

*Status: Point in time view as at 01/02/1991.*

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

## SCHEDULES

### SECOND SCHEDULE

#### EXAMINERS AND ASSESSORS

##### PART I

###### PROVISION OF EXAMINERS UNDER PART IV OF THE MEASURE

- 1 (1) For the purpose of enabling examiners to be appointed for the purpose of inquiring under section twenty-four of this Measure into complaints laid under Part IV, the [F1diocesan synod] of each diocese shall appoint a committee whose duty it shall be to draw up with the approval of the [F1diocesan synod], and from time to time to revise with the like approval, a panel of not less than three persons [F2having a 7 year general qualification (within the meaning of section 71 of the Courts and Legal Services Act 1990) and] possessing such experience as the chancellor shall consider appropriate and as to whom the committee is satisfied that they are communicants.
- (2) The term of office of a member of the panel drawn up under the foregoing sub-paragraph shall be such as may be determined by the [F1diocesan synod] before the time of his appointment to the panel.

##### Textual Amendments

- F1** Words substituted by virtue of [Synodical Government Measure 1969 \(No. 2\), s. 4\(7\)](#)  
**F2** Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\), s. 71\(2\), Sch. 10 para. 20](#)

- 2 The examiner to whom a complaint is referred for inquiry under paragraph (b) of subsection (1) of section twenty-three of this Measure shall be selected from the members of the panel by ballot conducted by the registrar of the diocese in the presence of such (if any) of the parties as desire to be present by themselves or their representatives.
- 3 A person selected under this Part of this Schedule as an examiner for the purpose of inquiry into a complaint laid under Part IV of this Measure shall, notwithstanding the expiry during the course of such inquiry of his term of office as a member of the panel be capable of continuing to act as an examiner as if his term of office had extended until he had completed his duties under section twenty-four of this Measure in relation to that complaint.
- 4 If a member of the panel ceases to hold a qualification required by sub-paragraph (1) of paragraph 1 of this Part of this Schedule or resigns or dies or becomes incapable of acting the bishop of the diocese shall declare a vacancy and may direct the committee referred to in that paragraph to appoint a duly qualified person to hold office for the remainder of the term of office of the member whom he replaces.

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## PART II

### PROVISION OF ASSESSORS TO SIT WITH CONSISTORY COURT UNDER PART IV OF THE MEASURE

- 5 (1) For the purpose of providing assessors to sit with consistory courts in the hearing and determination of proceedings under Part IV of this Measure, the [<sup>F3</sup>diocesan synod] of each diocese shall appoint a committee whose duty it shall be to draw up with the approval of the [<sup>F3</sup>diocesan synod], and from time to time to revise with the like approval—
- (a) a panel of six priests;
- (b) a panel of six laymen.
- (2) Before a person is appointed to a panel of laymen drawn up under the foregoing sub-paragraph, the body proposing to make the appointment shall satisfy themselves that he is a communicant.
- (3) The term of office of a member of a panel drawn up under sub-paragraph (1) of this paragraph shall be such period, not exceeding six years, as may be determined before his appointment.

#### **Textual Amendments**

**F3** Words substituted by virtue of [Synodical Government Measure 1969 \(No. 2\), s. 4\(7\)](#)

- 6 The four assessors with whom the consistory court of a diocese trying a person under Part IV of this Measure is required to sit shall be selected from each panel in equal proportions by ballot conducted by the registrar of the diocese in the presence of such (if any) of the parties as desire to be present by themselves or their representatives.
- 7 If either party shall object to any assessor for reasons approved by the chancellor he shall be discharged from sitting with the court.
- 8 If by reason of any objection or non-attendance or otherwise the requisite number of assessors is not obtained before the trial, the chancellor shall, if there is time, cause a priest or layman, as the case may require, to be chosen from the panel by another ballot, but, if there is not time, shall appoint some priest or layman, as the case may require, who is willing to serve and to whom neither party objects for cause shown and deemed to be sufficient by the chancellor, to make up the full number of assessors required to sit with the court.
- 9 A person selected under this Part of this Schedule to act as assessor at the trial of a person under Part IV of this Measure by a consistory court shall, notwithstanding the expiry during the trial of his term of office as a member of the panel from which he was selected, be capable of continuing to act as assessor at that trial as if his term of office had extended until the conclusion of the trial.
- 10 If a member of either panel resigns or dies or becomes incapable of acting the bishop of the diocese shall declare a vacancy and may direct the committee referred to in paragraph five in this Part of this Schedule to appoint a priest or layman as the case may be to hold office for the remainder of the term of office of the member whom he replaces.

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