

DIOCESE OF CARLISLE

DIRECTION OF THE CHANCELLOR PURSUANT TO RULE 6.7. OF THE FACULTY JURISDICTION RULES 2015

THE REQUIREMENTS FOR A PUBLIC NOTICE AND COVID-19

1. Rule 6(3) of the Faculty Jurisdiction Rules 2015, as amended [the 2015 Rules], require that in almost all cases where an application for a faculty is made there shall be a Public Notice displayed for 28 days
 - 1.1. inside the church on a notice board or in some other prominent position and
 - 1.2. 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.
2. With the current closure of places of worship and the current government direction to stay at home during the present public health emergency, it is neither practicable nor appropriate for there to be compliance with the conditions for public notice under the 2015 Rules.
3. The Court intends to function as best it can during the current public health emergency.
4. In respect of any application for a faculty where public notice as required above was first given before 2 March 2020, the period for which notice shall be given is reduced to 21 days.
5. In all other cases the following provisions will apply.
6. In the exercise of the power under Rule 6.7. of the 2015 Rules to make an order dispensing with or varying those requirements where it is satisfied that they are not expedient, the Court dispenses with the requirement of public notice under part 6 of such Rules with immediate effect in all faculty applications currently in train and in any application made until 1 June 2020. It makes such dispensation on the grounds that the giving of notice has the capacity to attract attention and/or to cause persons to disregard guidance against the making of unnecessary journeys and that it is expedient so to order. The date of 1 June 2020 may be extended by further Direction.
7. However, the Court will expect petitioners to lodge a note indicating the steps they have taken to bring the matter to the attention of parishioners generally [and

not just churchgoers] using WhatsApp, social media, email, websites etc and including details of the proposed works and a contact email address at the Diocesan Registry [Carlislefaculty@sintons.co.uk.] together with a date by which objections shall be made [being not less than 28 days from the start of the notification]. The nature and extent of alternative forms of notice will depend on the circumstances of the case, and how controversial the proposals are likely to be.

8. At the end of the public notice period of 28 days, the petitioners shall confirm in writing to the Diocesan Registrar or upload onto the online faculty system confirmation that they have taken reasonable steps to publicise the subject matter of the petition consistent with the above expectations and that they are not aware of any potential objections which have been or might have been triggered by the giving of the public notice.

9. Where it seems to the Court that the interests of justice require that further notice shall be given, case specific directions will be given. This may mean that where the Court can foresee that there might well be objections to an application for a faculty, it will defer consideration of the petition until after conclusion of this public health emergency.

GEOFFREY TATTERSALL QC
Chancellor

31 March 2020