



Ecclesiastical Jurisdiction and Care of Churches Measure 2018

2018 No. 3

PART 5

MISCELLANEOUS

Rules

81 Rule Committee: continuation and membership

- (1) There is to continue to be a body known as the Rule Committee.
- (2) The members of the Rule Committee are—
 - (a) one diocesan bishop nominated by the Archbishops of Canterbury and York,
 - (b) the Dean of the Arches and Auditor,
 - (c) one archdeacon nominated by the Archbishops of Canterbury and York,
 - (d) two chancellors nominated by the Archbishops of Canterbury and York,
 - (e) two diocesan registrars nominated by the Archbishops of Canterbury and York,
 - (f) two persons nominated by the Standing Committee of the House of Laity of the General Synod from among the members of that House, and
 - (g) for each of the purposes referred to in subsections (3) to (7), the persons specified as members for that purpose.
- (3) For the purpose of making rules relating to proceedings in the Court of Ecclesiastical Causes Reserved or a Commission of Review, the members of the Committee also include one person nominated by the Lord Chancellor who holds or has held high judicial office.
- (4) For the purpose of making rules relating to cathedral churches, the members of the Committee also include—

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- (a) one person nominated by the Appointments Committee of the Church of England who is a member of the chapter of a cathedral church,
 - (b) three persons nominated by the Cathedrals Fabric Commission for England from among the members of that Commission, who have special knowledge of the conservation of cathedrals, and
 - (c) three persons nominated by the Association of English Cathedrals.
- (5) For the purpose of making rules relating to disciplinary proceedings, the members of the Committee also include—
- (a) one diocesan bishop nominated by the Archbishops of Canterbury and York (in addition to the one nominated under subsection (2)(a)),
 - (b) the Prolocutor of the Lower House of the Convocation of Canterbury or a member of that House nominated by the Prolocutor, and
 - (c) the Prolocutor of the Lower House of the Convocation of York or a member of that House nominated by the Prolocutor.
- (6) For the purpose of making rules relating to the practice and procedure of consistory courts in their exercise of the faculty jurisdiction, including the exercise of functions under sections 69 to 71 (orders in case of default etc.), the members of the Committee also include three persons nominated by the Church Buildings Council, of whom—
- (a) one must hold office as chair of a Diocesan Advisory Committee, and
 - (b) one must hold office as secretary to a Diocesan Advisory Committee.
- (7) For the purpose of making rules under each of the following provisions, the members of the Committee also include the three persons nominated for the purposes of subsection (6)—
- (a) section 53(7) (order by archdeacon to remove article to safety);
 - (b) section 74(1) (archdeacon’s jurisdiction in certain faculty matters);
 - (c) section 75(1) (archdeacon’s power to grant licence for temporary minor re-ordering);
 - (d) section 77(1), (2) or (4) (matters which may be undertaken without a faculty, conditions on undertaking such matters etc.);
 - (e) section 79(4) (circumstances where chancellor not required to consult advisory committee);
 - (f) section 83(3), (4) or (5) (deposit of article for safekeeping; records of location of burials etc; safekeeping documents of historic interest).
- (8) In subsection (4)(c), the reference to the Association of English Cathedrals is a reference to the group of persons commonly known by that name (being the representative body for English Anglican Cathedrals), regardless of the form in which the group is for the time being constituted.
- (9) In subsection (5), “disciplinary proceedings” means—
- (a) proceedings in respect of an offence of the kind referred to in section 14 of the Ecclesiastical Jurisdiction Measure 1963,
 - (b) disciplinary proceedings under the Clergy Discipline Measure 2003, or
 - (c) proceedings under any of the provisions referred to in section 4(1) of the Safeguarding and Clergy Discipline Measure 2016 (appeal against suspension).

82 Rule Committee: procedure etc.

- (1) The chair of the Rule Committee is—
 - (a) the Dean of the Arches and Auditor, or
 - (b) if the Dean declines or is unable to act as such, such other member of the Committee as the Dean nominates after consultation with the Archbishops of Canterbury and York.
- (2) The quorum of the Committee is five; but a person who is a member for a particular purpose referred to in section 81(3) to (7) may not be included in a quorum for any other purpose.
- (3) Subject to that, the Committee may regulate its own procedure.
- (4) The validity of anything done by the Committee is not affected by a vacancy in its membership.

83 Rule Committee: powers to make rules

- (1) The Rule Committee may make rules for carrying into effect the relevant provisions; and for this purpose “relevant provision” means a provision of any of the following—
 - (a) Parts 1, 3 and 4 and this Part of this Measure (subject to subsection (6));
 - (b) the Ecclesiastical Jurisdiction Measure 1963;
 - (c) the Clergy Discipline Measure 2003;
 - (d) the Care of Cathedrals Measure 2011;
 - (e) the provisions referred to in section 4(1) of the Safeguarding and Clergy Discipline Measure 2016 (appeal against suspension).
- (2) Rules under subsection (1) may in particular (so far as the following matters are not regulated by a relevant provision or by rules under section 4 of the Church of England (Legal Aid) Measure 1994) make provision for—
 - (a) regulating the procedure and practice (including the mode and burden of proof and admissibility of evidence) of an ecclesiastical court;
 - (b) the appointment and duties of officers of an ecclesiastical court;
 - (c) the procedure and practice where an archdeacon has jurisdiction in faculty matters under section 74;
 - (d) the procedure and practice where complaints are referred to a registrar under section 11 of the Clergy Discipline Measure 2003;
 - (e) the time within which an act required or permitted by a relevant provision is to be done;
 - (f) matters relating to the appointment of authorised complainants and prosecutors in connection with proceedings or contemplated proceedings under a relevant provision;
 - (g) the forms of complaint for bringing proceedings under a relevant provision and of answers to be made to complaints;
 - (h) any other form or notice required in connection with a relevant provision;
 - (i) the mode of effecting service of a complaint, article or other document including provision for substituted service;
 - (j) the fixing of the time and place of a hearing or trial and the notification of the parties;
 - (k) the passing of censures and the forms of certificates of findings;

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- (l) matters relating to costs, fees and expenses in relation to proceedings under a relevant provision;
 - (m) enabling evidence to be obtained of compliance with a relevant provision;
 - (n) a matter which may be specified in rules in accordance with a relevant provision.
- (3) The Rule Committee may also make rules containing provision for enabling a PCC, after consultation with the advisory committee of the diocese concerned, to deposit (without a faculty) a movable article appertaining to a church in the parish for safekeeping in a place approved for the purpose by specified persons, subject to such requirements, terms and conditions as may be specified or as may be determined by the specified persons.
- (4) The Rule Committee may also make rules containing provision for requiring a PCC to keep records of—
- (a) the location of burials carried out in churchyards in the parish, and
 - (b) reserved grave-spaces in relation to which a faculty has been granted.
- (5) The Rule Committee may also make rules containing provision for the safekeeping, care, inspection and preservation of books and other documents which, in the opinion of a specified person, are of historic interest to the Church of England; and the provision which may be made includes provision for the appointment of persons with duties in that respect.
- (6) In subsection (1)(a), the reference to provisions of this Measure does not include a reference to—
- (a) section 22(7) to (10) (certain vacancies in see),
 - (b) sections 45 to 47 (inspections),
 - (c) section 54 (parochial libraries),
 - (d) sections 84 to 87 (fees), or
 - (e) sections 88 to 91 (burials).
- (7) In subsection (2)(a) and (b), “ecclesiastical court” means a court, disciplinary tribunal, commission or committee provided for in a provision referred to in subsection (1)(a) to (d); but subsection (2)(a) and (b) does not apply to a court of appellate jurisdiction in so far as rules made by the Judicial Committee of the Privy Council provide for the matters in question in the case of that court.
- (8) In subsection (5), the reference to books and other documents does not include a reference to register books or records within the meaning of section 25 of the Parochial Registers and Records Measure 1978.
- (9) Rules under this section—
- (a) must be laid before the General Synod, and
 - (b) may not come into force unless approved by the Synod, whether with or without amendment.
- (10) If the Business Committee of the General Synod decides that the Synod does not need to debate rules under this section, the rules are deemed to be approved by the Synod without amendment unless notice is given by a member of the Synod in accordance with its Standing Orders that—
- (a) the member wishes the rules to be debated, or
 - (b) the member wishes to move an amendment to the rules.