

Re St Mary Magdalene, Clitheroe

Blackburn Consistory Court: Bullimore Ch, 2 July 2017

[2017] ECC Bla 8

Faculty Jurisdiction Rules – archdeacon’s licence – public notice

In determining a petition for a faculty to authorise various works to a Grade II* listed church including, principally, the re-ordering of the chancel, the chancellor addressed a number of matters relating to the application of the Faculty Jurisdiction Rules. In the present case the chancel had already been re-ordered by removing all of its furniture under the authority of a licence granted by the archdeacon. This was at the limit of what should be permitted under what is now rule 8(2) of the Faculty Jurisdiction Rules 2015. The petition was not submitted until nine months after the expiry of the archdeacon’s licence. Observing the time limits in an archdeacon’s licence for temporary minor re-ordering was important. If it was not intended to reverse the position, a petition had to be submitted before the expiry of the licence; changes were not to become permanent by default. A further issue related to the details inserted by the petitioners in the schedule of works in the petition which – because of the way in which the online system for petitions worked – automatically appeared on the public notice and in the notification of advice issued by the Diocesan Advisory Committee. The petitioners had simply inserted the words ‘refer to documents attached’. That was meaningless without knowing what documents were referred to and undermined the purpose of the public notice, which should set out the proposals with such detail as necessary to enable their nature to be understood from that document alone. A reader of the notice could then decide whether to seek further information and whether to send an objection to the registrar. A brief description such as ‘re-ordering’, which described work generally but gave no idea of what was proposed, would not be enough. If proposals were not properly specified in the public notice the chancellor could not, as a matter of law, give approval for them. In the present case the chancellor had accordingly ordered the display of fresh public notices which provided adequate details of the nature of the proposals. [Alexander McGregor]

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Re St Mary, Bromley, Plaistow

Rochester Consistory Court: Gallagher Ch, 9 July 2017

[2017] ECC Roc 5

Objectors – party opponent – cost

A petition by the incumbent and churchwardens for works to the south narthex of the church involved the removal of a pair of wooden doors, the reduction in size of a disabled lavatory cubicle to provide space for a crèche, the introduction