with or without a hearing.
- (4) Directions may be given by the registrar to the extent the registrar is authorised to do so by the court.
- (5) If the court holds a hearing for the purpose of giving directions it is the duty of the parties to attend or take part in the directions hearing, either in person or by their representatives (whether or not legally qualified).
- (6) The court may request the attendance of any other person at a directions hearing.

- (7) If directions are given without a hearing they must be sent by the registrar to—
- (a) the parties,
  - (b) any other person or body to whom the directions relate, and
  - (c) in the case of directions given by the court, the Archdeacon.

### **11.2 Matters on which directions may be given**

- (1) Subject to these Rules, directions for the conduct of the proceedings may be given as the court thinks fit.
- (2) In particular, directions may relate to—
- (a) any of the matters mentioned in rule 1.4(2) (active case management) and rule 18.1 (general powers of case management);
  - (b) the inspection of any church, other building, article or thing under rule 20.1;
  - (c) the issues on which the court requires evidence;
  - (d) the nature of the evidence which it requires to decide those issues;
  - (e) how any evidence is to be presented;
  - (f) how parties opponent are to be represented at a hearing where there are a number of parties opponent raising the same or similar issues;
  - (g) the appointment of expert witnesses (including limiting the number of experts), the exchange of experts' reports and the identification by them of the matters on which they agree and those on which they disagree;
  - (h) limiting the number of witnesses to be called on behalf of any party;
  - (i) the service on the parties and any other persons or bodies as the court thinks fit of any evidence, representations or advice received by the court from the DAC, Manx National Heritage or the Department of Infrastructure.
- (3) The court may use its power under this rule to exclude evidence that would otherwise be admissible.

### **11.3 Time and place of hearing**

- (1) Directions as to the date, time and place for any hearing of the proceedings must be given by the court.
- (2) Notice of the directions given under paragraph (1) must be served by the registrar on—
- (a) the parties;
  - (b) in the case of a hearing in the court, the Archdeacon;
  - (c) the DAC;
  - (d) any other body who has given advice to the Vicar General in connection with the proceedings.

### **11.4 Witness statements**

- (1) Where the evidence of witnesses (other than evidence to which rule 11.5 applies) is to be presented at a hearing, the court must direct that statements setting out the evidence to be given by each witness be served in advance of the hearing unless the court considers that there is a good reason not to do so.
- (2) A witness statement must be—



- (a) verified by a statement of truth in the following form—  
"I believe that the facts stated in this witness statement are true."; and
- (b) signed and dated by the witness.

### **11.5 Expert reports**

- (1) No party may call an expert or put in evidence an expert's report without the court's permission.
- (2) Expert evidence is to be given in a written report unless the court directs otherwise.
- (3) Where the court gives permission to put in evidence an expert's report, it must direct that any such report —
  - (a) contains a statement that the expert understands that his or her duty is to the court, and has complied with that duty;
  - (b) is addressed to the court and not to the party from whom the expert has received instructions;
  - (c) gives details of the expert's qualifications;
  - (d) gives details of any literature or other material which has been relied on in making the report;
  - (e) contains a statement setting out the substance of all facts and instructions which are material to the opinions expressed in the report or upon which those opinions are based;
  - (f) makes clear which of the facts stated in the report are within the expert's own knowledge;
  - (g) says who carried out any examination, measurement, test or experiment which the expert has used for the report, give the qualifications of that person, and say whether or not the test or experiment has been carried out under the expert's supervision;
  - (h) where there is a range of opinion on the matters dealt with in the report —
    - (i) summarises the range of opinions; and
    - (ii) gives reasons for the expert's own opinion;
  - (i) contains a summary of the conclusions reached; and
  - (j) if the expert is not able to give an opinion without qualification, states the qualification.
- (4) An expert's report must be —
  - (a) verified by a statement of truth in the following form —  
"I confirm that I have made clear which facts and matters referred to in this report are within my own knowledge and which are not. Those that are within my own knowledge I confirm to be true. The opinions I have expressed represent my true and complete expert opinions on the matters to which they refer."; and
  - (b) signed and dated by the expert.
- (5) The court may give such other directions with regard to expert evidence as it thinks fit having regard to the overriding objective in rule 1.1

**11.6 Inordinate delay etc. — intervention by provincial court**

- (1) The provincial court may give directions for the further conduct of proceedings that are pending in the consistory court if it considers that —
  - (a) there has been inordinate delay in the conduct of the proceedings; or
  - (b) it is otherwise in the interests of justice.
- (2) The provincial court may give any direction which could have been given by the consistory court.
- (3) Directions under this rule may be given —
  - (a) by the Dean of the Arches and Auditor sitting alone;
  - (b) on the application of any party to the proceedings or on the provincial court's own initiative.
- (4) In this rule "provincial court" means the Chancery Court of York.

PART 12

Conduct of hearings

**12.1 Hearings conducted as directed by the court**

Subject to the provisions of this Part and the overriding objective, hearings are to be conducted as directed by the court.

**12.2 Evidence given orally**

- (1) Where a witness is to give evidence at a hearing, subject to rule 12.3, the witness's evidence must be given orally under oath or solemn affirmation.
- (2) Where —
  - (a) a witness statement has been served in accordance with rule 11.4,
  - (b) an expert report has been served in accordance with rule 11.5, or
  - (c) the court has allowed an application to give evidence under any of rules 13.1 to 13.3 (which require such applications to be accompanied by a witness statement),the witness statement or report is to stand as the evidence in chief of the witness unless the court directs otherwise.
- (3) A witness who gives oral evidence at a hearing may be cross-examined by any party to the proceedings (subject to any direction given under 11.2(2)(f) and to paragraph (4) of this rule).
- (4) The court may limit cross—examination.

**12.3 Other means of giving evidence**

- (1) The court may direct—
  - (a) that all or any part of a witness's evidence is to be given—
    - (i) before an examiner appointed by the court; or
    - (ii) by affidavit;
  - (b) that a witness statement or a report (in the case of an expert witness) is to be received in evidence without the attendance of the maker of the statement or report.

- (2) If the court makes a direction under paragraph (1)(b) a direction must also be given requiring the witness statement or report to be served on the registrar and the parties not less than 21 days before the date of the hearing
- (3) Where, following a direction under paragraph (1)(b), a witness statement or report is served in accordance with paragraph (2), the court may direct that, notwithstanding that direction, the maker of the witness statement or report attend the hearing for cross-examination.
- (4) If the court makes a direction under paragraph (3) but the maker of the witness statement or report does not attend the hearing, the witness statement or report is not to be admitted in evidence unless the court considers that there are exceptional circumstances to justify its being admitted.

## PART 13

### Evidence of non-parties

#### **13.1 Evidence of non-parties generally**

- (1) A person who is not a party to proceedings may apply to give evidence at a hearing.
- (2) An application under paragraph (1) must be accompanied by a witness statement containing the evidence that is intended to be given by the person concerned.

#### **13.3 Evidence of Manx National Heritage**

- (1) Manx National Heritage may apply to give evidence whether or not it has been given special notice under rule 9.3.
- (2) An application under this rule must be—
  - (a) submitted to the registry not less than 21 days before the hearing; and
  - (b) accompanied by a witness statement containing the evidence to be relied on.

#### **13.4 Judge's witness**

The court may direct the attendance of any of the following to give evidence at a hearing if it appears that the person may be able to give relevant evidence and is willing to give it —

- (a) a member or officer of the DAC;
- (b) any other person.

#### **13.5 Witness statements**

The requirements of rule 11.4(2) apply to a witness statement made for the purposes of this Part.

#### **13.6 Notice to parties**

Where an application to give evidence is made under rules 13.1 to 13.3, or where a direction is given under rule 13.4, the registrar must—

- (a) give the parties written notice of the application or direction;
- (b) provide them with the name and address of the witness;
- (c) in the case of an application made under rules 13.1 to 13.3, send them a copy of the witness statement that accompanies the application; and

- (d) in the case of a witness whose attendance is directed under rule 13.4, inform them of the nature of the evidence that is sought from that witness.

### **13.7 Treatment of non-party witness**

A witness who gives evidence under any of rules 13.2 to 13.4 may ask questions of any party if the court gives permission.

## **PART 14**

### **Disposal of proceedings by written representations**

#### **14.1 Conditions for disposal by written representations**

- (1) The Vicar General may order that any proceedings in the court are to be determined on consideration of written representations instead of by a hearing provided that both of the conditions set out in paragraph (2) are met.
- (2) The conditions are that —
  - (a) the Vicar General considers that determination of the proceedings on consideration of written representations is expedient; and
  - (b) all of the parties have agreed in writing to such a course.

#### **14.2 Directions**

- (1) Where an order is made under rule 14.1 the Vicar General may give directions for the purpose of determining the proceedings on consideration of written representations.
- (2) If a party fails to comply with a direction under paragraph (1) the Vicar General may proceed to dispose of the proceedings without further reference to that party.

#### **14.3 Revocation of order for disposal by written representations**

- (1) The Vicar General may at any time before the final determination of the proceedings in the court revoke an order that they be determined on consideration of written representations.
- (2) If the Vicar General revokes an order under paragraph (1) directions must be given for the future conduct of the proceedings.

#### **14.4 Inspection of church etc.**

Where an order has been made under rule 14.1, the Vicar General may nevertheless inspect any church, other building, article or thing which is the subject of the proceedings or concerning which any question arises in the proceedings.

#### **14.5 Determination**

- (1) Where an order has been made under rule 14.1 and has not been revoked, the Vicar General may proceed to determine the proceedings upon consideration of all relevant material before the court, including any written representations submitted to the court in accordance with directions given under rule 14.2.
- (2) The Vicar General's determination is to have the same effect for all purposes as if it had been made after an oral hearing.

## PART 15

### Interim faculties

#### **15.1 Scope and effect of interim faculties**

- (1) An interim faculty may be granted by the Vicar General for any matter in respect of which a faculty might be granted following the final determination of an application.
- (2) Subject to the terms on which it is granted, an interim faculty constitutes authority to carry out the works or proposals in respect of which it is granted in the same way as a faculty granted following the final determination of an application.

#### **15.2 Applications for interim faculties**

- (1) An application for an interim faculty may be made by any person who is entitled to submit an application for a faculty under rule 5.2(2).
- (2) An application may be made before or after faculty proceedings have been started in respect of the works or other proposals.
- (3) An application may be made in any manner the court allows.

#### **15.3 Grant of interim faculties**

- (1) An interim faculty may be granted on such terms as appear to the Vicar General to be just.
- (2) In particular, an interim faculty may be granted on terms as to—
  - (a) the giving of such notice of the works or other proposals as the court may direct;
  - (b) the cessation of works or other action pending further order of the court if any objection is raised;
  - (c) the giving by the applicants of undertakings to comply with any directions of the court, including any direction relating to reinstatement following the carrying out of any works authorised by the interim faculty.
- (3) If an application for an interim faculty is made before faculty proceedings have been started, unless the Vicar General orders otherwise, the applicant must give an undertaking to submit an application for a faculty in respect of the works or other proposals within a period of time specified by the Vicar General.
- (4) An interim faculty may be varied, extended or revoked by the court as it thinks fit.

## PART 16

### Injunctions and restoration orders

#### **16.1 Applicant**

An application for an injunction or restoration order may be made by—

- (a) the Archdeacon;
- (b) any other person appearing to the court to have a sufficient interest in the matter.

#### **16.2 Form of application**

- (1) An application for an injunction or a restoration order is made by submitting an application in Form 15 to the registry to be issued by the registrar (but see rule 16.6 (interim orders)).

- (2) An application submitted under paragraph (1) must be accompanied by a witness statement made by the applicant or a person acting on the applicant's behalf.
- (3) The witness statement that accompanies an application must—
  - (a) give details of the facts and matters relied on in support of the application;
  - (b) be verified by a statement of truth in the following form—

"I believe that the facts stated in this witness statement are true."; and
  - (c) be signed and dated by the person making the statement.
- (4) Before the registrar issues an application made under paragraph (1) the registrar must enter details of the place and date of hearing in the relevant place in Form 15.

### **16.3 Service of application**

- (1) An application for an injunction or restoration must be served by the applicant in accordance with this rule (but see rule 16.6 (interim orders)).
- (2) Unless the court directs otherwise, the application, together with a copy of the witness statement required by rule 16.2(2), must be served not less than 2 days before the date of hearing entered by the registrar under rule 16.2(4) on—
  - (a) any person against whom the applicant is seeking an injunction or restoration order;
  - (b) where faculty proceedings have been started in relation to the subject matter of the application, each of the parties to those proceedings;
  - (c) the Archdeacon (unless the Archdeacon is the applicant); and
  - (d) the minister (unless the minister is the applicant) or, where there is no minister, the churchwardens (unless they are the applicants).
- (3) The court may dispense with service on any of the persons mentioned in paragraph (2) if it considers that it is impracticable to serve the application on that person.
- (4) If the court dispenses with service under paragraph (3) it may give directions for such other steps to be taken as it thinks fit for bringing the application to the notice of any person who would otherwise be required to be served with the application.
- (5) Once the applicant has served each of the persons required to be served with the application, the applicant must submit to the registry a certificate of service that—
  - (a) states the title of the proceedings as stated in the application;
  - (b) states, in respect of each of the persons who have been served —
    - (i) what was served;
    - (ii) the method of service;
    - (iii) the address at which the application was served; and
    - (iv) the date on which the application was served;
  - (c) is verified by a statement of truth in the following form—

"I believe that the facts stated in this certificate are true."; and
  - (d) is signed and dated by the maker of the certificate.

### **16.4 Evidence in response to application**

- (1) Any person who is served with an application for an injunction or a restoration order may serve a witness statement in response.

- (2) A witness statement under paragraph (1) must be—
  - (a) verified by a statement of truth in the following form—

"I believe that the facts stated in this witness statement are true."; and
  - (b) signed and dated by the person making the statement;
  - (c) served on the applicant and sent to the registry within 14 days of the service of the application for an injunction or restoration order.
- (3) Subject to Parts 11 and 12, any person who may serve a witness statement in response under this rule may also —
  - (a) give oral evidence at the hearing;
  - (b) call witnesses; and
  - (c) address the court.

### **16.5 Terms of injunction or restoration order etc.**

- (1) The Vicar General may issue an injunction or make a restoration order on such terms as appear to the Vicar General to be just.
- (2) An injunction and the terms on which it is issued must be in Form 16.
- (3) A restoration order and the terms on which it is made must be in Form 17.
- (4) Every injunction and restoration order must contain a penal notice in the following form—

"If you the within-named [ ] do not comply with this order you may be held to be in contempt of court and imprisoned or fined, or your assets may be seized."
- (5) An order requiring a person to do an act must state the time within which the act is to be done.
- (6) The Vicar General must give directions as to the service of an injunction or restoration order.

### **16.6 Interim orders**

- (1) Where an applicant considers that it is necessary to apply for an injunction or restoration order without complying with rules 16.2 and 16.3, the applicant may inform the registrar that the matter is one of urgency and must supply the registrar with such information as the registrar may require.
- (2) Where the registrar is informed that a matter is one of urgency under paragraph (1) the registrar must immediately refer the matter to the Vicar General.
- (3) If the Vicar General considers that the matter is of such urgency that an injunction or restoration order should be issued without compliance with rules 16.2 and 16.3 the Vicar General may issue an interim injunction or interim restoration order.
- (4) If the court considers it just and expedient to do so it may make an interim injunction or interim restoration order without a hearing and without affording the person against who the injunction or restoration order is made an opportunity to be heard.
- (5) Subject to paragraph (6), an interim injunction is to continue in force for the period of time specified in the injunction which must not be more than 14 days from the date on which it is issued.
- (6) The period of time specified under paragraph (5) may be extended by subsequent order of the court (and may be extended beyond 14 days).

- (7) Subject to paragraphs (5) and (6), an interim injunction or interim restoration order may be issued on such terms as appear to the Vicar General to be just.
- (8) An interim injunction or interim restoration order and the terms on which it is issued must be in Form 18.
- (9) If the Vicar General issues an interim injunction or interim restoration order the Vicar General must give directions —
  - (a) for the service of the injunction or restoration order on the person against whom it is issued;
  - (b) requiring the applicant to serve an application in Form 15 and a witness statement complying with rule 16.2(3) on the person against who the injunction or restoration order is issued; and
  - (c) subject to rule 14.1, for the hearing of the application.

#### **16.7 Injunction or restoration order issued of court's own initiative**

- (1) The court may issue an injunction or restoration order (including an interim injunction or interim restoration order) on its own initiative.
- (2) If the court considers it just and expedient to do so it may make an interim injunction or interim restoration order without a hearing and without affording the person against who the injunction or restoration order is made an opportunity to be heard.
- (3) An injunction issued on the court's own initiative must —
  - (a) be in Form 19; and
  - (b) in the case of an interim injunction, continue in force for the period of time specified in the injunction which must not be more than 14 days from the date on which it is issued.
- (4) The period of time specified under paragraph (2)(b) may be extended by subsequent order of the court (and may be extended beyond 14 days).
- (5) If the court issues an interim injunction or interim restoration order on its own initiative the Vicar General must give directions —
  - (a) for the service of the injunction or restoration order by the registrar on the person against whom it is issued; and
  - (b) subject to rule 14.1, for the hearing of the matter.
- (6) Before making a restoration order on the court's own initiative, the Vicar General must consider whether a special citation should be served on any person against whom a restoration order might be made requiring that person to attend before the court and affording that person an opportunity of being heard.
- (7) A restoration order made on the court's own initiative must be in Form 21.

#### **16.8 Variation etc. of injunction or restoration order**

Any injunction or restoration order may be varied, extended or discharged by the court as it thinks fit.

#### **16.9 Undertakings**

- (1) In any proceedings for an injunction or a restoration order the court may accept an undertaking from the person against whom the proceedings have been brought.
- (2) In paragraph (1) an undertaking is an undertaking to do or not to do a specified act.



- (3) The court may decline to accept an undertaking.
- (4) If the court accepts an undertaking it must require the party giving the undertaking to make a signed statement to the effect that the party understands the terms of the undertaking and the consequences of failure to comply with it.
- (5) An undertaking to do an act must state the time within which the act is to be done.

## PART 17

### Delivery of documents

#### **17.1 Methods of service etc.**

- (1) Subject to any other provision of these Rules, any document may be served by any of the following methods —
  - (a) delivering it to or leaving it at the proper address of the person to be served;
  - (b) sending it by first class post to that address;
  - (c) leaving it at a document exchange as provided for in rule 17.3;
  - (d) sending it by electronic means as provided for in rule 17.4; or
  - (e) in such other manner as the court may direct.
- (2) In the case of a document that is required to be filed or sent or submitted to the registrar or the registry, it may be —
  - (a) delivered to the registry;
  - (b) sent by post addressed to the registrar at the registry; or
  - (c) submitted by such other means (including electronic means) as the registrar may allow.

#### **17.2 Meaning of 'proper address'**

The proper address of a person for the purposes of this Part is —

- (a) that person's usual or last known address; or
- (b) the business address of an advocate (if any) who is acting for that person in the proceedings.

#### **17.3 Service by electronic means**

- (1) Where a document is to be served by electronic means, the party who is to be served or the advocate acting for that party must previously have indicated in writing to the party serving the document —
  - (a) that the party to be served or the advocate is willing to accept service by electronic means; and
  - (b) the e-mail address or other electronic identification to which it must be sent.
- (2) The following are to be taken as sufficient written indications for the purposes of paragraph (1) —
  - (a) an e-mail address or other electronic identification set out on the writing paper of the advocate acting for the party to be served but only where it is stated that the e-mail address or electronic identification may be used for service; or
  - (b) an e-mail address or other electronic identification set out on an application or other pleading.

#### **17.4 Deemed time of submission, filing and service**

A document is deemed to have been submitted, filed or served under these Rules on the day shown in the following table —

Method	Deemed date of submission, filing or service
Post	The second day after it was posted, left with, delivered to or collected by the Isle of Man Post Office if that day is a business day; or, if not, the next business day after that day
Delivering the document to or leaving it at an address permitted by these Rules	If it is delivered to or left at the address on a business day before 4.30 p.m., on that day; or in any other case, the next business day after that day
Electronic means	If the email or other electronic transmission is sent on a business day before 4.30 p.m., on that day; or in any other case, on the next business day after the day on which it was sent
Personal service	If the document is served personally before 4.30 p.m. on a business day, on that day; or in any other case, on the next business day after that day

### **PART 18**

#### **The court's general powers of case management**

#### **18.1 The court's general powers of case management**

- (1) The list of powers in this rule is in addition to any powers given to the court by any other rule or by any other statutory provision or any powers it may otherwise have.
- (2) Except where these Rules provide otherwise, the court may —
  - (a) extend or shorten the time for compliance with any rule or court order (even if an application for extension is made after the time for compliance has expired);
  - (b) give permission to a party to amend any pleading or other document on such terms (including as to the giving of further public notice) as it considers just;
  - (c) adjourn or bring forward a hearing;
  - (d) require a party or a party's advocate to attend the court;
  - (e) hold a hearing and receive evidence by telephone or by using any other method of direct oral communication;
  - (f) direct that part of any proceedings be dealt with as separate proceedings;
  - (g) stay the whole or part of any proceedings or judgment either generally or until a specified date or event;
  - (h) consolidate proceedings;
  - (i) try two or more sets of proceedings on the same occasion;
  - (j) direct a separate trial of any issue;
  - (k) decide the order in which issues are to be tried;
  - (l) exclude an issue from consideration;
  - (m) dismiss or give judgment on any proceedings after a decision on a preliminary issue;

- (n) order any party to file and serve an estimate of costs;
  - (o) take any other step or make any other order for the purpose of managing the case and furthering the overriding objective.
- (3) When the court makes an order, it may —
- (a) make it subject to conditions, including a condition to pay a sum of money into court; and
  - (b) specify the consequence of failure to comply with the order or a condition.
- (4) A power of the court under these Rules to make an order includes a power to vary or revoke the order.
- (5) An order under paragraph (2)(a) may be made by the registrar.

### **18.2 Registrar's power to refer to Vicar General**

Where, in relation to proceedings in the court, a step is to be taken by the registrar —

- (a) the registrar may consult the Vicar General before taking that step;
- (b) the step may be taken by the Vicar General instead of the registrar.

### **18.3 Court's power to make order on its own initiative**

- (1) Except where a rule or some other statutory provision provides otherwise, the court may exercise its powers (under this or any other Part) on an application or on its own initiative.
- (2) Where the court proposes to make an order on its own initiative —
- (a) it may give any person likely to be affected by the order an opportunity to make representations; and
  - (b) where it does so it must specify the time by which and the manner in which the representations must be made.
- (3) Where the court proposes —
- (a) to make an order on its own initiative; and
  - (b) to hold a hearing to decide whether to make the order,
- it must give each party likely to be affected by the order at least 3 days' notice of the hearing.
- (4) The court may make an order on its own initiative, without hearing the parties or giving them an opportunity to make representations.
- (5) Where the court has made an order under paragraph (4) —
- (a) a party affected by the order may apply to have it set aside, varied or stayed; and
  - (b) the order must contain a statement of the right to make such an application.
- (6) An application under paragraph (5)(a) must be made —
- (a) within such period as may be specified by the court; or
  - (b) if the court does not specify a period, not more than 7 days after the date on which the order was served on the party making the application.
- (7) Paragraphs (3) to (6) do not apply where the court makes, or proposes to make, an order on its own initiative under rule 3.7(4) (determination of question whether a particular matter may be undertaken without a faculty) or rule 16.7 (injunction or restoration order issued on court's own initiative).

## PART 19

### Costs

#### **19.1 General**

- (1) The court may exercise its power to make an order for costs against a party at any stage in proceedings.
- (2) If a court proposes to make an order for costs other than at a hearing it must afford the person against whom the order is proposed to be made an opportunity to make representations to the court, either in writing or at a hearing, as the court thinks fit.
- (3) The court may comply with the requirements of paragraph (2) by making a provisional order for costs that is to come into effect after the expiry of a specified period of time unless within that period the person against whom the order is made makes representations as to why the order should not have been made.

#### **19.2 Assessment of costs**

Unless the amount of any costs is specified in the order made by the court, costs are to be assessed by the registrar in such manner as the registrar thinks just, subject to any directions given by the court.

#### **19.3 Appeals against registrar's assessment**

- (1) Any appeal against the registrar's assessment of costs relating to proceedings in the court is to be made to the Vicar General in such manner as the Vicar General may direct.
- (2) On an appeal the Vicar General may confirm or vary the registrar's assessment.

#### **19.4 Special citation of persons in default**

- (1) Where any person who is not already a party to faculty proceedings is alleged to be responsible or partly responsible for an act or default in consequence of which the proceedings were instituted the court may issue a special citation adding that person as a party to the proceedings.
- (2) A special citation issued under paragraph (1) must state—
  - (a) that the person is being added as a party to the proceedings in order that the court may consider making an order for costs against that person under section 13(1) of the Measure; and
  - (b) the grounds on which it is alleged that the person is responsible or partly responsible for the act or default in question.
- (3) If a special citation requires a person to attend court it must specify the date, time and place at which that person is to attend.

#### **19.5 Security for costs**

- (1) The court may order any party to give security for costs at any stage in proceedings if it is satisfied, having regard to all the circumstances of the case, that it is just to make such an order.
- (2) An order for security for costs may be made on the application of a party or on the court's own initiative.
- (3) An application for an order for security for costs must be supported by written evidence.

- (4) Where the court makes an order for security for costs, it will —
  - (a) determine the amount of the security; and
  - (b) direct the manner in which, and the time within which, the security must be given.

## PART 20

### Miscellaneous and General

#### **20.1 Inspection of church etc.**

The court may at any stage in proceedings inspect any church, other building, article or thing which is the subject of the proceedings or concerning which any question arises in the proceedings.

#### **20.2 Non-compliance**

- (1) A failure to comply with any provision of these Rules does not render any proceedings void unless the court directs otherwise.
- (2) Where there has been a failure to comply with any provision of these Rules, the court may set aside (either wholly or in part) or vary any faculty, judgment, order or decree on such terms as appear to the court to be just.

#### **20.3 Amendment and setting aside in other circumstances**

- (1) If it appears to the court just and expedient to do so, it may order that any faculty, judgment, order or decree —
  - (a) be set aside (either in whole or in part); or
  - (b) be amended.
- (2) If the court is considering exercising the power conferred by paragraph (1)(b) in a manner that would constitute a substantial change in the works or proposals already authorised by faculty the court must give such directions as to the giving of notice to the public and to such other persons and bodies as it considers just.

#### **20.4 Clerk of the court**

- (1) Subject to paragraph (2), the registrar is to sit as clerk of the court.
- (2) If —
  - (a) the registrar is absent or otherwise unable to attend, or
  - (b) the court considers that the registrar ought not to sit as the clerk of the court at a particular hearing because —
    - (i) the registrar has acted for any of the parties; or
    - (ii) has otherwise been personally connected with the proceedings,

the court must appoint another suitably qualified person to sit as clerk in place of the registrar at the hearing.

#### **20.5 Procedural questions**

- (1) Where —
  - (a) any procedural question arises in relation to proceedings to which these Rules apply; or

- (b) the court considers it expedient that any procedural direction be given in relation to the proceedings,

and in either case no provision is made for that matter in these Rules, the court is to resolve that question or to give such directions as appear to the court to be just and convenient.

- (2) In resolving any question, or giving any directions, under paragraph (1) the court must be guided, so far as practicable, by the Rules of the High Court of Justice 2009 (SD 352/09).

## **20.6 Departure from prescribed forms**

- (1) Where a rule requires a document to be in a particular form prescribed by these Rules and that form is not in all respects suitable, the rule is to be construed as requiring a form in substantially the same form but subject to such variations as the circumstances require.
- (2) The court may approve or give directions as to the forms that are to be used —
  - (a) where a faculty is sought —
    - (i) for exhumation;
    - (ii) in relation to a memorial in a churchyard or consecrated burial ground;
  - (b) in any other case where these Rules do not require a document to be in a particular form.

## **20.7 Electronic signatures**

Where any provision of these Rules requires a document to be signed, or any form prescribed by these Rules requires a signature, the document or form may be signed by electronic means.

# **PART 21**

## **Appeals**

### **21.1 Application of English appeal rules**

The following provisions of the Faculty Jurisdiction Rules 2015 (SI 2015/1568), made under sections 14(7), 15(4), 18B, 21(4) and 26 of the Measure as it has effect in England, —

- (a) Parts 21 to 27; and
- (b) Parts 1, 2, 11, 12, 13, 17, 18, 19 and 20 and Schedule 3, so far as they relate to Parts 21 to 27,

apply for the purpose of appeals from judgments, orders or decrees of the court in faculty proceedings and in proceedings for an injunction or a restoration order subject to the modifications that —

- (i) references to Historic England shall be read as references to Manx National Heritage;
  - (ii) references to national amenity societies and the Church Buildings Council shall be omitted;
  - (iii) references to a solicitor shall be read as including references to an advocate;
- and to any other necessary modifications.

PART 22

Citation, commencement, revocation and transitional provisions

**22.1 Citation and commencement**

- (1) These Rules may be cited as the Faculty Jurisdiction Rules (Isle of Man) 2016.
- (2) If approved by the Sodor and Man Diocesan Synod, these Rules come into operation on 1 August 2016.

**22.2 Revocation**

Subject to rule 22.3 the following rules are revoked —

- (a) the Ecclesiastical Jurisdiction Rules (Isle of Man) 1995 (SD 459/95), so far as they relate to the Ecclesiastical Jurisdiction (Faculty Appeals) Rules 1965 (SI 1965/251);
- (b) the Faculty Jurisdiction Rules (Isle of Man) 2010 (SD 330/10);
- (c) the Faculty Jurisdiction (Injunctions and Restoration Orders) Rules (Isle of Man) 2012 (SD 306/12).

**22.3 Transitional provisions**

- (1) The rules referred to in rule 22.2 continue to apply to proceedings in the court which were started before the coming into operation of these Rules as if these Rules had not been made, save to the extent that the court orders otherwise.
- (2) Paragraph (3) applies where an application for leave to appeal under section 7, or an application for a certificate under section 10(3), of the Ecclesiastical Jurisdiction Measure 1963 was made before the coming into operation of these Rules.
- (3) The Ecclesiastical Jurisdiction (Faculty Appeals) Rules 1965 continue to apply to the proceedings as if these Rules had not been made, save to the extent that the appeal court orders otherwise.

MADE 31st May 2016

*K F W Gumbley*

Chairman of the Legislative Committee

*M Barwood*

Secretary

Rules 3.2 and 3.3

SCHEDULE 1

Matters which may be undertaken without a faculty

**Table 1**

**List A — Matters which may be undertaken without the need for consultation**

This table prescribes matters which may be undertaken without a faculty subject to any specified conditions.

The matters prescribed in the table are subject to general exclusions set out in rule 3.5 which, among other things, excludes certain categories of works to registered buildings.

<i>Matter</i>	<i>Specified conditions</i>
<b>A1. Church building etc.</b>	
(1) Works of repair and routine maintenance to the church building not affecting the fabric, any stonework or brickwork or any historic material	<p>The cost of the works (excluding value added tax, the cost of scaffolding and any professional fees) does not exceed £10,000</p> <p>The parochial church council's insurers are notified if external scaffolding is to be erected</p> <p>Any repairs to or replacement of rainwater goods use the same materials as existing</p>
(2) Repairs and replacement of fittings in existing kitchens, lavatories and office accommodation	
(3) Like for like repairs to window glass	The works do not include repairs to broken or cracked panes in stained glass or historic clear glazed windows
(4) The repair or like for like replacement of —	Only non-corroding fixings are used and, where practicable, are fixed in mortar joints
(a) wire mesh window guards	
(b) damaged or discoloured polycarbonate window sheet protection	
(5) Works of repair and routine maintenance to existing —	The works do not involve additions to an electrical installation
(a) heating systems	Any work to a gas fitting is carried out by a person who is registered on the Gas Safe Register
(b) gas, oil, water or other services	
(c) electrical installations and other electrical equipment	<p>Any work on an oil installation or oil fired equipment is carried out by an OFTEC registered engineer</p> <p>Any work to an electrical installation or electrical equipment is carried out by a person whose work is subject to an accredited certification scheme (as defined in rule 3.1(6))</p>



<i>Matter</i>	<i>Specified conditions</i>
(6) The application of forensic marking on roof lead or other material covering a roof or to rain water goods or flashings	
(7) Work to an existing lightning conductor	The parochial church council's insurers are notified of the proposed work and the work is carried out by a specialist contractor approved by them
(8) The repair, maintenance, removal, disposal or replacement of a flagpole	Only non-corroding fixings are used where a flagpole is repaired or replaced
(9) The introduction, removal or disposal of furniture, furnishings, office equipment and minor fixtures (other than safes) in vestries and similar rooms	The existing use of the vestry is not changed No article of historic or artistic interest is removed or disposed of
(10) The introduction, removal or disposal of fire extinguishers	Any instructions from the supplier or the parochial church council's insurer in relation to their type or location is complied with
(11) The making of additions to an existing name board	The board is not a war memorial or roll of honour The addition is in the same style (including colour and materials) as existing names on the board
(12) The installation of bat boxes as part of a bat management programme	
(13) The introduction of anti-roosting spikes	Only non-corroding fixings are used and, where practicable, are fixed in mortar joints
<b>A2. Musical instruments</b>	
(1) The introduction or disposal of musical instruments (other than organs and grand pianos) and associated equipment	No article of historic or artistic interest is disposed of
(2) The routine tuning and maintenance of organs and pianos	In the case of organs, any works do not involve tonal alterations, changes to the action or major dismantling of the instrument
<b>A3. Bells etc.</b>	
(1) The inspection and routine maintenance of bells, bell fittings and bell frames	No tonal alterations are made to any bell No bell is lifted from its bearings
(2) The repair and maintenance of clappers, crown staples (including re-bushing) and bell wheels	Works do not include the re-soleing or re-rimming of a bell wheel No bell is lifted from its bearings
(3) The repair or replacement of bell stays, pulleys, bell ropes (including in Ellacombe apparatus), rope bosses, sliders or slider gear	No bell is lifted from its bearings

<i>Matter</i>	<i>Specified conditions</i>
(4) The repainting of metal bell frames and metal bell fittings	No bell is lifted from its bearings
<b>A4. Clocks</b>	
The inspection and routine maintenance of clocks and clock faces	Works of maintenance do not include re-painting or re-gilding of clock faces
<b>A5. Church contents</b>	
(1) The repair of woodwork, metalwork and movables	Matching materials are used The repair does not involve any works to— <ul style="list-style-type: none"><li>• woodwork or metalwork of historic or artistic interest</li><li>• Royal coats of arms</li><li>• hatchments or other heraldic achievements</li><li>• paintings</li><li>• textiles of historic or artistic interest</li><li>• church plate (including candlesticks and crosses)</li></ul>
(2) The application to articles of forensic marking	No article of historic or artistic interest is marked
(3) The introduction, removal or disposal of kneelers, hassocks, pew runners and cushions	The introduction, removal or disposal of the articles does not result in a change to the overall appearance of the church No article of historic or artistic interest is removed or disposed of
(4) The introduction, removal or disposal of— <ul style="list-style-type: none"><li>(a) movable bookcases</li><li>(b) books</li><li>(c) free-standing notice boards</li><li>(d) movable display stands</li><li>(e) cruets</li><li>(f) vases and flower stands</li><li>(g) hymn boards</li><li>(h) altar linen (but not altar frontals or falls)</li><li>(i) flags and banners used for temporary displays (but not the laying up of flags, or the removal or disposal of flags that have been laid up)</li><li>(j) the Manx flag or St George's flag (with or without the diocesan arms in</li></ul>	No article of historic or artistic interest is removed or disposed of

<i>Matter</i>	<i>Specified conditions</i>
the first quarter) for flying from the church	
<b>A6. Church halls and similar buildings</b>	
(1) Routine repairs to the building and the replacement of fittings in the building	
(2) The introduction, removal or disposal of furniture	No article of historic or artistic interest is removed or disposed of
<b>A7. Churchyard</b>	
(1) The introduction and maintenance of equipment for maintenance of the church and churchyard	
(2) The repair of paths and other hard-surfaced areas, including resurfacing in the same materials and colour	
(3) The routine maintenance of, repairs to, and like for like replacement of fences and gates (but not lychgates, walls or historic railings)	The works do not involve any new disturbance below ground level
(4) The carrying out of repairs to a notice board and the repainting of a notice board	
<b>A8. Trees</b>	
(1) The felling, lopping or topping of a tree the diameter of any stem of which does not exceed 75 millimetres (measured over the bark at a height of 1.5 metres above ground level)	The works do not relate to any tree which is in a conservation area Regard is had to guidance issued by the Department of Environment, Food and Agriculture
(2) The lopping or topping of any tree— (a) that is dying or dead; or (b) has become dangerous	Regard is had to guidance issued by the Department of Environment, Food and Agriculture
(3) The removal of dead branches from a living tree	Regard is had to guidance issued by the Department of Environment, Food and Agriculture

**Table 2**

**List B — Matters which may be undertaken without a faculty subject to consultation etc.**

This table prescribes matters which may, subject to any specified conditions, be undertaken without a faculty if the Archdeacon has been consulted and has given notice in writing that the matter may be undertaken without a faculty. The Archdeacon may impose additional conditions in the written notice.

The matters prescribed in the table are subject to general exclusions set out in rule 3.5 which, among other things, excludes certain categories of works to registered buildings.

<i>Matter</i>	<i>Specified conditions</i>
<b>B1. Church building etc.</b>	
(1) Works of repair and routine maintenance to the church building —	<p>The works are identified as routine items of maintenance in the most recent report prepared in respect of the church pursuant to Part I of the Church Act 1979 (an Act of Tynwald) (commonly known as the "quinquennial inspection report") or in subsequent written advice from a person registered under the Architects Act 1976 (an Act of Tynwald) or a member of the Royal Institution of Chartered Surveyors qualified as a chartered building surveyor</p> <p>Details of any materials to be used are submitted to the Archdeacon when the Archdeacon is consulted on the proposal to undertake the works</p> <p>The works do not involve any new disturbance below ground level</p> <p>The parochial church council's insurers are notified if external scaffolding is to be erected</p>
(a) affecting the fabric, any stonework or brickwork or any historic material, or	
(b) not affecting the fabric, any stonework or brickwork or any historic material but not falling within item A1(1) of List A	
(2) The installation of a wall offertory box	The installation does not affect historic fabric
(3) The introduction of a safe in a vestry or similar room	
(4) Works of external or internal redecoration (other than to areas of historic wall painting, even if already painted over)	<p>Details of materials and colours are submitted to the Archdeacon when the Archdeacon is consulted on the proposal to undertake the matter</p> <p>The overall appearance of the building is not changed</p> <p>The parochial church council's insurers are notified if external scaffolding is to be erected</p>
(5) The treatment of timber against beetle or fungal activity	The works do not involve the replacement of timber

<i>Matter</i>	<i>Specified conditions</i>
(6) Works of adaptation (not amounting to substantial addition or replacement) to— (a) heating systems (b) gas, oil, water and other services (c) electrical installations and other electrical equipment	Any work to a gas fitting is carried out by a person who is registered on the Gas Safe Register Any work on an oil installation or oil fired equipment is carried out by an OFTEC registered engineer Any work to an electrical installation or electrical equipment is carried out by a person whose work is subject to an accredited certification scheme (as defined in rule 3.1(6)) The parochial church council's insurers are notified of the proposed works
(7) The replacement of a boiler in the same location and utilising an existing fuel supply and existing pipe-runs	Any work to a gas fitting is carried out by a person who is registered on the Gas Safe Register Any work on an oil installation or oil fired equipment is carried out by an OFTEC registered engineer The works do not involve the creation of a new external flue The parochial church council's insurers are notified of the proposals
(8) The introduction or replacement of control equipment that is ancillary to a boiler or existing heating system	Any work to a gas fitting is carried out by a person who is registered on the Gas Safe Register Any work on an oil installation or oil fired equipment is carried out by an OFTEC registered engineer Any work to an electrical installation or electrical equipment is carried out by a person whose work is subject to an accredited certification scheme (as defined in rule 3.1(6)) The parochial church council's insurers are notified of the proposals
(9) The like for like replacement of roofing	The material being replaced was not introduced unlawfully The parochial church council's insurers are notified of the proposals
(10) The installation of a roof alarm	The amount of associated cabling is kept to the minimum that is reasonably practicable

<i>Matter</i>	<i>Specified conditions</i>
(11) The installation of lighting and safety equipment	<p>The lighting or other equipment—</p> <p>(a) is installed only in a part of the church (such as a tower or crypt) that is not normally visible to the public, or</p> <p>(b) when installed will not be visible from ground level</p> <p>Any work to an electrical installation or electrical equipment is carried out by a person whose work is subject to an accredited certification scheme (as defined in rule 3.1(6))</p> <p>The installation will not affect any graves or vaults</p> <p>The parochial church council's insurers are notified of the proposals</p>
(12) The installation of a lightning conductor	<p>The parochial church council's insurers are notified of the proposals and the work is carried out by a specialist contractor approved by them</p>
(13) The installation of a sound reinforcement system or loop system or the alteration of an existing system	
<b>B2. Bells etc.</b>	
(1) The lifting of a bell to allow the cleaning of bearings and housings	<p>Regard is had to any guidance issued by the Church Buildings Council</p> <p>The bell is currently in a fit condition to be rung</p>
(2) The like for like replacement of—	<p>Regard is had to any guidance issued by the Church Buildings Council</p>
(a) bearings and their housings	
(b) gudgeons	<p>The bell is currently in a fit condition to be rung</p>
(c) crown staple assembly	
(d) steel or cast iron headstocks	<p>The works do not involve the drilling or turning of the bell</p>
(e) wheels	
(3) The replacement of—	<p>Regard is had to any guidance issued by the Church Buildings Council</p>
(a) bell bolts	
(b) a wrought iron clapper shaft with a wooden-shafted clapper	<p>The bell is currently in a fit condition to be rung</p>
(4) The treatment of timber bell frames with preservative or insecticide materials	

<i>Matter</i>	<i>Specified conditions</i>
(5) The re-pinning or re-facing of hammers in Ellacombe apparatus	Regard is had to any guidance issued by the Church Buildings Council  The bells are currently in a fit condition to be rung
(6) The introduction of peal boards in a location not normally visible to the public	

### **B3. Clocks**

(1) Alterations to striking trains to prevent striking at night	No part of the clock mechanism is affected
(2) The upgrading of electrical control devices and programmers	

### **B4. Church contents**

(1) The repair and maintenance of church plate (including candlesticks and crosses) not of special historic or artistic interest	
(2) The introduction, maintenance or replacement of portable audio-visual equipment used in connection with church services	No equipment is fixed to the fabric of the church
(3) The replacement of carpets or other floor covering and underlay	Only breathable underlay is used when underlay is replaced
(4) The replacement of curtains (other than curtains and other hangings associated with an altar)	
(5) Treatment of fixtures and furniture against beetle or fungal activity	
(6) The introduction of a book of remembrance and stand	
(7) The introduction of a fixed internal notice board	

### **B5. Churchyard**

(1) The introduction of benches in a churchyard	No bench has an inscription on it which would not be permitted on a monument in the churchyard under the applicable churchyard regulations made or approved by the Vicar General
(2) The replacement of gas or oil tanks	The replacement tank is of similar dimensions and in substantially the same location  No works of excavation are involved  The Department of Infrastructure is notified of the proposal

*Matter*

(3) The routine maintenance, repair or rebuilding of walls

*Specified conditions*

The works do not relate to any wall which is separately registered in the Protected Buildings Register

The works do not involve any new disturbance below ground level

(4) The routine maintenance or repair of lychgates

The lychgate is not separately registered in the Protected Buildings Register



Rule 2.2(3)

SCHEDULE 2

Forms

*Form no. Title*

1	Standard Information
2	DAC notification of advice
3	Application for faculty
4	Public notice
5	Particulars of objection to application for faculty
6	Reply
7	Faculty
8	Certificate of practical completion of works authorised by faculty
9	Licence for temporary minor re-ordering
10	Notice on expiry of licence for temporary minor re-ordering
11	Notification by registrar for register of applications
12	Place of safety order (archdeacon of opinion that article should be removed immediately)
13	Notice inviting representations with a view to making place of safety order
14	Place of safety order (following consideration of any representations)
15	Application for injunction or restoration order
16	Injunction
17	Restoration order
18	Interim injunction or interim restoration order
19	Injunction issued on court's own initiative
20	Restoration order issued on court's own initiative

Form 1  
(Rules 4.1 and 5.5)

Standard Information (parish churches etc.)

**Diocese of Sodor and Man**  
**Parish of**  
**Church of**

Approximate date of church

Is it a parish church or a chapel of ease? Parish church / Chapel of ease

Is the church entered in the Protected Buildings Register? Yes / No

Is the church, churchyard or any adjoining structure in a conservation area? Yes / No

If it is, state which

Is there any evidence that bats use the church, its curtilage or any adjoining structure? Yes /No

Details of any privately owned chapels, aisles or windows

Name of lay rector, if known

Is the churchyard or burial ground consecrated? Yes /No

Has it been used for burials? Yes /No

Is it still used for burials? Yes /No

If the churchyard or burial ground is no longer used for burials has it been closed by order under the Burials Acts? Yes /No

If it has, the date of the order

Are there any graves that are identified as war graves by the Commonwealth War Graves Commission? Yes /No

Identify any historic structures, tombs entered in the Protected Buildings Register or war memorials in the churchyard or burial ground  
Name and address of the architect or surveyor appointed for the church under the Church Act 1979

Signed:

Date:

Office or position held:

Form 2  
(Rule 4.4)  
Diocesan Advisory Committee  
Notification of Advice

**This notification constitutes advice only and does not give you permission to carry out the works or other proposals to which it relates. A faculty must be obtained from the consistory court before the works or proposals may lawfully be carried out.**

*The Committee should delete any parts of the form that are not applicable when completing it.*

**In the Diocese of Sodor and Man  
Parish of  
Church of**

At a meeting of the Diocesan Advisory Committee held on  
the following works or other proposals were considered:

The Committee **recommends** the works or proposals for approval by the court [subject to the following provisos:]

**This advice does not constitute authority for carrying out the works or proposals and a faculty is required.**

*or*

The Committee **does not recommend** the works or proposals for approval by the court for the following principal reasons:

**Despite the Committee's advice, you may, if you wish, apply to the court for a faculty authorising the works or proposals.**

*or*

The Committee **does not object** to the works or proposals being approved by the court [subject to the following provisos:]

[and the Committee's principal reasons for advising that it does not object are:]

**This advice does not constitute authority for carrying out the works or proposals and a faculty is required.**

In the opinion of the Committee the work or part of the work proposed [is] [is not] likely to affect the character of the church as a building of special architectural or historic interest

In the opinion of the Committee rule 9.4 of the Faculty Jurisdiction Rules (Isle of Man) 2016 (publication of notice on diocesan website) [applies] [does not apply] to the works or proposals

The Committee recommends that the intending applicants consult the bodies or persons as indicated below —

Manx National Heritage

the Department of Infrastructure

the following body or person:

Any recommendation of the Committee as to consultation with a body or person indicated above should be followed before submitting an application for a faculty.

This advice is valid for 24 months from the date given below.

Signed:

Date:

Secretary to the Diocesan Advisory Committee

Form 3  
(Rule 5.3)  
Application for Faculty  
(proceedings started pursuant to resolution of parochial church council)

**To the Consistory Court of the Diocese of Sodor and Man**  
**Parish of**  
**Church of**

Applicants:

FULL NAME*	RESIDENTIAL ADDRESS* (including postcode)	OFFICE HELD*

*\*Please use capital letters.*

Please indicate here which of the above should be regarded as the contact address. A telephone number and email address should also be provided where possible.

Usually the minister and churchwardens should be the applicants. Where that is not the case, please provide an explanation here (including details of the interest which it is said that a person who is not the minister or a churchwarden has in the matter).

We apply to the Court for a faculty to authorise the following—

*Please fully and accurately state the works or other proposals for which a faculty is sought. Where relevant, include the number and date on the architect's or surveyor's drawings or other specifications. If it is proposed to dispose of any item details must be given.*

*The works or proposals must be the same as those in respect of which the Diocesan Advisory Committee has given any advice (subject to any modifications that have been made to take account of advice received — if any modifications have been made they also must be described here).*

SCHEDULE OF WORKS OR PROPOSALS

Copies of the Standard Information Form and any drawings, plans, specifications, photographs or other documents showing the proposals must be provided with this application.

**A. PROFESSIONAL ADVICE**

*Please answer this section in every case*

1. Has the architect or surveyor appointed under the Church Act 1979 been —
  - a. engaged in connection with the proposals? Yes  No
  - b. asked for general advice in relation to these proposals? Yes  No
2. If another architect or surveyor is being engaged—
  - a. what is his or her name and address?
  - b. why is he or she being instructed in relation to the proposed works?

**B. FINANCIAL INFORMATION**

*Please answer this section in every case*

3. a. What is the estimated cost of the proposed works? £
- b. Who has estimated this cost?
- c. Are the proposals wholly to be paid for by someone other than the parochial church council or wholly from funds which have been given to the PCC for the purpose of the proposals? Yes  No
- d. If the answer to c. is no, how are the proposals to be paid for? (Please give figures below)  
From—
  - i. the PCC's current balance of funds that are available for the purpose £
  - ii. gifts/legacies £
  - iii. grants or fund-raising — already available £  
— being sought £

Please include details of any fund raising strategy (on a separate sheet if necessary).

**C. PLANNING APPROVAL**

*Please answer this section in every case*

4. a. Are any external works proposed? Yes  No
- b. If yes, have you consulted the Department of Infrastructure as to whether planning approval is required? Yes  No
- c. Please include a copy of any reply from the Department.
5. a. If required, has outline or full planning approval been granted? Yes  No
- b. Please include a copy of the planning approval, if any, with this application.

**D. REGISTERED BUILDING**

*Please answer this section in every case*

6. a. Is the church entered in the Protected Buildings Register? Yes  No   
*If the answer to a. is no, proceed to Part E.*
- b. If the answer to a. is yes and changes to the building are proposed, has the PCC prepared a statement of significance and a statement of needs? Yes  No
- c. If the answer to b. is yes, please supply copies of the statements with this application.
- d. Have you consulted the Department of Infrastructure as to whether registered building consent is required? Yes  No
- e. Please include a copy of any reply from the Department.
7. a. If required, has registered building consent been granted? Yes  No
- b. Please include a copy of the registered building consent, if any, with this application.

**E. CHURCH INSURANCE**

*Please answer this section for any work to or in the church*

8. Do the proposals involve external scaffolding? Yes  No
9. a. Is the work or part of the work to be carried out by voluntary labour? Yes  No
- b. If yes, has the PCC taken out insurance to protect voluntary labour against the risk of injury during the course of the work? Yes  No
10. a. Have you informed the church's insurance company that work is to be carried out in the church or churchyard? Yes  No
- b. If the answer a. is yes, please supply a copy of the insurer's approval or letter in reply.

## F. DETAILS OF CONTRACTORS

Please answer this section when you wish to carry out work of any kind

11. Please give the name and address of each contractor to be employed for the different aspects of the works (e.g. builder, electrician, stained glass artist, organ builder etc.)

Contractor 1

Contractor 2

Contractor 3

## G. TIME FOR WORK

Please answer this section in every case

- 12 a. How soon will the work start after the faculty is granted?
- b. How long is it expected that it will take for the work to be completed?
13. a. Will it be necessary to hold public worship in another building while the work is being carried out? Yes  No
- b. If yes, has the Bishop consented to alternative arrangements for public worship? Yes  No

## H. ARCHDEACON'S LICENCE

Please answer this section if applicable. Otherwise proceed to section J.

14. a. Has the archdeacon granted a licence authorising temporary minor re-ordering? Yes  No
- b. If yes, please include a copy with this application.

## J. PCC RESOLUTION

Please answer this section, deleting words as appropriate, in every case

15. The parochial church council at its meeting on \_\_\_\_\_ passed [unanimously] [without dissent] [by a majority of \_\_\_ to \_\_\_ among those present and voting] a resolution relating to the works or proposals. A copy of the resolution signed by the [chairman] [secretary] is included with this application. There are \_\_\_\_\_ members of the council.

## K. DIOCESAN ADVISORY COMMITTEE

Please answer this section in every case

16. Is a notification of advice from the Diocesan Advisory Committee included with this application? Yes  No

## L. FURTHER INFORMATION

Please answer this section in every case

17. Will the work affect any graves? Yes  No



18. Are any private rights (including rights in seats in the church) affected by the works or proposals? Yes  No
19. If the answer to question 17 or 18 is yes, please provide details in the schedule of works or proposals.
20. Is the information about the church and churchyard included in the most recent quinquennial inspection report still accurate? Yes  No
21. If there is any further information that the applicants would like the court to take into account, details should be set out in a letter or statement included with this application.

We believe that the facts stated in this application are true.

Signed:

Date:

(Signature(s) of applicants or person acting on behalf of applicants)

Form 4  
(Rule 6.2)

Public Notice  
(general form)

**In the Consistory Court of the Diocese of Sodor and Man  
Parish of  
Church of**

NOTICE IS GIVEN that we are applying to the Consistory Court of the diocese for permission to carry out the following:  
*(Describe the works or other proposals in the same way as in the faculty application)*

Copies of the relevant plans and documents may be examined at

*(If changes to a church are proposed a copy of the petition and of any designs, plans, photographs and other documents that were submitted with it must be displayed in the church or at another place where they may be conveniently inspected by the public.)*

Applicants:  
*(Each applicant to give name and office held in block capitals)*

- 1.
- 2.
- 3.

Date  
*(Date on which the notice is first displayed)*

**If you wish to object to any of the works or proposals you should send a letter stating the grounds of your objection to the Diocesan Registrar, Sodor and Man Diocesan Registry, Stamford House, Piccadilly, York YO1 9PP so that your letter reaches the Registrar not later than** *(date 28 days after the date given above).*

**A letter of objection must include your name and address and state whether**

- you live in the parish and/or
  - your name is entered on the church electoral roll of the parish
- or any other basis on which you have an interest in the matter.**

**Directions to applicants**

You must display this public notice (or a copy of it) for a continuous period of not less than 28 days, not counting the day on which it is put up or the day on which it is taken down, (or for such other period as the Court may direct) in each of the following places:

1. on a notice board or in some other prominent position inside the church; and
2. on a notice board outside the church or in some other prominent position (whether on the outside of the church door or elsewhere) so that it can be read by the public.

**Certificate of publication**

I, \_\_\_\_\_ (*name*), one of the applicants, certify that a copy of this public notice was displayed during the period from \_\_\_\_\_ to \_\_\_\_\_ (inclusive) —

1. on a notice board inside the church of \_\_\_\_\_ ; and
2. outside the church of \_\_\_\_\_, on [a notice board] [the principal door] [ \_\_\_\_\_ ] where it could be read by the public.

Signed \_\_\_\_\_ (*signature of applicant*)  
Date \_\_\_\_\_

*Note: This certificate must be completed in full by making appropriate entries in the blank spaces and deleting that which does not apply. The public notice (or a copy) with a completed certificate of publication must be returned to the Diocesan Registrar once the period for the display of the notice has expired.*

Form 5  
(Rules 9.3, 10.3)

Particulars of objection to application for faculty

**In the Consistory Court of the Diocese of Sodor and Man  
To the Registrar**

**Parish of**

**Church of**

**In the matter of an application requesting a faculty for**

*State generally the works or proposals*

I, \_\_\_\_\_ (*name*) have previously written a letter of objection dated  
(*date*).

My objection relates to [the whole] [part] of the proposed works or proposals.

[The part(s) of the proposed works or proposals to which I object [is] [are]:

(a)

(b)]

*Delete words that are not applicable*

The grounds of my objection are:

(1)

(2)

(3)

*Here set out concisely and in numbered paragraphs the grounds on which the objection is made. If necessary use a separate sheet.*

I believe that the facts stated in these particulars of objection are true.

I certify that I have served a copy of these particulars of objection on the applicants today.

Signed:

(*Signature of objector or advocate*)

Date:

Address:

**Notes**

1. If you wish to become a party opponent in the faculty proceedings you must complete and return this form to the Registrar, and send or deliver a copy to the applicants, within 21 days from the date when you received the written notice from the Registrar enclosing this form.

2. If you do not return this form to the Registrar and send a copy to the applicants within 21 days from the date when you received the written notice from the Registrar your letter of objection will be taken into account by the Vicar General in reaching a decision but you will not become a party to the proceedings and you will not be entitled to take part in the proceedings or to appeal against any judgment or order of the Court.

Form 6  
(Rule 10.4)

Reply

**In the Consistory Court of the Diocese of Sodor and Man  
To the Registrar**

**Parish of  
Church of**

**In the matter of an application requesting a faculty for**

*State generally the works or proposals*

We, the applicants in these proceedings for a faculty, have been served with particulars of objection by \_\_\_\_\_ (*name of party opponent*) dated \_\_\_\_\_ (*date*).

We reply to the grounds of objection as follows:

- (1)
- (2)
- (3)

*Here set out concisely and in numbered paragraphs the applicants' response to each of the grounds of objection raised by the party opponent. If necessary use a separate sheet.*

We believe that the facts stated in this reply are true.

We certify that we have sent a copy of these particulars of objection to the objectors today.

Signed: \_\_\_\_\_  
(*Signatures of applicants or advocate*)

Date: \_\_\_\_\_

**Notes**

1. If you wish to serve reply to an objector's grounds of objection you should complete and return this form to the Registrar, and send or deliver a copy to the objector, within 21 days from the date when you received the particulars of objection. You must serve a reply if you have been directed to do so by the court.
2. A reply must state the applicants' case in respect of the matters raised by the objector in the particulars of objection.

Form 7  
(Rule 7.4)

Faculty

**In the Consistory Court of the Diocese of Sodor and Man**

**Parish of**

**Church of**

The Worshipful \_\_\_\_\_, Vicar General and Chancellor of the Diocese and  
Official Principal of the Right Reverend \_\_\_\_\_, Lord Bishop of Sodor and Man

To \_\_\_\_\_  
(names and descriptions of applicants)

An application presented by you has been submitted to the Registry of this Court [together with designs, plans, photographs or other documents, requesting a faculty authorising the works or other proposals specified in the application].

A public notice was duly displayed giving an opportunity to all persons interested to object and give reasons why a faculty should not be granted

[The proceedings were unopposed and did not give rise to a question of law or of doctrine, ritual or ceremonial or relate to proposals that affect the legal rights of any person or body.]

[The proceedings were unopposed but gave rise to a question of law or of doctrine, ritual or ceremonial or related to proposals that affected the legal rights of a person or body and the Vicar General has decided for the [summary reasons] [reasons given in a judgment] dated (date) that a faculty should be granted.]

[[A] letter[s] of objection to the granting of a faculty [has] [have] been taken into account by the Vicar General in reaching the decision that a faculty should be granted.]

[All the parties to the proceedings having agreed in writing that the Vicar General should determine the proceedings upon written representations, the Vicar General has decided for the reasons given in a judgment dated (date) that a faculty should be granted.]

[The Vicar General held a hearing at which oral evidence was given, and has decided for the reasons given in a judgment dated (date) that a faculty should be granted.]

This Court now grants a faculty authorising you to carry out the works or other proposals described in the Schedule in accordance with the designs, plans or other documents accompanying the application and subject to any conditions set out in the Schedule.

[The works must be completed within months from the date below or such further period as this Court may allow and the certificate of practical completion is to be sent to the Registry within the period allowed.]

[A copy of this faculty is to be supplied by you to the architect or surveyor and contractors to be employed in respect of the authorised work before any work is commenced.]

This faculty is duly authenticated by the seal of this Court.

Dated

Signature of Registrar

SCHEDULE  
Description of works or proposals

Conditions

Form 8  
(Rule 7.4)

Certificate of practical completion of works authorised by faculty

**In the Consistory Court of the Diocese of Sodor and Man  
To the Registrar**

**Parish of**

**Church of**

A faculty dated \_\_\_\_\_ (*date*) authorised the following works subject to the following conditions:

*(details to be inserted by Registrar)*

**1. Company, firm or person by whom work carried out**

The work was carried out by the following:

*(If a different company, firm or person was employed for different items of the work, details of each must be given.)*

(i) Name:  
Address:

Type of work undertaken (*e.g. building, electrical, organ, heating, clock repairs, installation of stained glass etc.*):

(ii) Name:  
Address:  
Type of work undertaken:

*If necessary, continue on a separate sheet.*

Each company, firm or person named above was supplied with a copy of the faculty before the work was commenced.

**2. Architect/Surveyor (if any)**

(i) The architect/surveyor employed in relation to the work was:

Name:  
Address:

(ii) The above named architect/surveyor

(a) was provided with a copy of the faculty before work commenced; and

(b) has issued a Practical Completion Certificate dated \_\_\_\_\_ (*date*) in relation to [the whole] [part] of the works. (*Delete as appropriate*)

**3. Certificate by churchwardens or applicant**

(i) We/I certify to the best of [our] [my] knowledge, information and belief that the works have been carried out in accordance with the faculty.



- (ii) We/I certify that all the conditions attached to the faculty have been complied with.
- (iii) We/I have given a copy of the certificate to the Archdeacon and have placed a copy in the church's log book.

Name:

*(Insert name of churchwarden, applicant or person authorised to act on applicant's behalf.)*

Address:

Signed:

Date:

**Note: This form is to be returned to the registrar within 28 days of the practical completion of the work**

Form 9  
(Rule 8.2)

Licence for temporary minor re-ordering

**In the Consistory Court of the Diocese of Sodor and Man**  
**The Venerable Archdeacon of Man**

**Parish of**

**Church of**

**To the Reverend and to the Parochial Church Council**

You have applied for authority to carry out a scheme of temporary minor re-ordering and I am satisfied that it is expedient to give a licence authorising the scheme.

I now give you my licence authorising you to implement the scheme of temporary minor re-ordering described below and subject to the conditions that are specified.

This licence expires on (date)

**The Scheme**

The scheme of temporary minor re-ordering authorised by this licence comprises:  
(Insert description of scheme)

**Conditions**

This licence is subject to the following conditions:  
(Insert conditions)

Signed: Date:  
Archdeacon of Man

(Copies of this licence are sent to the Diocesan Registrar and to the Diocesan Advisory Committee.)

**Notes**

1. If you wish to continue with the scheme after the expiry of this licence you must submit a application for a faculty in respect of the scheme to the Diocesan Registry (and display public notices in accordance with Part 6 of the Faculty Jurisdiction Rules (Isle of Man) 2016) not less than 2 months before this licence expires. Prior to that you should have sought the advice of the Diocesan Advisory Committee.
2. If you submit an application within the time mentioned in paragraph 1, the scheme will be deemed to continue to be authorised by this licence until the application is determined by the court.
3. If you do not submit an application for a faculty in respect of the scheme, when the licence expires you must immediately restore the position to that which existed before the scheme was implemented.

4. On the expiry of this licence, the Archdeacon will send a notice asking whether a faculty has been applied for and, if not, whether the position has been restored to that which existed before the scheme was implemented. The minister (or if there is then no minister, the churchwardens) must return the completed form to the archdeacon within 14 days.

Form 10  
(Rule 8.3)

Notice on expiry of licence for temporary minor re-ordering

**In the Consistory Court of the Diocese of Sodor and Man**  
**The Venerable Archdeacon of Man**

**Parish of**

**Church of**

**To the Reverend** \_\_\_\_\_ **and to the Parochial Church Council**

On \_\_\_\_\_ (*date*) I gave you my licence authorising you to implement a scheme of temporary minor re-ordering described in the licence and subject to the conditions that were specified.

That licence expired on \_\_\_\_\_ (*date*)

Please complete this form and return it to me within 14 days of your receiving it.

1. Have you applied for a faculty in respect of the scheme? Yes  No
2. If yes, on what date did you submit the faculty application to the Diocesan Registry?
3. If no, have you restored the position to that which existed before the scheme was implemented? Yes  No
4. If you have not applied for a faculty and have not restored the position to that which existed before the scheme was implemented, please state:
  - a. why not; and
  - b. when you expect to have restored the position.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
*Signature of minister (or, if there is currently no minister, signatures of churchwardens)*

**Note**

If a scheme of temporary minor re-ordering has ceased to be authorised by licence and no faculty has been granted for the scheme, the Archdeacon is required to take steps to ensure that the position is restored to that which existed before the scheme was implemented.

Form 11  
(Rule 5.6)

Notification by registrar for register of applications

**In the Consistory Court of the Diocese of Sodor and Man  
To the Secretary of the Diocesan Advisory Committee**

On \_\_\_\_\_ (*date*) an application was submitted to the Registry for which the advice of the Diocesan Advisory Committee is required under the Faculty Jurisdiction Rules (Isle of Man) 2016.

Details of the application are as follows:

Name(s) of applicant(s) and office held:

Parish of

Church of

The schedule of works or proposals contained in the application is [attached] [as follows]

Signed

Diocesan Registrar

Date

Form 12  
(Rule 8.1)

Place of safety order  
(Archdeacon of opinion that article should be removed immediately)

**The Venerable**

**Archdeacon of Man**

**Parish of**

**Church of**

To *(names and addresses of churchwardens)*

[and to *(name and address)* a person having custody of the article(s)  
described in the Schedule to this Order]

It appears to me that the article(s) described in the Schedule which appertain to the above named church [is] [are] of architectural, artistic, historical or archaeological value and that [it is] [they are] exposed to danger of loss or damage and should be removed to a place of safety immediately.

I have reached that conclusion for the following reasons:

*(summary of reasons)*

I therefore order, pursuant to section 21 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991, that the article(s) be [removed from the church and] deposited in the place of safety specified below immediately.

*(address or description of place of safety)*

If you refuse or fail to comply with this Order I may apply to the Court for an Order that you deliver the article to the place of safety specified above and I may ask the Court to order that you pay the costs of the application.

Schedule  
Description of article(s)

Signed:

Archdeacon of Man

Date:

Notes

1. As this Order has been made as a matter of urgency without giving the Diocesan Advisory Committee an opportunity to make representations, as soon as practicable after the removal of the article(s) to the place of safety, the Archdeacon will notify the Committee of the removal.
2. Within 28 days of the removal of the article(s) to the place of safety the archdeacon must apply to the Court for a faculty authorising the retention of the article in the place of safety. The Court will then decide for what further period (if any) the article(s) should be retained in the place of safety, or any alternative place of safety, and will make other decisions relating to the Archdeacon's application that it thinks fit.

Form 14

(Rule 8.1)

Notice inviting representations with a view to making place of safety order

**The Venerable**

**Archdeacon of Man**

**Parish of**

**Church of**

To (a) *(names and addresses of churchwardens)*

[(b) *(name and address)* a person having custody of the article(s) described in the Schedule to this Order]

(c) *(name and address)* secretary of the Parochial Church Council

(d) the Secretary of the Diocesan Advisory Committee

It appears to me that the article(s) described in the Schedule below which appertain(s) to the above-named church [is] [are] of architectural, artistic, historical or archaeological value. The facts summarised below appear to me to show that the article(s) [is] [are] exposed to danger of loss or damage and I am proposing to make an order under section 21 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 directing the churchwardens and any other person having custody of article(s) to [remove [it] [them] from the church and] deposit [it] [them] in a place of safety.

Summary of facts

Schedule  
Description of article(s)

I will not make any order before (insert date not less than 28 days after service of notice). If the churchwardens, any other person having custody of the article(s) described in the Schedule, the Parochial Church Council or the Diocesan Advisory Committee make representations to me before that date I will consider those representations before making any order.

Signed:

Archdeacon of Man

Date:

Form 14  
(Rule 8.1)

Place of safety order  
(following consideration of any representations)

**The Venerable**

**Archdeacon of Man**

**Parish of**

**Church of**

To *(names and addresses of churchwardens)*

[and to *(name and address)* a person having custody of the article(s)  
described in the Schedule to this Order)

[Having considered the representations made to me] [No representations having been made to me] by the date specified in my Notice dated *(date)* inviting representations about my proposal to make an Order requiring the removal of the article(s) in the Schedule to the Notice to a place of safety, I am of the opinion that the article(s) described in the Schedule to this Order ought to be removed to a place of safety.

I therefore order, pursuant to section 21 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991, that the article(s) be [removed from the church and] deposited in the place of safety specified below by *(time)* on *(date)*.

Address or description of place of safety:

If you refuse or fail to comply with this Order I may apply to the Court for an Order that you deliver the article to the place of safety specified above and I may ask the Court to order that you pay the costs of the application.

Schedule  
Description of article(s)

Signed

Date:

Archdeacon of Man

Note

Within 28 days of the removal of the article(s) to the place of safety the Archdeacon must apply to the Court for a faculty authorising the retention of the article in the place of safety. The Court will then decide for what further period (if any) the article(s) should be retained in the place of safety, or any alternative place of safety, and will make other decisions relating to the Archdeacon's application that it thinks fit.



Form 15  
(Rule 16.2)

Application for injunction or restoration order

**In the Consistory Court of the Diocese of Sodor and Man**

**In the matter of** \_\_\_\_\_ (name of church or churchyard or description of article appertaining to church)

**[And in the matter of [an application] [a faculty] dated \_\_\_\_\_ relating to \_\_\_\_\_ ]**

Applicant(s): *(insert names of applicant(s))*

\_\_\_\_\_  
Office held/interest in the matter: *(eg. archdeacon, minister, churchwarden, owner of article)*

\_\_\_\_\_  
*[Application for Injunction]*

The applicant(s) [applies] [apply] for an injunction in the following terms:

That \_\_\_\_\_ (*name*) of \_\_\_\_\_ (*address*) be forbidden (whether by [himself][herself] or by instructing or encouraging or permitting any other person) from *(insert details of the act from which the person is to be forbidden).*

*[Application for Restoration Order]*

The applicant(s) [applies] [apply] for a restoration order in the following terms:

That \_\_\_\_\_ (*name*) of \_\_\_\_\_ (*address*) be required to take the following steps by \_\_\_\_\_ (*time*) on \_\_\_\_\_ (*date*):

*(set out steps to be taken to restore position to that which existed immediately before unlawful act was committed in relation to church, churchyard or article)*

The grounds on which the applicant(s) claim(s) to be entitled to an [injunction] [restoration Order] are:

*(give brief description of the unlawful act which is intended to be or has been committed)*

The facts and matters relied on in support of this application are set out in the witness statement of \_\_\_\_\_ (*name*) dated \_\_\_\_\_ (*date*) which accompanies this application.

This application will be heard at \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_

*(time, date and address to be inserted by Registrar)*

This application is served by [the advocate for] the applicant(s) whose address for service is:

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

([Applicant] [Applicant's advocate])

[Address and telephone number of applicant(s) advocate: ]

The Diocesan Registry at Stamford House, Piccadilly, York YO1 9PP is open between  
and on days to days. *(To be completed by Registrar)*

The telephone number is 01904 623487

**Notes**

*To the applicant(s):*

The witness statement that accompanies this application must be verified by a statement of truth in the following form —

"I believe that the fact stated in this witness statement are true."

This application is made by submitting this form with the witness statement to the Diocesan Registry. The application is issued by the Registrar who will enter details of the place and date of hearing in the relevant place in the form.

Unless the court orders otherwise, the application and witness statement must be served by the applicant on the following not less than two clear days before the date of hearing—

- the person against whom the injunction or restoration order is being sought;
- where faculty proceedings have been started, on each of the parties to the proceedings;
- the Archdeacon (unless the archdeacon is the applicant); and
- the minister (unless the minister is the applicant) or, where there is no minister, the churchwardens (unless they are the applicants).

Once the applicant has served each of the above persons, the applicant must submit to the Registry a certificate of service complying with rule 16.3(5) of the Faculty Jurisdiction Rules (Isle of Man) 2016.

*To the person against whom the injunction or restoration order is being sought:*

If you intend to instruct an advocate to act for you, you should provide the advocate with a copy of this document immediately.

If you do not attend the hearing at the time and place shown the court may make an injunction or restoration order and order costs against you in your absence. If you have any questions about the hearing you should contact the Diocesan Registry (details above).

**Certificate of Service**

**In the Consistory Court of the Diocese of Sodor and Man**

**In the matter of** *(continue heading as above)*

I certify that this application together with a copy of the witness statement of  
*(name)* dated *(date)* was served on the following persons at the addresses,  
by the method and on the dates given below.

Name:	Name:	Name:	Name:
Address:	Address:	Address:	Address:
Method:	Method:	Method:	Method:
Date served:	Date served:	Date served:	Date served:

I believe that the facts stated in this certificate are true.

Signed:

[Applicant] [Applicant's advocate]

Date:

Form 16  
(Rule 16.5)

Injunction  
(section 13(4) Care of Churches and Ecclesiastical Jurisdiction Measure 1991)

**In the Consistory Court of the Diocese of Sodor and Man**

**In the matter of**

[And in the matter of [an application] [a faculty] dated \_\_\_\_\_ relating to  
\_\_\_\_\_ ]

Applicant(s):

Respondent:

<b>If you the within named _____ (<i>name</i>) do not comply with this order you may be held to be in contempt of court and imprisoned or fined, or your assets may be seized.</b>
--

On \_\_\_\_\_ (*date*) the Court considered an application for an injunction

The Court ordered that \_\_\_\_\_ (*name of respondent*) is forbidden (whether by himself or by instructing or encouraging or permitting any other person) from \_\_\_\_\_ (*insert terms of injunction*)

This order will remain in force [until \_\_\_\_\_ (*time*) on \_\_\_\_\_ (*date*) unless before then it is revoked by further order of the court] [until further order].

[It is further ordered that \_\_\_\_\_ (*insert other orders and directions, eg. as to costs*)]

If you do not understand anything in this order you should consult an advocate.

**Record of hearing**

On \_\_\_\_\_ (*date*), before the [Deputy] Vicar General  
The court was sitting at \_\_\_\_\_

The Applicant [was represented by an advocate] [appeared in person]  
The Respondent [was represented by an advocate] [appeared in person] [did not appear]

The court read the written evidence of \_\_\_\_\_  
and \_\_\_\_\_  
[The court heard spoken evidence on oath from \_\_\_\_\_ ]

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Diocesan Registrar

The Diocesan Registry at Stamford House, Piccadilly, York YO1 9PP is open between \_\_\_\_\_ and \_\_\_\_\_ on \_\_\_\_\_ days to \_\_\_\_\_ days. (*To be completed by Registrar*)

The telephone number is 01904 623487

**Certificate of Service**

**In the Consistory Court of the Diocese of Sodor and Man**

**In the matter of** *(continue heading as above)*

I certify that this order was served on the following persons at the addresses, by the method and on the dates given below.

Name:	Name:	Name:	Name:
Address:	Address:	Address:	Address:
Method:	Method:	Method:	Method:
Date served:	Date served:	Date served:	Date served:

I believe that the facts stated in this certificate are true.

Signed: [Applicant] [Applicant's advocate] Date:

Form 17  
(Rule 16.5)

Restoration order  
(section 13(5) Care of Churches and Ecclesiastical Jurisdiction Measure 1991)

**In the Consistory Court of the Diocese of Sodor and Man**

**In the matter of**

[And in the matter of [an application] [a faculty] dated \_\_\_\_\_ relating to  
\_\_\_\_\_ ]

Applicant(s):

Respondent:

<b>If you the within named _____ (name) do not comply with this order you may be held to be in contempt of court and imprisoned or fined, or your assets may be seized.</b>
---

On \_\_\_\_\_ (date) the Court considered an application for a restoration order

The Court ordered that \_\_\_\_\_ (name of respondent) must take the following steps —

on or before \_\_\_\_\_ (time) on \_\_\_\_\_ (date).

[It is further ordered that \_\_\_\_\_ (insert other orders and directions, eg. as to costs)]

If you do not understand anything in this order you should consult an advocate.

**Record of hearing**

On \_\_\_\_\_ (date), before the [Deputy] Vicar General  
The court was sitting at \_\_\_\_\_

The Applicant [was represented by an advocate] [appeared in person]  
The Respondent [was represented by an advocate] [appeared in person] [did not appear]

The court read the written evidence of \_\_\_\_\_  
and \_\_\_\_\_  
[The court heard spoken evidence on oath from \_\_\_\_\_ ]

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Diocesan Registrar

The Diocesan Registry at Stamford House, Piccadilly, York YO1 9PP is open between  
\_\_\_\_\_ and \_\_\_\_\_ on \_\_\_\_\_ days to \_\_\_\_\_ days. (To be completed by Registrar)

The telephone number is 01904 623487

**Certificate of Service**

**In the Consistory Court of the Diocese of Sodor and Man**

**In the matter of** *(continue heading as above)*

I certify that this order was served on the following persons at the addresses, by the method and on the dates given below.

Name:	Name:	Name:	Name:
Address:	Address:	Address:	Address:
Method:	Method:	Method:	Method:
Date served:	Date served:	Date served:	Date served:

I believe that the facts stated in this certificate are true.

Signed: [Applicant] [Applicant's advocate] Date:

Form 18  
(Rule 16.6)

Interim injunction or interim restoration order  
(section 13(4) Care of Churches and Ecclesiastical Jurisdiction Measure 1991)

**In the Consistory Court of the Diocese of Sodor and Man**

**In the matter of**

[And in the matter of [an application] [a faculty] dated \_\_\_\_\_ relating to  
\_\_\_\_\_ ]

Applicant(s):

Respondent:

<p><b>If you the within named _____ (<i>name</i>) do not comply with this order you may be held to be in contempt of court and imprisoned or fined, or your assets may be seized.</b></p>
---

On \_\_\_\_\_ (*date*) the Court considered an application for an [injunction] [restoration order] on the basis that the application was a matter of such urgency that an [injunction] [restoration order] should be issued without an application being made and served on the Respondent.

*[Interim Injunction]*

The Court ordered that \_\_\_\_\_ (*name of respondent*) is forbidden (whether by himself or by instructing or encouraging or permitting any other person) from (*insert terms of injunction*)

This order will remain in force until \_\_\_\_\_ (*time*) on \_\_\_\_\_ (*date not more than 14 days from date of issue of order*) unless before then it is revoked by a further order of the court.]

*[Interim Restoration Order]*

The Court ordered that \_\_\_\_\_ (*name of respondent*) must take the following steps —

on or before \_\_\_\_\_ (*time*) on \_\_\_\_\_ (*date*) ]

**Notice of further hearing**

The court will reconsider the application and whether the order should continue at a further hearing at \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_ (*time, date and address*)

It is further ordered that:

- (1) The Applicant must serve this order on the Respondent by \_\_\_\_\_ (*method of service*) by \_\_\_\_\_ (*time*) on \_\_\_\_\_ (*date*)
- (2) The Applicant must serve on the Respondent an application in Form 15 and a witness



statement complying with rule 16.2(3) of the Faculty Jurisdiction Rules (Isle of Man) 2016 by  
(time) on (date)  
(Insert any other orders and directions, eg. as to costs)

If you do not understand anything in this order you should consult an advocate.

### Record of hearing

The [Deputy] Chancellor heard the application on (date) [in chambers] [by telephone].

The Applicant [was represented by an advocate] [appeared in person]

The court read [the written evidence of ] [the following documents]  
[The court heard spoken evidence on oath from ]

Signed: Date:

Diocesan Registrar

The Diocesan Registry at Stamford House, Piccadilly, York YO1 9PP is open between  
and on days to days. (To be completed by Registrar)

The telephone number is 01904 623487

### Certificate of Service

#### In the Consistory Court of the Diocese of Sodor and Man

In the matter of (continue heading as above)

I certify that this order was served on the following persons at the addresses, by the method  
and on the dates given below.

Name:	Name:	Name:	Name:
Address:	Address:	Address:	Address:
Method:	Method:	Method:	Method:
Date served:	Date served:	Date served:	Date served:

I believe that the facts stated in this certificate are true.

Signed: Date:  
[Applicant] [Applicant's advocate]

Form 19  
(Rule 16.7)

Injunction issued on court's own initiative  
(section 13(4) Care of Churches and Ecclesiastical Jurisdiction Measure 1991)

**In the Consistory Court of the Diocese of Sodor and Man**

**In the matter of**

[And in the matter of [an application] [a faculty] dated \_\_\_\_\_ relating to  
\_\_\_\_\_ ]

Applicant(s):

Respondent:

<p><b>If you the within named _____ (name) do not comply with this order you may be held to be in contempt of court and imprisoned or fined, or your assets may be seized.</b></p>
--

The Court orders that \_\_\_\_\_ (name of respondent) is forbidden (whether by himself or by instructing or encouraging or permitting any other person) from \_\_\_\_\_ (insert terms of injunction)

The Court has made this order of its own initiative.

[This order will remain in force until \_\_\_\_\_ (time) on \_\_\_\_\_ (date: if an interim injunction, not more than 14 days from date of issue of order) unless before then it is revoked by a further order of the court.]

**[Notice of hearing**

The court will reconsider the matter and whether the order should continue at a further hearing at \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_ (time, date and address where there is to be a further hearing)

It is further ordered that:

The Registrar must serve this order on the Respondent by \_\_\_\_\_ (method of service) by \_\_\_\_\_ (time) on \_\_\_\_\_ (date)

(insert any other orders and directions)

If you do not understand anything in this order you should consult an advocate.

The Diocesan Registry at Stamford House, Piccadilly, York YO1 9PP is open between \_\_\_\_\_ and \_\_\_\_\_ on \_\_\_\_\_ days to \_\_\_\_\_ days. (To be completed by Registrar)

The telephone number is 01904 623487

**Certificate of Service**

**In the Consistory Court of the Diocese of Sodor and Man**

**In the matter of** *(continue heading as above)*

I certify that this order was served on the following persons at the addresses, by the method and on the dates given below.

Name:	Name:	Name:	Name:
Address:	Address:	Address:	Address:
Method:	Method:	Method:	Method:
Date served:	Date served:	Date served:	Date served:

I believe that the facts stated in this certificate are true.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Diocesan Registrar

Form 20  
(Rule 16.7)

Restoration order issued on court's own initiative  
(section 13(5) Care of Churches and Ecclesiastical Jurisdiction Measure 1991)

**In the Consistory Court of the Diocese of Sodor and Man**

**In the matter of**

[And in the matter of [an application] [a faculty] dated \_\_\_\_\_ relating to  
\_\_\_\_\_ ]

Respondent:

<p><b>If you the within named _____ (<i>name</i>) do not comply with this order you may be held to be in contempt of court and imprisoned or fined, or your assets may be seized.</b></p>
---

The Court orders that \_\_\_\_\_ (*name of respondent*) must take the following steps —

on or before \_\_\_\_\_ (*time*) on \_\_\_\_\_ (*date*).

The Court has made this order of its own initiative.

**[Notice of hearing**

The court will consider the matter and whether the order should continue at a further hearing at \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_ (*time, date and address where there is to be a further hearing*)]

It is further ordered that:

The Registrar must serve this order on the Respondent by \_\_\_\_\_ (*method of service*)  
by \_\_\_\_\_ (*time*) on \_\_\_\_\_ (*date*)

(*insert any other orders and directions, eg. as to costs*)]

If you do not understand anything in this order you should consult an advocate.

**Special citation**

Before making this order the [Deputy] Vicar General considered whether a special citation should be served on \_\_\_\_\_ (*name*) requiring [him] [her] to attend before the court and affording [him] [her] an opportunity of being heard.

The [Deputy] Vicar General decided that a special citation [should] [should not] be served on \_\_\_\_\_ (*name*) [who attended before the court on \_\_\_\_\_ (*date*) [in person] and was represented by an advocate] [who did not attend before the court at the time and place stated in the special citation].

The Diocesan Registry at Stamford House, Piccadilly, York YO1 9PP is open between \_\_\_\_\_ and \_\_\_\_\_ on \_\_\_\_\_ days to \_\_\_\_\_ days. (*To be completed by Registrar*)

The telephone number is 01904 623487

**Certificate of Service**

**In the Consistory Court of the Diocese of Sodor and Man**

**In the matter of** *(continue heading as above)*

I certify that this order was served on the following persons at the addresses, by the method and on the dates given below.

Name:	Name:	Name:	Name:
Address:	Address:	Address:	Address:
Method:	Method:	Method:	Method:
Date served:	Date served:	Date served:	Date served:

I believe that the facts stated in this certificate are true.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Diocesan Registrar

---

**EXPLANATORY NOTE**

*(This note is not part of the Rules.)*

These Rules are made under sections the Care of Churches and Ecclesiastical Jurisdiction Measure 1991, as it has effect in the Isle of Man. They replace the Faculty Jurisdiction Rules (Isle of Man) 2010 (SD 330/10) and the Faculty Jurisdiction (Injunctions and Restoration Orders) Rules (Isle of Man) 2012 (SD 306/12), which are revoked subject to transitional provisions in rule 22.3.

The Rules regulate the procedure and practice of the consistory court in relation to the faculty jurisdiction and the jurisdiction of the consistory court to issue injunctions and make restoration orders. In addition, Part 3 and Schedule 1 make provision for certain matters within the jurisdiction of the consistory court to be undertaken without a faculty, subject to conditions, and Part 21 applies to appeals from the consistory court the relevant provisions of the Faculty Jurisdiction Rules 2015 (SI 2015/1568) which have effect in England.