



# Ecclesiastical Jurisdiction Measure 1963

1963 No. 1

## PART I **E**

### THE ECCLESIASTICAL JUDICIAL SYSTEM

#### *Jurisdiction of the Courts*

#### <sup>F1</sup>6 **Jurisdiction of the consistory court.** **E**

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#### **Textual Amendments**

**F1** S. 6 repealed (1.9.2018) by [Ecclesiastical Jurisdiction and Care of Churches Measure 2018 \(No. 3\)](#), s. 99(2), Sch. 1 para. 9, **Sch. 5** (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2

#### 7 **Jurisdiction of Arches and Chancery Courts.** **E**

<sup>F2</sup>(1) .....

[<sup>F3</sup>(1A) [<sup>F4</sup>The Arches Court of Canterbury and the Chancery Court of York shall each] have jurisdiction to hear and determine appeals from judgments, orders or decrees of the Vicar-General's court of the province of Canterbury or York [<sup>F5</sup>(<sup>F6</sup>... as constituted in accordance with the Clergy Discipline Measure 2003)], as the case may be.]

[<sup>F7</sup>(1B) Each of the said Courts shall also have jurisdiction to hear and determine appeals from judgments, orders or decrees of disciplinary tribunals within the provinces for which they are constituted respectively.]

(2) An appeal which, by virtue of this section, either of the said Courts has jurisdiction to entertain lies—

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

- [<sup>F8</sup>(a) <sup>F9</sup>... [<sup>F10</sup>with the leave of the court in accordance with section 20(1A) and (1B) of the Clergy Discipline Measure 2003,] at the instance of any party to the proceedings on a question of law and the defendant on a question of fact;]
- <sup>F11</sup>(b) .....

(3) Appeals under this section shall be lodged and conducted in such manner as may be prescribed.

[<sup>F12</sup>(3A) For provision as to how a decision of either of those Courts in the exercise of its jurisdiction under this section is to be treated in the province of the other Court, see section 14A of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018.]

<sup>F13</sup>(4) .....

<sup>F13</sup>(5) .....

**Textual Amendments**

- F2** S. 7(1) repealed (1.9.2018) by Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (No. 3), s. 99(2), Sch. 1 para. 10(2), **Sch. 5** (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2
- F3** S. 7(1A) inserted (1.10.1994) by 1994 No. 2, s. 8, **Sch. para. 2(a)**; Instrument dated 25.7.1994 made by Archbishops of Canterbury and York
- F4** Words in s. 7(1A) substituted (1.9.2018) by Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (No. 3), s. 99(2), **Sch. 1 para. 10(3)(a)** (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2
- F5** Words in s. 7(1A) inserted (1.1.2006) by Clergy Discipline Measure 2003 (No. 3), s. 48(2), **Sch. 1 para. 4(a)** (with s. 47); S.I. 2005/6, Instrument made by Archbishops
- F6** Words in s. 7(1A) repealed (1.9.2018) by Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (No. 3), s. 99(2), Sch. 1 para. 10(3)(b), **Sch. 5** (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2
- F7** S. 7(1B) inserted (1.1.2006) by Clergy Discipline Measure 2003 (No. 3), s. 48(2), **Sch. 1 para. 4(b)** (with s. 47); S.I. 2005/6, Instrument made by Archbishops
- F8** Words in s. 7(2) substituted (1.1.2006) by Clergy Discipline Measure 2003 (No. 3), s. 48(2), **Sch. 1 para. 4(c)** (with s. 47); S.I. 2005/6, Instrument made by Archbishops
- F9** Words in s. 7(2)(a) repealed (1.9.2018) by Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (No. 3), s. 99(2), Sch. 1 para. 10(4)(a), **Sch. 5** (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2
- F10** Words in s. 7(2)(a) inserted (1.2.2014) by Clergy Discipline (Amendment) Measure 2013 (No. 2), **ss. 9(7), 10(2)**; S.I. 2014/1, art. 2
- F11** S. 7(2)(b) repealed (1.9.2018) by Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (No. 3), s. 99(2), Sch. 1 para. 10(4)(b), **Sch. 5** (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2
- F12** S. 7(3A) inserted (1.3.2019) by Church of England (Miscellaneous Provisions) Measure 2018 (No. 7), **ss. 7(2), 17(3)** (with s. 7(3)); S.I. 2019/67, art. 2(1)(f)
- F13** S. 7(4)(5) repealed (1.9.2018) by Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (No. 3), s. 99(2), Sch. 1 para. 10(4)(c), **Sch. 5** (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2

**<sup>F148</sup> Appellate jurisdiction of Her Majesty in Council. E**

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**Textual Amendments**

- F14** S. 8 repealed (1.9.2018) by Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (No. 3), s. 99(2), Sch. 1 para. 11, **Sch. 5** (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2

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

**F15<sup>9</sup> Jurisdiction of commissions of convocation. E**

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**Textual Amendments**

**F15** S. 9 repealed (1.1.2006) by [Clergy Discipline Measure 2003 \(No. 3\)](#), s. 48(2), [Sch. 2](#) (with s. 47); S.I. 2005/6, Instrument made by Archbishops

**10 Jurisdiction of Court of Ecclesiastical Causes Reserved. E**

**F16**(A1) .....

- (1) The Court of Ecclesiastical Causes Reserved has original jurisdiction to hear and determine—
- (a) proceedings upon articles charging an offence against the laws ecclesiastical involving matter of doctrine ritual or ceremonial committed by—
    - (i) a priest or deacon who when the offence was alleged to have been committed or when the proceedings were instituted, held preferment in a diocese or resided therein;
    - (ii) an archbishop or a bishop who, at one of those times, was a diocesan or a suffragan commissioned by a diocesan or (not being either a diocesan or a suffragan) held preferment in a diocese or resided therein

**F17**(b) .....

**F18** ...

**F19**(2) .....

**F19**(3) .....

**F19**(4) .....

**F19**(5) .....

**F19**(6) .....

**Textual Amendments**

- F16** S. 10(A1) repealed (1.9.2018) by [Ecclesiastical Jurisdiction and Care of Churches Measure 2018 \(No. 3\)](#), s. 99(2), [Sch. 1](#) para. 12, [Sch. 5](#) (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2
- F17** S. 10(1)(b) repealed (1.9.2018) by [Ecclesiastical Jurisdiction and Care of Churches Measure 2018 \(No. 3\)](#), s. 99(2), [Sch. 1](#) para. 12, [Sch. 5](#) (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2
- F18** Words in s. 10(1) omitted (1.4.2015) by virtue of [Care of Churches and Ecclesiastical Jurisdiction \(Amendment\) Measure 2015 \(No. 1\)](#), [ss. 7\(5\)](#), 11(2); S.I. 2015/593, art. 2 (with Sch. para. 4)
- F19** S. 10(2)-(6) repealed (1.9.2018) by [Ecclesiastical Jurisdiction and Care of Churches Measure 2018 \(No. 3\)](#), s. 99(2), [Sch. 1](#) para. 12, [Sch. 5](#) (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2

**11 [F20 Jurisdiction of Her Majesty to review findings of Court of Ecclesiastical Causes Reserved] E**

**F21**(1) .....

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- (2) A petition addressed to Her Majesty praying that she will be pleased to cause a finding of the Court of Ecclesiastical Causes Reserved to be reviewed may be lodged with the Clerk of the Crown in Chancery—
- (a) in a case where the finding of the Court was in exercise of the jurisdiction it has by virtue of paragraph (a) of subsection (1) of the last foregoing section, by any party to the proceedings on a question of law and the defendant on a question of fact;
- <sup>F22</sup>(b) .....
- (3) Any such petition must be in the prescribed form and must be lodged as aforesaid within the prescribed period after the finding to which it relates.
- (4) Upon a petition being duly lodged under this section, a commission shall be directed under the Great Seal to such five persons as Her Majesty may be pleased to nominate, of whom three shall be [<sup>F23</sup>judges of the Supreme Court, or members of the supplementary panel under section 39 of the Constitutional Reform Act 2005,] who make a declaration that they are communicants and two shall be lords spiritual sitting as Lords of Parliament, to review the finding to which the petition relates.
- (5) A commission appointed under this section shall be called a Commission of Review.

#### **Textual Amendments**

- F20** S. 11 title substituted (1.9.2018) by [Ecclesiastical Jurisdiction and Care of Churches Measure 2018 \(No. 3\)](#), s. 99(2), **Sch. 1 para. 13** (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2
- F21** S. 11(1) repealed (1.1.2006) by [Clergy Discipline Measure 2003 \(No. 3\)](#), s. 48(2), **Sch. 2** (with s. 47); S.I. 2005/6, Instrument made by Archbishops
- F22** S. 11(2)(b) repealed (1.9.2018) by [Ecclesiastical Jurisdiction and Care of Churches Measure 2018 \(No. 3\)](#), s. 99(2), Sch. 1 para. 13, **Sch. 5** (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2
- F23** Words in s. 11 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), **Sch. 17 para. 16(2)**; S.I. 2009/1604, art. 2(e)

**Changes to legislation:**

There are currently no known outstanding effects for the Ecclesiastical Jurisdiction Measure 1963, Cross Heading: Jurisdiction of the Courts.