



# Ecclesiastical Jurisdiction Measure 1963

1963 No. 1

## PART III

### INSTITUTION OF PROCEEDINGS IN RESPECT OF OFFENCES UNDER THE MEASURE

#### **18 Mode of instituting proceedings.**

- (1) Proceedings charging an offence under this Measure shall be instituted in the case of an archbishop or a bishop by way of complaint laid before the registrar of the relevant province and in the case of a priest or deacon by way of complaint laid before the registrar of any diocese in which the accused held or holds preferment or in which he resided or resides at the date when the alleged offence was committed or at the date of such complaint.
- (2) A complaint laid in accordance with the provisions of the preceding subsection shall be in writing in the prescribed form, contain the prescribed particulars of the offence the commission of which is alleged therein and be verified on oath.
- (3) A copy of the complaint duly laid and verified shall be served on the accused forthwith after it is laid.

#### **19 Persons by whom proceedings against a priest or deacon may be instituted.**

Proceedings against a priest or deacon may be instituted by the following persons, that is to say:—

- (a) in all cases by an authorised complainant; or
- (b) in the case of any priest or deacon who is an incumbent of a parochial benefice, a stipendiary curate licensed to a benefice or a curate in charge of a conventional district, by six or more persons of full age whose names are on the electoral roll either of the parish of that benefice or of the district as the case may be; or
- (c) in the case of a stipendiary curate licensed to a benefice, by the incumbent of that benefice.

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*Changes to legislation: There are currently no known outstanding effects for the Ecclesiastical Jurisdiction Measure 1963, Part III. (See end of Document for details)*

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## 20 **Persons by whom proceedings against an archbishop or bishop may be instituted.**

Proceedings against an archbishop or a bishop may be instituted by the following persons, that is to say:—

- (a) in the case of an archbishop:—
  - (i) save in respect of any act or omission in relation to his duties as diocesan by not less than two of his comprovincial diocesan bishops; or
  - (ii) save in respect of any act or omission in relation to his duties as metropolitan by not less than ten persons of whom not less than five are incumbents in the diocese of the accused and not less than five are lay members of the [<sup>F1</sup>diocesan synod] of such diocese; or
- (b) in the case of a diocesan bishop other than an archbishop:—
  - (i) by an authorised complainant; or
  - (ii) by not less than ten persons of whom not less than five are incumbents in the diocese of the accused and not less than five are lay members of the [<sup>F1</sup>diocesan synod] of such diocese; or
- (c) in the case of a suffragan bishop:—
  - (i) by the bishop who commissioned him; or
  - (ii) by an authorised complainant; or
  - (iii) by not less than ten persons of whom not less than five are incumbents in the diocese of the bishop by whom the accused is commissioned and not less than five are lay members of the [<sup>F1</sup>diocesan synod] of such diocese; or
  - (iv) if he is the incumbent of a parochial benefice by six or more persons of full age whose names are on the electoral roll of that parish; or
- (d) in the case of any other bishop:—
  - (i) by the bishop of the diocese in which the accused holds preferment or resides; or
  - (ii) by an authorised complainant; or
  - (iii) if he is the incumbent of a parochial benefice by six or more persons of full age whose names are on the electoral roll of that parish.

### **Textual Amendments**

**F1** Words substituted by virtue of [Synodical Government Measure 1969 \(No. 2\), s. 4\(7\)](#)

## 21 **Supplementary provisions in special cases.**

- (1) For the purposes of the last two preceding sections of this Measure:—
- (a) where a bishop, priest or deacon is an incumbent of or licensed to more than one parochial benefice or a parochial benefice which comprises more than one parish, each of the six or more persons empowered to institute proceedings under paragraph (b) of section nineteen or subparagraph (iv) of paragraph (c) and subparagraph (iii) of paragraph (d) of section twenty of this Measure may be on the electoral roll of any of the parishes comprised in those benefices or that benefice; and

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- (b) a church designated and established as a guild church under the <sup>M1</sup>City of London (Guild Churches) Acts 1952 and <sup>M2</sup>1960 shall be deemed to be a parochial benefice and, accordingly, references in the said sections to the incumbent of a parochial benefice, to the electoral roll of a parish and to a stipendiary curate licensed to a benefice (whether parochial or not) shall, in the case of a guild church, be construed as references to the vicar of such church, to the church electoral roll thereof and to a curate licensed to assist the vicar thereof respectively.
- (2) The provisions of paragraph (a) of the foregoing subsection shall apply in any case where a bishop or priest, as well as being licensed to a benefice, is licensed also to a conventional district, or to any such person as is licensed to more than one conventional district.

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**Marginal Citations**

**M1** 1952 c. xxxviii.

**M2** 1960 c. xxx.

**Changes to legislation:**

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