



Ecclesiastical Jurisdiction Measure 1963

1963 No. 1

PART I

THE ECCLESIASTICAL JUDICIAL SYSTEM

The Judges of the Courts constituted by this Measure

2 Judge of consistory court.

- (1) Subject to the following provisions of this Measure, the consistory court of a diocese shall be presided over by a single judge who shall be styled the chancellor of the diocese or, in the case of the diocese of Canterbury, the commissary general, and appointed by the bishop thereof by letters patent.
- (2) A person appointed to be chancellor of a diocese shall be at least thirty years old and either a ^{F1}person who has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990,]or a person who has held high judicial office, and, before appointing a layman, the bishop shall satisfy himself that the person to be appointed is a communicant.

^{F2}(3)

- (4) Subject to the provisions of the last foregoing subsection, the appointment of a person to be chancellor of a diocese shall be [^{F3}for the period beginning with the date of the appointment and ending with the date on which he attains the age of seventy-five years], but he—
 - (a) may resign his office by instrument in writing under his hand addressed to, and served on, the bishop of the diocese;
 - (b) may be removed by that bishop if the Upper House of the Convocation of the relevant province resolves that he is incapable of acting or unfit to act.
 - ^{F4}(c) may continue to act as chancellor for the purpose of any proceedings or cause of faculty in the consistory court of the diocese during the course of which he attains the age of seventy-five years as if the date of the conclusion in that

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court of those proceedings or that cause, as the case may be, were the date on which he attains that age.]

- (5) The chancellor of a diocese shall, before he enters on the execution of his office,—
- (a) take and subscribe, either before the bishop of the diocese in the presence of the diocesan registrar, or in open court in the presence of that registrar, the oaths set out in Part I of the First Schedule to this Measure; . . . ^{F5}
 - (b) ^{F6}
- and the diocesan registrar shall record the taking and subscription of the said oaths . . . ^{F5}

Textual Amendments

- F1** Words substituted by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 71(2), **Sch. 10 para. 17**
- F2** S. 2(3) repealed (1.6.1992) by Church of England (Miscellaneous Provisions) Measure 1992 (No. 1), s. 17(2), **Sch. 4 Pt.II**; Instrument dated 27.5.1992 made by the Archbishops of Canterbury and York.
- F3** Words substituted by Ecclesiastical Judges and Legal Offices Measure 1976 (No. 2), s. 1(1)(3) except in relation to a person who holds the office of chancellor of a diocese, or, in the case of the diocese of Canterbury, commissary general on 25.4.1976
- F4** S. 2(4)(c) added by Ecclesiastical Judges and Legal Officers Measure 1976 (No. 2), s. 1(1)
- F5** Word repealed by Church of England (Worship and Doctrine) Measure 1974 (No. 3), **Sch. 2**
- F6** S. 2(5)(b) repealed by Church of England (Worship and Doctrine) Measure 1974 (No. 3), **Sch. 2**

[^{F7}2A **Number of chancellorships to be held by one person may be limited.**

- (1) Regulations made by the House of Bishops of the General Synod may make provision with respect to the maximum number of chancellorships of dioceses which any one person may hold.
- (2) Nothing in any regulation made under this section shall be taken as prohibiting any person who at the date on which the regulation comes into force holds more than the maximum number of chancellorships prescribed by the regulation from continuing to hold such offices.
- (3) Regulations made under this section shall be laid before the General Synod and shall not come into operation until they have been approved by the General Synod.
- (4) The ^{M1}Statutory Instruments Act 1946 shall apply to any regulations approved under subsection (3) of this section as if they were a statutory instrument and were made when so approved, and as if this Measure were an Act providing that any such regulations should be subject to annulment in pursuance of a resolution of either House of Parliament.]

Textual Amendments

- F7** S. 2A inserted by Ecclesiastical Judges and Legal officers Measure 1976 (No. 2), s. 2

Marginal Citations

- M1** 1946 c. 36.

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3 Judges of the Arches and Chancery Courts.

- (1) The judges of the Arches Court of Canterbury and the Chancery Court of York respectively shall be five in number, but proceedings which, by virtue of the following provisions of this Measure, are cognisable by either of those Courts shall be heard and disposed of by such of the judges thereof as may be determined in accordance with those provisions.
- (2) Of the judges of each of the said Courts—
 - (a) one, who shall be a judge of both Courts (and, in respect of his jurisdiction in the province of Canterbury shall be styled Dean of the Arches and, in respect of his jurisdiction in the province of York, shall be styled Auditor, and is hereinafter referred to in this Measure as the Dean of the Arches and Auditor), shall be appointed by the archbishops of Canterbury and York jointly with the approval of Her Majesty signified by warrant under the sign manual;
 - (b) two shall be persons in holy orders appointed by the prolocutor of the Lower House of the Convocation of the relevant province;
 - (c) two shall be laymen appointed by the Chairman of the House of Laity after consultation with the Lord Chancellor and possessing such judicial experience as the Lord Chancellor shall think appropriate;
- (3) A person appointed to be Dean of the Arches and Auditor shall be either a ^[F8]person who has a 10 year High Court qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990, or a person who has held high judicial office, and, before appointing a layman, the archbishops of Canterbury and York shall satisfy themselves that he is a communicant.
- (4) Before the Chairman of the House of Laity appoints a person to be a judge of either of the said Courts, he shall satisfy himself that that person is a communicant.
- (5) The appointment of any person to be a judge of either of the said Courts shall be ^[F9]for a period beginning with the date of the appointment and ending with the date on which that person attains the age of seventy-five years], but—
 - (a) the Dean of the Arches and Auditor—
 - (i) may resign his office by instrument in writing under his hand addressed to, and served on, the archbishops of Canterbury and York;
 - (ii) may be removed by the archbishops of Canterbury and York jointly if the Upper Houses of the Convocations of the provinces of Canterbury and York each resolve that he is incapable of acting or unfit to act;
 - (b) any other judge of either of the said Courts—
 - (i) may resign his office by instrument in writing under his hand addressed to, and served on, the archbishop of the relevant province;
 - (ii) may be removed by the archbishop of that province if the Upper House of its Convocation resolves that he is incapable of acting or unfit to act;
 - ^[F10](c) any judge of either of the said Courts may continue to act as a judge thereof for the purpose of any proceedings in that Court during the course of which he attains the age of seventy-five years as if the date of the conclusion in that Court of those proceedings were the date on which he attains that age.]
- (6) The Dean of the Arches and Auditor shall, before he enters on the execution of his office,—
 - (a) take and subscribe,—

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- (i) before the archbishop of Canterbury in the presence of the registrar of the province of Canterbury and before the archbishop of York in the presence of the registrar of the province of York; or
- (ii) in open court in both of those provinces in the presence of the registrar of the province;
- the oaths set out in Part I of the First Schedule to this Measure; . . . ^{F11}
- (b) ^{F12}
- (7) A person (other than the Dean of the Arches and Auditor) appointed to hold the office of judge of either of the said Courts shall, before he enters on the execution of his office,—
- (a) take and subscribe the said oaths either before the archbishop of the relevant province and in the presence of the registrar of that province or in open court in the presence of that registrar; . . . ^{F11}
- (b) . . . ^{F12}
- (8) A provincial registrar shall record the taking . . . ^{F11} and subscription, of an oath . . . ^{F11} in his presence in pursuance of either of the two last foregoing subsections.

Textual Amendments

- F8** Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\), s. 71\(2\), Sch. 10 para. 18\(1\)](#)
- F9** Words substituted by [Ecclesiastical Judges and Legal Officers Measure 1976 \(No. 2\), s. 1\(2\)\(3\)](#) except in relation to any person who holds the office of judge of either of the courts mentioned in this subsection on 25.4.1976
- F10** [S. 3\(5\)\(c\)](#) inserted by [Ecclesiastical Judges and Legal Officers Measure 1976 \(No. 2\), s. 1\(2\)](#)
- F11** Words repealed by [Church of England \(Worship and Doctrine\) Measure 1974 \(No. 3\), Sch. 2](#)
- F12** [S. 3\(6\)\(b\)\(7\)\(b\)](#) repealed by [Church of England \(Worship and Doctrine\) Measure 1974 \(No. 3\), Sch. 2](#)

4 Appointment of deputy judges.

- (1) In the event of the illness or temporary incapacity of the Dean of the Arches and Auditor or of any chancellor, the archbishops of Canterbury and York in the former case, and the bishop of the diocese concerned in the latter, may appoint a fit and proper person to act as deputy Dean of the Arches and Auditor or deputy chancellor of such diocese as the case may be during such illness or incapacity, and every person so appointed shall have all the powers and perform all the duties of the person for whom he is appointed to act.
- (2) Every deputy judge appointed to act pursuant to the provisions of the foregoing subsection shall be qualified as hereinbefore provided with respect to the person whose functions he is appointed to perform and, before he enters on the execution of his office, such deputy shall take and subscribe such oaths . . . ^{F13} as are required to be taken, . . . ^{F13} and subscribed by the Dean of the Arches and Auditor or by a chancellor of a diocese, as the case may be, under the preceding provisions of this Measure in manner thereby appointed, and such oaths . . . ^{F13} shall be recorded in the like manner.

Textual Amendments

- F13** Words repealed by [Church of England \(Worship and Doctrine\) Measure 1974 \(No. 3\), Sch. 2](#)

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5 Judges of the Court of Ecclesiastical Causes Reserved.

The Court of Ecclesiastical Causes Reserved shall be constituted of five judges appointed by Her Majesty, and of them two shall be persons who hold, or have held, high judicial office and who make a declaration that they are communicants and three shall be persons who are, or have been, diocesan bishops.

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