

*Status: Point in time view as at 01/09/2018.*

*Changes to legislation: There are currently no known outstanding effects for the Ecclesiastical Jurisdiction and Care of Churches Measure 2018, Cross Heading: Amendments of the Care of Cathedrals Measure 2011. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

#### OTHER ECCLESIASTICAL JURISDICTIONS

##### *Amendments of the Care of Cathedrals Measure 2011*

25 The Care of Cathedrals Measure 2011 is amended as follows.

#### Commencement Information

**II** Sch. 1 para. 25 in force at 1.9.2018 by S.I. 2018/720, art. 2

26 In section 11(3) (constitution of Commission of Review), in paragraph (a), for the “section 3(3) of the Ecclesiastical Jurisdiction Measure 1963 (1963 No 1)” substitute “ section 10 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 ”.

#### Commencement Information

**I2** Sch. 1 para. 26 in force at 1.9.2018 by S.I. 2018/720, art. 2

27 (1) Section 18 (institution of proceedings for injunction or restoration order) is amended as follows.

(2) After subsection (1) insert—

“(1A) The Church Commissioners may pay out of their general fund the whole or part of the costs and expenses incurred by a bishop or person designated as mentioned in subsection (1) in or in relation to or directly or indirectly arising out of proceedings authorised, taken or contemplated under subsection (1).

(1B) Before making a payment under subsection (1A), the Commissioners must be satisfied that the costs or expenses are reasonable in amount.”

(3) In subsection (2), in paragraph (a), for “section 58 of the Ecclesiastical Jurisdiction Measure 1963 (1963 No.1)” substitute “ subsection (1A) ”.

#### Commencement Information

**I3** Sch. 1 para. 27 in force at 1.9.2018 by S.I. 2018/720, art. 2

28 In section 19 (jurisdiction and composition of Vicar-General's court), after subsection (3) insert—

*Status: Point in time view as at 01/09/2018.*

*Changes to legislation: There are currently no known outstanding effects for the Ecclesiastical Jurisdiction and Care of Churches Measure 2018, Cross Heading: Amendments of the Care of Cathedrals Measure 2011. (See end of Document for details)*

“(4) Proceedings instituted under section 18 may be held in any place convenient to the court, due regard being had to the convenience of parties and witnesses.”

**Commencement Information**

**I4** Sch. 1 para. 28 in force at 1.9.2018 by S.I. 2018/720, art. 2

- 29 (1) Section 20 (powers of Vicar-General's court) is amended as follows.
- (2) In subsection (9), before “shall be a contempt of court” insert “ or of a special citation under subsection (1) ”.
- (3) After subsection (10) insert—
- “(11) The court has the same powers as the High Court in relation to—
- (a) the attendance and examination of witnesses, and
  - (b) the production and inspection of documents.
- (12) If a person does or omits to do something in connection with proceedings instituted under section 18 which is in contempt of the court, the presiding judge may certify the act or omission under his or her hand to the High Court.
- (13) The High Court may—
- (a) on receiving a certificate under subsection (12), inquire into the alleged act or omission, and
  - (b) after hearing any witnesses against or on behalf of the person subject to the allegation and any statement in defence, exercise the same jurisdiction and powers as if the person were guilty of contempt of the High Court.
- (14) For the right of appeal against a judgment, order or decree of the court in proceedings instituted under section 18, see section 14 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018.”

**Commencement Information**

**I5** Sch. 1 para. 29 in force at 1.9.2018 by S.I. 2018/720, art. 2

30 After section 20 insert—

**“20A Costs**

- (1) The Vicar-General's court may, at any stage of proceedings instituted under section 18, order a party to give security for costs.
- (2) The Vicar-General's court may make an order against a party to proceedings instituted under section 18 for payment of—
  - (a) taxed costs,
  - (b) a specified proportion of the taxed costs,
  - (c) the taxed costs from or up to a specified stage of the proceedings, or
  - (d) a specified gross sum in lieu of taxed costs.

*Status: Point in time view as at 01/09/2018.*

*Changes to legislation: There are currently no known outstanding effects for the Ecclesiastical Jurisdiction and Care of Churches Measure 2018, Cross Heading: Amendments of the Care of Cathedrals Measure 2011. (See end of Document for details)*

- (3) The power to tax costs under this section is exercisable by a registrar; and the power must be exercised in the prescribed manner.
- (4) Where an order for payment of costs is made under subsection (2)(a), (b) or (c), a party to the proceedings may appeal against the registrar's taxation to the Vicar-General's court.
- (5) An appeal under subsection (4) is to be lodged and conducted in such manner as may be prescribed.
- (6) On an appeal under subsection (4), the Vicar-General may confirm or vary the registrar's taxation.
- (7) Costs ordered to be paid under this section are, if the county court so orders, recoverable—
  - (a) under a warrant issued by the county court (see section 85 of the County Courts Act 1984), or
  - (b) otherwise as if the sum were payable under an order of the county court.
- (8) For the purposes of subsection (7), a certificate stating that the sum specified is the sum due to be paid by the person referred to, and purporting to be signed by the registrar of the diocese or province in which the award for costs was made, is conclusive evidence of the facts certified.
- (9) In this section, “costs” includes fees, charges, disbursements, expenses and remuneration.

## **20B Payment of expenses of courts by Archbishops' Council**

- (1) The Archbishops' Council must pay the costs and expenses of the Vicar-General's court for the purposes of proceedings instituted under section 18, except in so far as they are payable by any other person under section 20A or an order or rule for the time being in force.
- (2) Before making a payment under subsection (1), the Archbishops' Council must be satisfied that the costs or expenses are reasonable in amount.
- (3) The Church Commissioners may make contributions from their general fund in relief of the liability of the Archbishops' Council under this section.”

### **Commencement Information**

**I6** Sch. 1 para. 30 in force at 1.9.2018 by S.I. 2018/720, art. 2 (with art. 3)

**Status:**

Point in time view as at 01/09/2018.

**Changes to legislation:**

There are currently no known outstanding effects for the Ecclesiastical Jurisdiction and Care of Churches Measure 2018, Cross Heading: Amendments of the Care of Cathedrals Measure 2011.