
STATUTORY INSTRUMENTS

1993 No. 2847

ECCLESIASTICAL LAW, ENGLAND

Ordination of Women (Financial Provisions) (Appeals) Rules 1993

Approved by the General Synod

*Made - - - - 9th November 1993
22nd November
Laid before Parliament 1993
Coming into force in accordance with Rule 1*

In exercise of the powers conferred on it by section 10(5) of the Ordination of Women (Financial Provisions) Measure 1993(1) the Standing Committee of the General Synod hereby makes the following Rules:—

Citation and commencement

1. These Rules may be cited as the Ordination of Women (Financial Provisions) (Appeals) Rules 1993 and shall come into force on the coming into force of the Priests (Ordination of Women) Measure 1993(2).

Interpretation

2.—(1) In these Rules, unless the context otherwise requires, —

“appeal” means an appeal lodged under section 10(1) of the Measure and “appellant” shall be construed accordingly;

“Board” means the Church of England Pensions Board;

“chairmen” means the chairmen referred to in section 10(4) of the Measure;

“chairman of the tribunal” means the member of the tribunal designated by the chairmen as the chairman of the tribunal;

“the Measure” means the Ordination of Women (Financial Provisions) Measure 1993;

“secretary” means the person designated by the Standing Committee of the General Synod to act as secretary of tribunals constituted for the purposes of section 10 of the Measure;

(2) In these Rules a rule referred to by number means the rule so numbered in these Rules.

(3) The Interpretation Measure 1925(3) and the Interpretation Act 1978(4) shall apply for the interpretation of these Rules as they apply for the interpretation of Measures passed by the General Synod.

Notice of appeal

3. Notice of an appeal against a determination of the Board shall be lodged with the secretary within twenty-one days after the date on which the determination was communicated to the appellant.

Tribunal

4.—(1) On receiving notice of an appeal, the secretary shall request the chairmen to constitute a tribunal in accordance with section 10(4) of the Measure and to send him a list of the names and addresses of the proposed members.

(2) Any person nominated to serve as a member of the tribunal may refuse to accept the nomination if in his opinion it would not be right for him to serve as a member of the tribunal.

(3) On receiving such list the secretary shall send a copy of it to the appellant and shall inform him of his right of objection under paragraph 5 below and of the period within which the right must be exercised.

Objection to membership of tribunal

5.—(1) The appellant may, within twenty one days after a list of the proposed members is sent to him, object to any one or more of them by sending to the secretary a written notice specifying the member or members to whom he objects and stating, in relation to that member or each of those members, as the case may be, the grounds of his objection.

(2) If notice of objection is duly given under sub-paragraph (1) above, the secretary shall determine whether the objection is reasonable and should accordingly be allowed, and his decision shall be final.

(3) For the purpose of enabling him to decide whether the objection is reasonable, the secretary may require the appellant to supply him with such information as he may specify.

Written representations

6.—(1) The appellant may submit written representations to the tribunal within fourteen days after the membership of the tribunal has been settled.

(2) As soon as possible after the membership of the Tribunal has been settled the secretary shall send to the appellant a notice stating that he may submit written representations to the tribunal before a date to be specified in the notice.

(3) The secretary shall send to the Board a copy of any written representations made by the appellant and the Board may submit written comments thereon to the tribunal within fourteen days after such copy is supplied to it.

Notice of hearing

7.—(1) Not less than fourteen days notice of the date, time and place at which any meeting of the tribunal is to be held, being a meeting at which the tribunal intends to hear any person, to receive oral evidence or to pronounce its findings, shall be given to the appellant and the Board.

(3) 1925 No. 1
(4) 1978 c. 30

(2) A notice under this rule shall state that the appellant or a representative of the Board, as the case may be, may attend the meeting to which the notice relates.

Directions as to conduct of appeal

8.—(1) The chairman of the tribunal may give such directions as appear to him to be appropriate for the just and convenient conduct of the appeal.

(2) As soon as possible after the expiry of the period allowed by rule 6(3) for the submission by the Board of comments to the tribunal, the secretary and the chairman of the tribunal shall consult together to consider whether directions should be given by the chairman under paragraph (1) above and, in particular, whether directions should be given as to—

- (a) the submission of further written representations or comments in order to define issues or to supply particulars;
 - (b) the production of further documents;
 - (c) the ascertainment and interviewing of witnesses to assist the parties or the tribunal, the giving of notices to witnesses to attend the hearing and the submission of witness statements;
 - (d) the procedure to be followed at the hearing;
 - (e) the arrangements for the hearing, including location, date, estimate of time required and whether (and if so how) the proceedings are to be recorded.
- (3) The meeting referred to in paragraph (2) above shall be held in private.

Enquiries into facts and issues

9. The tribunal may authorise a member thereof or the secretary to carry out enquiries into fact which are in dispute or into the issues arising and to make a report to the tribunal on those enquiries.

Appearance and attendance

10.—(1) The appellant and a representative of the Board shall be entitled to appear before, and to be heard by, the tribunal, to give oral evidence in the proceedings on the appeal and to call witnesses.

(2) The appellant and the Board may be represented by a barrister or solicitor or the appellant may be assisted by a friend.

- (3) The tribunal —
- (a) shall, at the written request of the appellant or the Board, invite any person named in the request to address it or give oral evidence or both; and
 - (b) may invite any other person who may in its opinion be able to assist it to address it or give such evidence or both.

(4) The tribunal may require oral evidence by any person to be given on oath and for that purpose the chairman of the tribunal may administer oaths.

(5) The appellant and a representative of the Board shall be entitled to attend any meeting of the tribunal at which any other person is to give evidence to, or be heard by, the tribunal and, unless represented by a barrister or solicitor, to put questions to that person.

Evidence

11. The tribunal may receive oral, documentary or other evidence of any fact or matter which appears to it to be relevant to the appeal (including evidence which would not be admissible in civil or criminal proceedings), whether or not the appellant or the Board consent.

Hearing normally to be private

12.—(1) Subject to sub-paragraph (2) below, the proceedings at any meeting of the tribunal shall be held in private.

(2) If the appellant so requests, the proceedings at any meeting of the tribunal, being a meeting at which the tribunal hears him or any other person invited to address it or receives oral evidence, shall be held in public unless the tribunal considers that it should be held in private in the interests of justice.

Arrangement of hearing

13. After compliance with any directions given by the tribunal or upon the expiry of the time allowed for compliance therewith the secretary shall cause the matter to come before the tribunal in accordance with such directions.

Findings

14.—(1) The findings of the tribunal may be given orally or in writing and may be pronounced by a single member thereof.

(2) The tribunal shall include in its findings a statement of its reasons.

(3) If the findings were given orally they shall be recorded in writing.

(4) The secretary shall send a copy of the findings to the appellant and to the Board.

Procedure generally

15. Subject to the provisions of these Rules the procedure of the tribunal at or in connection with its meetings shall be such as the tribunal may from time to time determine.

Service of documents

16.—(1) Any notice or other document required to be given or sent to any person under these rules shall be give or sent either—

(a) by delivering it to him or by leaving it at his proper address; or

(b) by sending it by post to that address; or

(c) in such other manner as the chairman of the tribunal may direct.

(2) For the purpose of this rule and of the Interpretation Act 1978(5) in its application to this rule, the proper address of any person on whom a document is to be served under this rule shall be—

(a) his usual or last known address; or

(b) the business address of the solicitor (if any) who is acting for him in the proceedings.

(3) Any document required by these rules to be sent to the tribunal shall be sent by delivering the document to the secretary at the office of the Registrar and Legal Adviser to the General Synod.

Extension of time limits

17. The chairman of the tribunal either of his own motion or on the application of the appellant or the Board may by order extend any time limit for the doing of anything required or authorised by these Rules (either before or after the expiry of such time limit) and may adjourn any hearing from time to time.

Non-compliance with Rules

18. Non-compliance with any of these Rules shall not affect the validity of the proceedings except insofar as the tribunal so directs.

On behalf of the Standing Committee of the General Synod

Dated this 9th day of November 1993

P.J.C. Mawer
Secretary-General

Approved by the General Synod the 9th day of November 1993

P.J.C. Mawer
Secretary-General

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules regulate the procedure and practice of the proceedings on an appeal under section 10 of the Ordination of Women (Financial Provisions) Measure 1993 by a person aggrieved by a determination of the Pensions Board in carrying out its functions under the Measure.