



# Ecclesiastical Jurisdiction Measure 1963

1963 No. 1

## PART X

### COSTS

#### **58 Payment of costs of bishop and promoter by Commissioners.**

The Commissioners may at their absolute discretion pay out of their general fund the whole or contribute any part of costs and expenses which have been incurred by—

- (a) any archbishop or bishop (other than an archbishop or bishop himself accused of an offence cognisable under section fourteen of this Measure in relation to the costs and expenses incurred as a result of such accusation)—
  - (i) in or in relation to or directly or indirectly arising out of legal proceedings authorised, taken or contemplated in any court or before any commission, committee or examiner (and notwithstanding that proceedings are not eventually taken) by any person in respect of any offence cognisable under section fourteen of this Measure, or
  - (ii) in relation to any declaration made or to be made in accordance with the provisions of Part IX of this Measure; and
- (b) any person nominated under the provisions of this Measure to promote proceedings in respect of any such offence as is mentioned in the foregoing subsection:

Provided that the Commissioners before paying the whole or any part of any costs and expenses in pursuance of this section shall first be satisfied that they are reasonable in amount <sup>F1</sup>and

- (c) any bishop or person designated by a bishop to act on his behalf for the purposes of the Care of Cathedrals (Supplementary Provisions) Measure 1994 in or in relation to or directly or indirectly arising out of legal proceedings authorised, taken or contemplated in the Vicar-General's court under section 4 of that Measure:]

*Status: Point in time view as at 01/10/1994.*

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

**Textual Amendments**

**F1** S. 58(c) and the word “and” immediately preceding it inserted (1.10.1994) by 1994 No. 2, s. 8, **Sch. para. 3**; Instrument dated 25.7.1994 made by Archbishops of Canterbury and York

**59** ..... **F2**

**Textual Amendments**

**F2** S. 59 repealed by Church of England (Legal Aid and Miscellaneous Provisions) Measure 1988 (No. 1, SIF 21:1), s. 14(2), **Sch. 3**

**60 Powers of courts and commissions in regard to costs.**

- (1) [<sup>F3</sup>Subject, in the case of any party to whom legal aid is granted under [<sup>F4</sup>the Church of England (Legal Aid) Measure 1994], to rules made under section 4 of that Measure]Any court or commission having jurisdiction under this Measure [<sup>F5</sup>and the Vicar-General’s court of each of the provinces of Canterbury and York in proceedings instituted under section four of the Care of Cathedrals (Supplementary Provisions) Measure 1994] shall have power at any stage of the proceedings to order any party to give security for costs.
- (2) Any court [<sup>F6</sup>(including a Vicar-General’s court)], commission, committee or examiner shall have power at its discretion to make an order for payment of taxed costs against any party and may take into account the fact that the whole or part of the costs of a complainant or accused person are being or have been met out of the [<sup>F7</sup>Fund maintained under [<sup>F8</sup>the Church of England (Legal Aid) Measure 1994]].
- (3) An award of costs to any person under the last foregoing subsection may direct that, instead of taxed costs, that person shall be entitled—
  - (a) to a proportion specified in the direction of the taxed costs or to the taxed costs from or up to a stage of the proceedings so specified; or
  - (b) to a gross sum so specified in lieu of taxed costs.
- (4) In this section the expression “costs” includes fees, charges, disbursements, expenses and remuneration and the expression “taxed costs” [<sup>F9</sup>in relation to costs incurred by any person to whom legal aid is granted under the [<sup>F10</sup>Church of England (Legal Aid) Measure 1994], means costs taxed or assessed in accordance with rules made under section 4 of that Measure and in relation to costs incurred by any other person.] means costs taxed by a registrar in the prescribed manner.
- [<sup>F11</sup>(5) Where an order for payment of taxed costs has been made under subsection (2) of this section any party to the proceedings may appeal to the chancellor of the diocese in which the proceedings took place against the registrar’s taxation, and on any such appeal the chancellor may confirm or vary the registrar’s taxation.
- (6) An appeal under subsection (5) of this section shall be lodged and conducted in such manner as may be prescribed.]

*Status: Point in time view as at 01/10/1994.*

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#### Textual Amendments

- F3** Words inserted by Church of England (Legal Aid and Miscellaneous Provisions) Measure 1988 (No. 1, SIF 21:1), s. 14(1), **Sch. 2 para. 1(a)**
- F4** Words in s. 60(1) substituted (1.9.1994) by 1994 No. 3, s. 7(2), **Sch. 2 para. 1(a)** (with s. 5(1); Instrument dated 25.7.1994 made by Archbishops of Canterbury and York
- F5** Words in s. 60(1) inserted (1.10.1994) by 1994 No. 2, s. 8, **Sch. para. 4(a)**; Instrument dated 25.7.1994 made by Archbishops of Canterbury and York
- F6** Words in s. 60(2) inserted (1.10.1994) by 1994 No. 2, s. 8, **Sch. para. 4(b)**; Instrument dated 25.7.1994 made by Archbishops of Canterbury and York
- F7** Words substituted by Church of England (Legal Aid and Miscellaneous Provisions) Measure 1988 (No. 1, SIF 21:1), s. 18(1), **Sch. 2 para. 1(b)**
- F8** Words in s. 60(2) substituted (1.9.1994) by 1994 No. 3, s. 7(2), **Sch. 2 para. 1(b)** (with s. 5(1)); Instrument dated 25.7.1994 made by Archbishops of Canterbury and York
- F9** Words inserted by Church of England (Legal Aid and Miscellaneous Provisions) Measure 1988 (No. 1, SIF 21:1), s. 14(1), **Sch. 2 para. 1(c)**
- F10** Words in s. 60(4) substituted (1.9.1994) by 1994 No. 3, s. 7(2), **Sch. 2 para. 1(c)** (with s. 5(1)); Instrument dated 25.7.1994 made by Archbishops of Canterbury and York
- F11** S. 60(5)(6) inserted (1.3.1993) by Care of Churches and Ecclesiastical Jurisdiction Measure 1991 (No. 1, SIF 21:8), s. 8(1), **Sch. 4 para. 9** (with s. 31(6)); Instrument dated 16.2.1993 made by the Archbishops of Canterbury and York

#### Modifications etc. (not altering text)

- C1** S. 60(3) applied by S.I. 1990/2335, **rule 9(4)**

### 61 Recovery of costs.

- (1) Where an order or direction for the payment of costs is made against any person under the last foregoing section such costs may be recovered by the person in whose favour the order for payment of costs is made by proceedings in the county court of the district in which the award or direction was made or, if the sum recoverable exceeds the amount which under any enactment for the time being in force is recoverable in the county court in respect of a contract debt, then by proceedings in the High Court of Justice, in either case in all respects as if the said sum was a contract debt payable by the person against whom the order was made.
- (2) In any proceedings in a civil court for recovery of costs a certificate purporting to be signed by the registrar of the diocese or province within which the relevant award or direction for payment of costs was made, stating that the sum specified in the certificate is the sum due to be paid by the person mentioned therein pursuant to an order or direction for payment of costs under the last foregoing section, shall be conclusive evidence of the facts so certified.

#### Modifications etc. (not altering text)

- C2** S. 61 applied by S.I. 1990/2335, **rule 9(4)**

### 62 Payment of expenses of courts, &c. by Central Board.

- (1) Save in so far as the same shall be payable by any other person under this Measure or any order or rule for the time being in force, the Central Board shall pay the costs

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and expenses of all courts, commissions, committees and examiners constituted or appointed under this Measure for the purpose of proceedings in respect of offences cognisable under section fourteen thereof [<sup>F12</sup> and of the Vicar-General's court for the purpose of proceedings instituted under section four of the Care of Cathedrals (Supplementary Provisions) Measure 1994]:

Provided that the Central Board before paying the whole or any part of any costs and expenses in pursuance of this section shall first be satisfied that they are reasonable in amount.

- (2) The Commissioners shall have power from time to time at their absolute discretion to contribute out of their general fund such sums as they shall think fit in relief of the liability of the Central Board under the foregoing subsection.

#### Textual Amendments

- F12** Words in s. 62 inserted (1.10.1994) by 1994 No. 2, s. 8, **Sch. para. 5**; Instrument dated 25.7.1994 made by Archbishops of Canterbury and York

#### [<sup>F13</sup>63 Fees payable in or in connection with proceedings under this Measure.

The fees to be demanded, taken and received by any legal officer as remuneration for the performance by him of the duties of his office in or in connection with any proceedings or contemplated proceedings or otherwise under or arising out of the provisions of this Measure shall be fixed in manner provided by the [<sup>F14</sup>Ecclesiastical Fees Measure 1986]]

#### Textual Amendments

- F13** S. 63: By 1994 No. 2, s. 8, **Sch. para. 6** it is provided (1.10.1994) that after the words “under this measure” there shall be inserted the words “or the Care of Cathedrals (Supplementary Provisions) Measure 1994”; Instrument dated 25.7.1994 made by Archbishops of Canterbury and York
- F14** Words substituted by Ecclesiastical Fees Measure 1986 (No. 2, SIF 21:1), s. 11(2)

**Status:**

Point in time view as at 01/10/1994.

**Changes to legislation:**

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