

RULES OF THE TRIBUNAL AND THE COURTS

These Rules are made by the Rule Committee under section 38 of Chapter IX of the Constitution of the Church in Wales

PART I: Application and Interpretation

1. Any reference to a Part, a Rule, a Schedule or a Form is a reference to a Part, a Rule, a Schedule or a Form in a Schedule of these Rules, and any reference to a Chapter or section is a reference to a Chapter or section of the Constitution of the Church in Wales.
- 2.1 Except where express provision to the contrary is made in these Rules or the context requires otherwise, Parts I to X of these Rules apply to all proceedings in the Tribunal and the Courts of the Church in Wales.
- 2.2 Except where express provision or the context indicates the contrary, a reference to: “the Court” means the Tribunal, a Diocesan Court, or the Provincial Court as the case may be, and to: “the Registrar”, “the Chancellor” or “the President” means a reference to the Registrar, the Chancellor, or the President, as the case may be, of the Tribunal or of that Court.
3. The Court may deal with a case at any place that it considers appropriate.
4. Not less than 21 days before any hearing, every party shall inform the Registrar of all languages that they intend or know or has reason to believe will be used orally or in any document at the hearing.
5. Subject to these Rules, the Court shall determine its own procedure.
6. If in the course of proceedings a question or matter arises which is not specifically provided for in these Rules, any party may make application to the Registrar to refer such question or matter to the President.

PART II: Forms, Documents and Service

7. The forms set out in the Schedules shall be used in the cases to which they apply.
8. A form may be varied by the Court if the variation is required by the circumstances of a particular case.
9. A form must not be varied so as to leave out any information or guidance which the form gives to the recipient.
10. The Registrar shall not be obliged to receive or deliver any form or document which is not in accordance with these Rules.

11. Save for originals or copies of documentary evidence all documents shall be written, typed or printed on one side only of A4 paper.
12. Save as otherwise expressly provided by an Order or Direction of the Court, any document required to be delivered to or lodged with the Registrar shall be sent to the Registrar by first class post and any document required to be served on any other party shall be sent by first class post to the last known address of the person to be served.
13. The Registrar or the Court may at any time make an Order substituting another mode of service for that prescribed by these Rules, in which event a copy of such Order shall be served with the document to be served.

PART III: Time

14. Where the Court gives a Judgment, Order or Direction which imposes a time limit for doing any act, the last date for compliance must be expressed as a calendar date and include the time of day by which the act must be done.
15. Unless these Rules provide otherwise or the Court orders or directs otherwise, the time specified by a Rule or by the Court for a person to do any act may not be varied by the parties but the Court may enlarge, reduce or abridge such time as it deems appropriate.

PART IV: The Court's Powers: General Provisions

16. Subject to any contrary provision in these Rules, any power conferred by these Rules shall before a hearing of the proceedings be exercised by the President or their duly appointed Deputy.
17. Subject to these Rules, the Court shall have the power to take any other step or make any other Order or Direction which it deems expedient for the purpose of managing and furthering the just disposition of the case.
18. Any Order made by the Court may be made subject to conditions, and specify the consequences of failure to comply with the Order or Direction.
19. A party in non compliance with an Order or Direction may make an application to the Court and the Court may grant relief.
20. No error of procedure shall invalidate any step taken in the proceedings unless the Court so order; and the Court may make an Order to remedy the error.

PART V: Applications in the Course of Proceedings

21. An application for an Order or Direction before the determination of the proceedings must be made by delivering to the Registrar an Application Notice in Form 1 in Schedule 1.
22. The party who delivers to the Registrar an Application Notice must at the same time serve a copy on all other parties to the proceedings.
23. Save in the case of proceedings before the Tribunal where rule 130 applies, not later than 28 days after the date of service of the Application Notice any party may make representations to the Court.

PART VI: Evidence

24. The standard of proof to be applied in any proceedings shall be on the balance of probabilities.
25. The decision of the Court may be founded on written and/or oral evidence.
26. Hearsay evidence shall be admissible in all proceedings and the Court shall give to it such weight as it thinks fit.
27. The Court may admit as evidence any statement or document that it considers relevant and may admit evidence by video link if it deems it appropriate to do so.
28. Subject to the Court's discretion to order otherwise, a person called as a witness in any proceedings before the Court shall, before giving evidence, make an oath or affirmation that such person will speak the truth, the whole truth and nothing but the truth.
29. On the application of any party the Court may allow the evidence of any witness to be taken by deposition before a person appointed by the Court, provided the Court is satisfied that there is reasonable ground for the non-attendance of such witness at the hearing and such depositions may be given in evidence at the trial.
30. A finding of fact by a secular court shall be admissible as evidence of the fact so found but, subject to Rule 31, shall not be conclusive proof of such fact.
31. A certificate of conviction for a criminal offence from a secular court shall be conclusive proof that the acts therein specified were committed by the person named in the certificate.
32. The Court shall have power to call such expert or other evidence as it deems necessary.

PART VII: Costs

33. The Court shall have the power to order any party to give security for costs.
34. The Court may make such other Order for costs as it deems appropriate save that the Tribunal shall not make any Order for costs.
35. If the sum deposited by a party as security for costs exceeds the amount of costs ordered to be paid by that party, the Registrar shall return the balance to that party within 7 working days after such Order for costs.
36. The Court shall have power to direct the Registrar to assess any bill of costs.

PART VIII: Fees

37. Any fees payable shall be made in accordance with the list of fees found in Schedule 2.
38. The Registrar shall not be obliged to receive or deliver any document or application without prior payment of the appropriate fee.
39. The President shall hear and determine any question as to the fees payable.
40. An appeal shall lie to the Provincial Court from the President's Determination upon any question as to the fees. The provisions of Part X shall apply to such an appeal.

PART IX – The Registrar

41. The Registrar shall have the custody of all documents in the Registry and shall keep the records of the Court.

PART X – Appeals

42. No appeal shall lie from any decision:
 - (i) made pursuant to section 6 of Chapter IV C and section 22(e) of Chapter IX;
 - (ii) of the Committee of the Tribunal;
 - (iii) of the Tribunal, save on the ground that the Tribunal materially erred in law or on the basis of fresh evidence that has emerged since the decision of the Tribunal; or
 - (iv) of the Provincial Court.

43. An appeal to the Provincial Court under sections 19 and 32 of Chapter IX or under Rule 40 shall be brought by lodging a Notice of Appeal in Form 3 in Schedule 1 with the Registrar of the Provincial Court not more than 28 days after the Decision, Determination, Judgment or Order against which the appeal is brought.
44. At the same time as Notice of Appeal is lodged with the Registrar of the Provincial Court, the appellant shall serve a copy on each other party.

PART XI – The Diocesan Courts:

Faculties – General Provisions

45. This Part applies only to proceedings in a Diocesan Court pursuant to section 22 (a) of Chapter IX.
46. For the purposes of this Part and Part XII, references to a “church” or “land” shall include any part or parts of a church or land and any fixtures therein or thereon.
47. For the purposes of this Part and Part XII, the expression:
 - “Parish” shall include the Cathedral Church of St Woolos;
 - “Incumbent” shall include the Dean of Monmouth;
 - “Cathedral” includes a parish which is annexed to a Cathedral, but not, unless otherwise stated, the Cathedral Church of St Woolos;
 - “Chapter Clerk” in the case of the Cathedral Church of St Woolos shall mean the Secretary of the Parochial Church Council of St Woolos;
 - “the Commission” means the Cathedrals and Churches Commission.
48. In every diocese there shall be established a Diocesan Advisory Committee, the constitution and functions of which shall be as set out in Schedule 4.
49. The faculty procedure set out in Part XII shall apply to churches and consecrated land vested in the Representative Body, in a Diocesan Board of Finance, or in any other trustees who agree to be bound by these Rules, and to any subordinate or ancillary object or structure in or on that church or consecrated land or within its curtilage.
50. [Rule deleted].
51. [Rule deleted].
52. Except as provided in Rules 53, to 57, where the faculty procedure applies none of the following shall be commenced without the grant of a faculty:
 - (i) any change in use of a building or land;

- (ii) any alteration, addition or repair to, decoration, redecoration, or demolition of, or removal from, the fabric of a Church;
- (iii) any alteration or addition to land, including the construction of new buildings;
- (iv) the introduction, removal, alteration or repositioning of, furniture, fittings, murals, monuments (including gravestones), plate and other precious objects, into, from, or in, a church or land, or the repair of any such furniture, fittings, murals, monuments, plate or objects;
- (v) the alteration of or addition to an inscription on any monument or gravestone;
- (vi) the acquisition of a permanent or exclusive right of burial in any grave, grave space, vault or tomb;
- (vii) the removal of a corpse, or human or cremated remains, from an existing grave, vault, tomb or plot and
- (viii) any other matter not falling within List A and List B of Schedule 5 to these Rules

53.1. Rule 52 shall not apply when and so far as the works are urgently necessary in the interest of safety or health, for the preservation of a building or for making the building secure and limited to the minimum measures immediately necessary, provided that: the Diocesan Advisory Committee and either, in the case of a Cathedral, the Dean or the most senior member of the Chapter, then available; or, in the case of a Parish, the Archdeacon, or, in their absence, the Area Dean, or, in the case of the Cathedral Church of St Woolos, the Dean is consulted beforehand.

53.2 In any case where 53.1 applies a notice in writing specifying in detail and justifying the carrying out of the works shall be given:

- (i) to the Representative Body;
- (ii) to the Diocesan Registrar and
- (iii) in the case of a Cathedral, including the Cathedral Church of St Woolos, to the Chapter Clerk and
- (iv) in a Parish, to the Secretary of the Parochial Church Council,

and as soon as reasonably practicable an application for a Faculty shall be made in accordance with these Rules.

54. Rule 52 shall not apply to the following matters:

54.1 Maintenance (not including replacements, redecoration or rewiring)

Work which, without effecting replacements (other than of light bulbs and heating elements) or without involving redecoration, replacements, pointing, repointing or rewiring, keeps the church, or its contents or the churchyard clean and tidy or which keeps electrical or mechanical items (including

heating and lighting equipment, musical instruments and bells) in good working order.

54.2 Installations, movements and removals

- (i) The introduction to, or movement within, a church of:
 - (a) processional crosses, sanctuary lamps and sanctuary bells, votive lamps, candlestands, statues, statuettes, icons, thuribles, incense boats, pyxes and tabernacles provided that, with regard to any of these items, these are not proposed to be attached to the fabric of the church and provided that the Diocesan Bishop so agrees;
 - (b) eucharistic vessels, cruets, wafer boxes, lavabos, aspergilla, ewers, alms dishes or vases.
 - (ii) The introduction to, movement within, or removal from, a church of decorative banners used for displays lasting no longer than three months, temporary structures of devotional or educational value (e.g. Christmas cribs, Easter gardens), altar linen (other than frontals and falls), vestments, albs, surplices, cassocks, choir robes, vergers' robes, bibles, prayer books, hymn books, psalters, musical scores and other printed material used in divine services, books of remembrance, literature approved, in the case of a Cathedral, including the Cathedral Church of St Woolos, by the Chapter, otherwise, by the Incumbent, Cleric-in-Charge or Area Dean and Churchwardens, fire extinguishers, hymn boards, collection plates or bags, kneelers, hassocks, pew runners and cushions, credence tables, registers of births, baptisms, banns, marriages, deaths and burials.
 - (iii) The introduction to, movement within, or removal from, a church, for a special occasion or other strictly limited period of time, of seating comprising unfixd pews or chairs.
 - (iv) The introduction, within a churchyard, of gravestones complying with regulations 15(1) or 15(2) of the Regulations for the Administration of Churchyards.
55. Rule 52(i) to (v) shall not apply where approval is granted under the Regulations for the Administration of Churchyards.
56. Rule 52(i) shall not apply where the change is to use by another denomination, effected under an agreement made under the Sharing of Church Buildings Act, 1969, or any statutory amendment or re-enactment thereof.
57. Rule 52(iv) shall not apply in the case of a loan to a museum or similar recognised institution.

PART XII – The Diocesan Courts:

Faculty Procedure

58. An application for a faculty shall be made by any person, persons or body having an interest to promote. An applicant may consult with the DAC about any aspects of the proposed application, see Form 1 Part 1. This process is optional and an applicant may submit a formal application at any time.
59. An application for a faculty shall be made in Form 1 in Part 2 Schedule 3 including an appropriate heritage impact assessment in the following manner:
- (i) The applicant shall complete Form 1 Part 2 Schedule 3 and shall lodge it with the Registrar, together with a copy certified by the Chapter Clerk or the Secretary of the Parochial Church Council, of the resolution that the Chapter or the Parochial Church Council, as the case may be, has adopted after the consideration of the objects of the application.
 - (ii) If the applicant is not the Chapter or the Incumbent and Churchwardens of a parish, a written statement signed by the Chapter Clerk in the name of the Chapter, or by the Incumbent or the Cleric-in-Charge or Area Dean and the Churchwardens, as the case may be, indicating whether or not they are opposed to the objects of the application.
60. The applicant shall be responsible for ensuring that a Notice of the lodging of an application giving reasonable details of the works envisaged shall be on prominent public display at the same time as the application is made;
- (i) in the case of a Cathedral, including the Cathedral Church of St Woolos, in the Cathedral concerned and in the vicinity thereof;
 - (ii) otherwise in the parish church and all other churches in the Parish and in the vicinity of each and every such church or churches;
- for a period of at least twenty-eight days from the date of the lodging of the application with the Registrar and on or before the date of display, a copy of the Notice shall be sent to the Registrar. Such Notice shall follow Form 2 in Schedule 3.
61. Where the work envisaged would change or affect the character of a building in a Conservation Area or listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 or any statutory amendment or re-enactment thereof as being of special architectural or historic interest, a copy of the Notice, certified by the Chapter Clerk or by the Secretary of the Parochial Church Council, shall also forthwith be published by the Applicant on the Provincial and Diocesan websites.

62. Within seven days of the receipt by the Registrar of the items mentioned in Rule 59 and of any relevant representations made by that time in response to the Notice the Registrar shall send copies thereof to the Diocesan Advisory Committee and to the Commission in any case falling within Rule 14(a) of the Commission's Rules.
63. In the case of a building in a Conservation Area or listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 or any statutory amendment or re-enactment thereof as being of special architectural or historic interest, within 14 days the Secretary of the Diocesan Advisory Committee shall send to CADW and to the local planning authority notification accompanied by copies of the Notice referred to in Rule 60 of the Application and of any other documents lodged by the Applicant with the Registrar.
- 64.1 Where the work envisaged would change or affect the character of a building or would affect the archaeological importance of such a building or archaeological remains within it or its curtilage, within 14 days the Secretary of the Diocesan Advisory Committee shall send to the national amenity societies (as defined in part 2 of this Rule) notification accompanied by a copy of the Notice referred to in Rule 60. If the work involves demolition the notification and a copy of the Notice shall also be sent to the Royal Commission for Ancient and Historic Monuments Wales.
- 64.2 For the purposes of these Rules "national amenity societies" means any of the following, namely: The Ancient Monuments Society, the Georgian Group, the Society for the Protection of Ancient Buildings, the Victorian Society, the Council for British Archaeology, the 20th Century Society and any such other body as may from time to time be designated by the Standing Committee of the Governing Body.
65. In the case of a Cathedral, including the Cathedral Church of St Woolos, the copies referred to in Rule 63 shall also be sent by the Secretary of the Diocesan Advisory Committee to the Commission.
- 66.1 In the case of any of the matters specified in this Rule, the Registrar, within seven days of their receipt of the application, shall send copies of the Application, the documents accompanying the Application and any subsequent advices to the Representative Body. These matters are:
- 66.2 (i) the demolition of, material alterations or additions to, the fabric of a building;
- (ii) the construction of new buildings;
- (iii) the setting aside of areas for the interment of cremated remains;
- (iv) a proposal within the Regulations Relating to the Removal of Monuments and Gravestones;
- (v) the disposal of any part of the fabric or contents of a building;
- (vi) works which would affect significantly the insurance of a building;

- (vii) works the execution of which would require the grant of an easement or wayleave; or
- (viii) any change in use of a building or land.

Representations or Objections

67. Subject to Rule 68 the Representative Body, within twenty-eight days of its receipt of the copies referred to in Rule 66 shall return the papers to the Registrar, accompanied either by any written observations, representations or objections it wishes to raise thereon, or by a written statement that it has none such to offer.
68. The Representative Body, by notice addressed to the Registrar, may require the Diocesan Advisory Committee, the Commission, the Archdeacon or other person appointed under Rule 69 by the Bishop, to provide a further report on any matter it wishes to raise on the Application. Within twenty-eight days of the date of such notice, the Diocesan Advisory Committee, the Commission, the Archdeacon or the other person appointed under Rule 69 by the Bishop, as the case may be, shall submit the further report in writing to the Registrar under Form 7 Schedule 3, who thereupon shall send a copy thereof to the Representative Body. The provisions of Rule 67 shall apply as regards the report referred to in this Rule.
69. The Diocesan Advisory Committee or the Commission, as the case may be, within fifty-six days of the receipt of the copies referred to in Rule 62, shall submit to the Registrar, in written form, signed by its Chairman, its advice, addressed to the Chancellor, as to the artistic, aesthetic or architectural merits of the works described in the Application together with any representations from any bodies referred to in Rule 64 or to whom the Notice referred to in Rule 60 has been sent. The Archdeacon in whose archdeaconry the subject of the Application lies shall, if they see fit or if requested by the Chancellor, add their separate written advice to the Chancellor as to the theological merits of the works. If the archdeaconry be vacant, or if the Archdeacon be unavailable or incapacitated, and in the case of all Applications relating to any Cathedral, including the Cathedral Church of St Woolos, the Diocesan Bishop shall appoint a suitable person to act in the place of the Archdeacon under Form 8 in Schedule 3.
70. Within seven days of the receipt of applications, observations, representations, objections or statements from the Representative Body under Rule 67, the Diocesan Advisory Committee and the Commission, the Registrar shall refer such papers to the Chancellor.

Citation

71. The Chancellor, within twenty-eight days of their receipt of the Application, documents and papers, shall either grant the faculty and Rules 84, 85 and 86 shall apply, or issue a Citation addressed to the Applicant and the Representative Body and all other interested persons, including the Archdeacon or other person appointed under Rule 69 by the Bishop, which Citation shall follow Form 14 in Schedule 3.
72. In the case of an application for a Faculty relating to a church other than a Cathedral or the Cathedral Church of St Woolos, at any time prior to the grant of the Faculty, or the issue of the Citation, the Chancellor, the Registrar, or the Diocesan Advisory Committee, may seek the advice of the Commission on such application, whereupon the proceedings under Rule 71 shall be stayed for a period not exceeding twenty-eight days, during which time the advice of the Commission shall be furnished and, if sought by the Registrar, or the Diocesan Advisory Committee, be made available, by them, to the Chancellor.
73. The Citation shall be displayed by the Chapter Clerk, or the Churchwardens, as the case may be, in the location or locations mentioned in Rule 60, for a period of fourteen days commencing within three days of the receipt of the Citation. The Citation, endorsed with a certificate of due display under this rule, shall be returned to the Registrar within three days after the expiry of the period of display.
74. The Registrar, within fourteen days of the issuing of the Citation, shall send a copy thereof to any person, body or society who, or which, has made representations.
75. The Chancellor, at any stage in the proceedings, may order the issue of a further Citation or Citations following the procedure of Rules 71 and 73.
- 76.1 Any person wishing to oppose the Application (whether all of it or only part of it) shall do so by lodging with the Registrar a Notice of Opposition to the Faculty within twenty-one days of the date when the Citation (or the latest Citation, as the case may be) was first displayed under Rule 73.
- 76.2 A Notice of Opposition shall follow Form 11 in Schedule 3 and shall set out in paragraphs, numbered consecutively, the grounds of opposition.
77. When a Citation has been issued, no Faculty shall be granted or refused until after the period for lodging Notices of Opposition has expired.
78. If, by the relevant date, no Notice of Opposition to the Faculty has been lodged, the Chancellor may grant or refuse the Faculty without a hearing, in which case he shall do so within seven days after the date for lodging Notices of Opposition has expired. Otherwise, subject to the provisions of Rule 79, the Chancellor shall fix a date for a hearing, which shall not be less than twenty-one nor more than forty-two days after the date of such expiry. The Registrar shall give notice of the date of the hearing to the Applicant, those who have given Notice of Opposition and all other interested parties.

- 79.1 The Chancellor, before fixing a date for a hearing and should they deem such a course appropriate, may invite the parties to accept judgment on the basis of written representations, rather than by way of hearing. If all the parties so agree in writing, the Registrar shall require them to submit their respective representations to them within twenty-one days after the expiry of the period for lodging Notices of Opposition.
- 79.2 After receipt of such representations, the Registrar shall furnish all parties with a copy of each other party's representations and shall allow them twenty-one days in which to reply thereto in writing.
80. Within fourteen days after receiving notification of the date for a hearing, or after submitting written representations under Rule 79, as the case may be, any person, body or society who or which had given Notice of Opposition to the Faculty shall either lodge with the Registrar as security for costs such a sum as the Chancellor may determine, or execute a Bond in the same form set out in Form 12 of Schedule 3 for the same purpose and in the same sum, with any sureties required and approved by the Chancellor. Failing such lodgement or Bond, the Chancellor may grant the Faculty, disregarding such Notice or Notices of Opposition.
81. Neither the Archdeacon nor other person appointed under Rule 69 by the Bishop, the Diocesan Bishop nor the Representative Body shall be liable for costs.
82. At the hearing of an Application the Chancellor may, on such terms as they consider just, give permission to be heard to any person, body or society who or which had not previously been a party to the proceedings.

Grant or refusal of Faculty

- 83.1 The Chancellor, within twenty-eight days after the hearing, or of the last day allowed by the Registrar for the filing of replies to any written representations, as the case may be, shall either grant or refuse the Faculty and in either case give reasons for their decision.
- 83.2 If the Chancellor does not state their decision and the reasons for it orally at the conclusion of the hearing, the Registrar shall inform the parties and persons or bodies referred to in Rule 68 of the Judgment as soon as may be thereafter and shall send a copy of such Judgment to the parties no more than three days after the receipt by the Registrar of such Judgment.
84. The Faculty may be granted with or without conditions.
- 85.1 The grant or refusal of the Faculty shall be evidenced in writing, in either case signed by the Chancellor. Such grant or refusal shall follow Form 10a or Form 10b in Schedule 3 as the case may be.
- 85.2 The Faculty shall be implemented within a period of five years from the date of the grant thereof or other such shorter period as the Chancellor directs or shall otherwise lapse.

86. Upon the grant or refusal of the Faculty, the Registrar shall send the grant or refusal, as the case may be, to the Applicant, with copies to the Representative Body, the Secretaries of the Diocesan Advisory Committee, CADW, Local Authority, relevant Amenity Society/Societies and (if it be involved) the Commission, the Chapter Clerk or the Secretary of the Parochial Church Council (as the case may be), the Archdeacon or other person appointed under Rule 69 by the Bishop, and all others who may have made material representations in the course of any proceedings under these Rules and be published on the Provincial and Diocesan websites.
87. Upon completion of the works authorised by the Faculty, or of such part of the works as, for the time being, has been carried out, the Applicant shall send to the Registrar a Certificate (countersigned by the architect, chartered building surveyor or other professional adviser, if one has been engaged) to the effect that the works have been executed in accordance with the terms of the Faculty and, at the same time, shall send a copy of such Certificate to the Representative Body and to the Secretaries of the Committee and (if it be involved) of the Commission. Such Certificate shall follow Form 13 in Schedule 3.
88. In any case to which this Part applies, the Deputy Chancellor shall have all the powers and may perform all the duties of the Chancellor for whom they are appointed to act pursuant to section 24 (3) of Chapter IX.

PART XIII – The Diocesan Courts:

Proceedings other than Faculties

89. This Part applies to all proceedings in the Diocesan Courts other than proceedings pursuant to section 22 (a) of Chapter IX.
90. A person or body wishing to bring proceedings to which this Part applies shall do so by lodging with the Registrar an Application for an order or directions in Form 1 in Schedule 1.
91. Within seven days after receiving the Claim Form, the Registrar shall deliver a copy of the Claim Form to the Chancellor.
92. Within fourteen days after receiving the copy of the Claim Form, the Chancellor shall give preliminary directions regarding the procedure to be followed in the proceedings. The directions may provide for the allocation of the proceedings to a particular member of the Diocesan Court.
93. If, in any proceedings to which this Part applies, the decision and the reasons for it are not stated orally at the conclusion of the final hearing, the Registrar shall inform the parties of the judgment as soon as may be thereafter and shall send a copy of such judgment to the parties no more than three days after the receipt by the Registrar of such judgment.

94. In any case to which this Part applies, the Deputy Diocesan Chancellor shall have all the powers and may perform all the duties of the Chancellor for whom they are appointed to act pursuant to section 24 (3) of Chapter IX.

PART XIV – The Disciplinary Tribunal

95. This Part applies only to proceedings in the Disciplinary Tribunal of the Church in Wales.
96. The Tribunal shall hear and determine only such complaints falling within section 9 of Chapter IX as are referred to the Tribunal by any Diocesan Bishop or the Archbishop’s Registrar.
97. Every reference under Rule 96 shall be in writing and shall be delivered to the Registrar.
98. Every reference shall be accompanied by such letters, documents, statements and other materials as are relied on by the person making the reference.
99. Not more than 14 days after the receipt of the reference by the Registrar the President shall either accept or reject the reference.
100. The President shall reject the reference only if:
- (i) it appears on the face of the reference that the person against whom the complaint is made (“the Respondent”) is not a person mentioned in section 9 of Chapter IX; or
 - (ii) the reference does not state a ground of complaint falling within section 9 of Chapter IX; or
 - (iii) the reference was not accompanied by any such materials as are mentioned in Rule 98.
101. If the President rejects the reference, the Registrar shall forthwith in writing inform the person who made the reference that it has been rejected.
102. If the President accepts the reference, he shall at the same time, subject to the provisions of sections 11(3) and (4) of Chapter IX, appoint a legally qualified member of the Tribunal (or another legally qualified person in accordance with section 11(2) of Chapter IX) (“the Preliminary Adjudicator”) to undertake the Preliminary Stage of the Tribunal (“the Preliminary Stage”). The President may appoint himself as the Preliminary Adjudicator.
103. Forthwith upon the appointment of the Preliminary Adjudicator, the Registrar shall notify the Respondent of the identity of the Preliminary Adjudicator. The President shall consider any written objection made by the Respondent to the identity of the Preliminary Adjudicator within 7 days of the notification and shall have power to amend the appointment.

104. As soon as practicable after the appointment of the Preliminary Adjudicator, the Registrar shall send to the Respondent a copy of the reference and of all accompanying documentation mentioned in Rule 98, together with a copy of these Rules.
105. Not more than 14 days after he has received the documents mentioned in Rule 104, the Respondent shall deliver to the Registrar such letters, documents, statements and other materials as they wish the Preliminary Adjudicator to consider.
106. The Preliminary Adjudicator shall have power to direct that further evidence be sought from such sources and in such form as they think fit and to give Directions concerning the proceedings before them.
107. [Rule deleted]
108. All evidence obtained by the Preliminary Adjudicator pursuant to Rule 106 shall be disclosed to the Respondent not less than 7 days before any meeting or adjourned meeting, and the Respondent shall be given a reasonable opportunity to place before the Preliminary Adjudicator such letters, documents, statements and other materials or explanation in response as they may wish.
109. The Registrar shall give to the Respondent not less than 7 days notice of the time and venue of meeting with the Preliminary Adjudicator and of any adjourned meeting.
110. Proceedings before the Preliminary Adjudicator shall be in private and the Preliminary Adjudicator shall carry out the task with as little formality as is consistent with fairness and the expeditious investigation of references. The proceedings shall not be recorded.
111. [Rule deleted]
112. Any meeting with the Preliminary Adjudicator may take place by video or telephone conference.
113. Subject to Rule 114 the Respondent shall be entitled to be accompanied at any meeting with the Preliminary Adjudicator by a work colleague or trade union representative but that person shall not be entitled to address the Preliminary Adjudicator in any meeting without the express permission of the Preliminary Adjudicator.
114. The Registrar (or a legally qualified person appointed by the Registrar to act as Deputy Registrar) shall attend any meeting with the Preliminary Adjudicator and the Respondent.
115. [Rule Deleted]
116. The Preliminary Adjudicator shall be entitled, but not required, to receive oral evidence.

117. The Preliminary Adjudicator shall have the power to adjourn any meeting and shall have the power to control the proceedings in all other respects.
118. Any proceedings before the Preliminary Adjudicator shall forthwith terminate in the event of an election pursuant to section 11(3) of Chapter IX or a relevant criminal conviction pursuant to section 11(4) of Chapter IX.
119. The Preliminary Adjudicator shall prepare a report, which shall state whether or not the Preliminary Adjudicator finds a case to answer (as defined by section 11(1) of Chapter IX).
120. The report shall be sent to the Respondent and to the Registrar and to any other person who, in the opinion of the Preliminary Adjudicator, ought to receive it. If the Committee finds that there is no case to answer, a copy of the report shall also be sent to the person who made the reference.
121. If, having found that there is a case to answer, the Preliminary Adjudicator is of the opinion that the matter may be capable of resolution by reconciliation or other methods of resolving a conflict, the Preliminary Adjudicator may state that opinion and the grounds for it in their report. But no such statement of opinion shall be binding on the Tribunal.
122. In any case where the Preliminary Adjudicator reports that there is a case to answer, the Registrar shall within 14 days of receipt of the report nominate a solicitor or other suitably qualified person as Proctor to conduct the case before the Tribunal.
123. Not more than 14 days after the nomination of the Proctor, the President shall nominate 3 members (or, in accordance with section 10(3) of Chapter IX, 5 members) to form a Tribunal Panel and one of those members to be the Chairman of the Tribunal Panel. The President may nominate themselves as a member of the Tribunal Panel (subject to Rule 124).
124. The Preliminary Adjudicator of a reference may not be nominated to sit on the Tribunal Panel in respect of the same reference.
125. The Registrar shall forthwith notify the Respondent and the Proctor of the members of the Tribunal Panel. Any written objection to the composition of the Tribunal Panel shall be sent to the President for consideration within 14 days of notification and the President shall have power to amend the composition of the Tribunal Panel.
126. The power in section 15 of Chapter IX to summon persons to act as assessors shall be exercisable by the President up to the time of appointment of the Chairman and by the Chairman at any time thereafter.
127. Not more than 14 days after notification of the nomination of the Chairman and members, the Proctor shall deliver to the Registrar and serve on the Respondent written notice of the allegations against the Respondent, together with written statements of the witnesses and evidence on whom they intend to rely at the hearing and copies of all relevant documents.

128. Not more than 14 days after service of the written statements and evidence referred to in Rule 127 relied on by the Proctor, the Chairman, after consultation with the members if the Chairman thinks it necessary, shall give such directions for the management of the proceedings as they think fit.
129. Each party may at any time seek further directions by Application Notice pursuant to Rule 21. The Application Notice shall be delivered to the Registrar and served on the other parties. Not later than 14 days after the date of the service of the Application Notice any party may make representations to the Tribunal.
130. Not less than 28 days notice of the date of any final hearing shall be given to the parties.
131. Not more than 7 days after receiving notice of the date of the final hearing, each party shall deliver to the Registrar a list of the names and addresses of the witnesses they wish to call to give oral evidence at the hearing.
132. The hearing shall be in private unless the Tribunal, after giving the Proctor and the respondent the opportunity to make representations, decides in the interests of justice to hold the hearing in public, in which case the Tribunal may during any part of the proceedings exclude such person or persons as it thinks fit.
133. Having consulted the Respondent and the Proctor the Chairman may determine that any hearing (including a final hearing) take place by video conference (but not telephone conference).
134. A record of the proceedings before the tribunal shall be made.
135. The Respondent shall have the right to be represented by a cleric, solicitor or counsel before the Tribunal or by such lay person as the Tribunal may permit.
136. The burden of proof which shall be on the balance of probabilities shall be upon the Proctor.
137. After hearing the evidence the Tribunal Panel shall determine either to reject the Complaint or to find the Complaint or any part of it proved.
138. After giving the Respondent an opportunity to make representations to the Tribunal Panel and to call evidence in mitigation of penalty, the Tribunal shall pronounce such Judgment, Sentence or Order as the Tribunal Panel shall determine.
139. The determination of the Tribunal on the Complaint and any Judgment, Sentence or Order of the Tribunal shall be made public in such manner as the Tribunal Panel, after giving the Respondent an opportunity to make representations, shall think fit but shall in any event be notified in writing to the person who made the reference and the relevant Diocesan Bishop (if different) not more than 7 days after the conclusion of the proceedings before the Tribunal. Additionally the Registrar shall report brief details of all Sentences imposed by the Tribunal (in a form approved by the President) to the Standing Committee of the Governing Body.

PART XV – The Provincial Court

140. Appeals to the Provincial Court pursuant to section 32(1)(a) and (b) of Chapter IX shall be commenced by Notice of Appeal in the manner provided for in Rules 43 and 44.
141. Appeals to the Provincial Court pursuant to sections 32(1)(c) and (d) of Chapter IX shall be commenced by lodging a Notice of Appeal in Form 3 Schedule 1 with the Registrar not more than 28 days after the date of the decision that is the subject of the appeal. The appellant shall at the same time serve a copy of the Notice on each other party to the proceedings in which the decision that is the subject of the appeal was made.
142. Proceedings pursuant to section 32(2) of Chapter IX other than appeals shall be commenced by delivering to the Registrar an Originating Application in Form 2 in Schedule 1.
143. Not more than fourteen days after receipt of the Notice of Appeal or Originating Application by the Registrar, the Court shall give preliminary directions as to the steps to be taken in the proceedings. Those directions may include a direction that the parties make written or oral representations regarding procedural matters.
144. Not more than fourteen days after receipt of the Notice of Appeal or Originating Application, the President shall give preliminary directions regarding the procedure to be followed in the proceedings. The directions may provide for the allocation of the proceedings to particular members of the Provincial Court.
145. Save in the case of appeals from the Tribunal, hearings shall be in open court, unless the President directs otherwise.
146. Any party shall have the right to call witnesses and to appear in person or be represented by a cleric, solicitor or counsel or by such lay person as the Court may permit before the Court.
147. The Judgment of the Court shall be reduced into writing signed by the President, and entered by the Registrar in a book called the Judgment Book of the Church in Wales.
148. The Registrar shall inform the parties of the Judgment of the Court as soon as may be thereafter, and shall also send them a copy of any written Judgment.
149. Subject to Rule 150 a member of the Church in Wales shall be entitled to have a copy of any Judgment on payment of an appropriate fee, save that the Archbishop, the Archbishop's Registrar, any Diocesan Bishop and any Judge of the Provincial Court shall be entitled to have a copy without payment.
150. The determination of an appeal from the Tribunal shall be made public in such manner as the Court after giving the Respondent an opportunity to make

representation shall think fit but in any event shall be notified in writing to the person who made the reference and the relevant Diocesan Bishop (if different) not more than seven days after the conclusion of the appeal.
