

# Ecclesiastical Jurisdiction Measure 1963

## 1963 No. 1

### PART I

#### THE ECCLESIASTICAL JUDICIAL SYSTEM

##### *The Courts*

#### 1 The ecclesiastical courts.

<sup>F1</sup>(1) .....

<sup>F1</sup>(2) .....

(3) For both of [<sup>F2</sup>the provinces of Canterbury and York] —

<sup>F3</sup>(a) .....

<sup>F4</sup>(b) .....

(c) there may, in accordance with the provisions in that behalf of this Measure, be appointed by Her Majesty commissioners who shall have such jurisdiction as is conferred on them by this Measure with respect to the review of findings <sup>F5</sup>... of the Court of Ecclesiastical Causes Reserved; and

<sup>F6</sup>(d) .....

#### Textual Amendments

**F1** S. 1(1)(2) repealed (1.9.2018) by Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (No. 3), s. 99(2), Sch. 1 para. 3(2), **Sch. 5** (with Sch. 4 Pt. 1); S.I.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

**F2** Words in s. 1(3) substituted (1.9.2018) by Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (No. 3), s. 99(2), **Sch. 1 para. 3(3)(a)** (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2

**F3** S. 1(3)(a) repealed (1.1.2006) by Clergy Discipline Measure 2003 (No. 3), s. 48(2), **Sch. 2** (with s. 47); S.I. 2005/6, Instrument made by Archbishops; S.I. 2005/6, Instrument made by Archbishops

**F4** S. 1(3)(b) repealed (1.9.2018) by Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (No. 3), s. 99(2), Sch. 1 para. 3(3)(b), **Sch. 5** (with Sch. 4 Pt. 1); S.I.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, Part I. (See end of Document for details)*

- F5** Words in s. 1(3)(c) repealed (1.1.2006) by Clergy Discipline Measure 2003 (No. 3), s. 48(2), **Sch. 2** (with s. 47); S.I. 2005/6, Instrument made by Archbishops; S.I. 2005/6, Instrument made by Archbishops
- F6** S. 1(3)(d) repealed (1.9.2018) by Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (No. 3), s. 99(2), **Sch. 1** para. 3(3)(b), **Sch. 5** (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2

*The Judges of the Courts constituted by this Measure*

**F72 Judge of consistory court.**

.....

.....

**Textual Amendments**

**F7** S. 2 repealed (1.9.2018) by Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (No. 3), s. 99(2), **Sch. 1** para. 4, **Sch. 5** (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2

**F82A Number of chancellorships to be held by one person may be limited.**

.....

.....

**Textual Amendments**

**F8** S. 2A repealed (1.9.2018) by Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (No. 3), s. 99(2), **Sch. 1** para. 5, **Sch. 5** (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2

**3 Judges of the Arches and Chancery Courts.**

(1) The judges of the Arches Court of Canterbury and the Chancery Court of York respectively [<sup>F9</sup>for the purposes of proceedings on an appeal under section 20 of the Clergy Discipline Measure 2003] shall be [<sup>F10</sup>as set out in subsection (2) of this section], but proceedings which, by virtue of the following provisions of this Measure, are cognisable by either of those Courts shall be heard and disposed of by such of the judges thereof as may be determined in accordance with those provisions.

(2) Of the judges of each of the said Courts—  
[<sup>F11</sup>(a) one shall be the Dean of the Arches and Auditor;  
(b) four shall be appointed in accordance with section 20(2) and (3) of the Clergy Discipline Measure 2003.]

<sup>F12</sup>(d) .....

<sup>F13</sup>(3) .....

<sup>F14</sup>(4) .....

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

<sup>F13</sup>(6) .....

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

- (7) [<sup>F15</sup>A person appointed under paragraph [<sup>F16</sup>(b)] of subsection (2) of this section] to hold the office of judge of either of the said Courts shall, before he enters on the execution of his office,—
- (a) take <sup>F17</sup>... [<sup>F18</sup>the oaths set out in Part 1 of Schedule 1 to this Measure] either before the archbishop of the relevant province and in the presence of the registrar of that province or in open court in the presence of that registrar; . . .  
<sup>F19</sup>
- (b) . . . <sup>F20</sup>
- (8) A provincial registrar shall record the taking <sup>F19</sup>... <sup>F21</sup>..., of an oath <sup>F19</sup>... in his presence in pursuance of [<sup>F22</sup>subsection (7)].

#### Textual Amendments

- F9** Words in s. 3(1) inserted (1.9.2018) by Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (No. 3), s. 99(2), **Sch. 1 para. 6(2)** (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2
- F10** Words in s. 3(1) substituted (1.3.1993) by Care of Churches and Ecclesiastical Jurisdiction Measure 1991 (No. 1, SIF 21:8), s. 8(1), **Sch. 4 para. 3(a)** (with s. 31(6)); Instrument dated 16.2.1993 made by the Archbishops of Canterbury and York
- F11** S. 3(2)(a)(b) substituted (1.9.2018) by Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (No. 3), s. 99(2), **Sch. 1 para. 6(3)(a)** (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2
- F12** S. 3(2)(d) repealed (1.9.2018) by Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (No. 3), s. 99(2), **Sch. 1 para. 6(3)(b)**, **Sch. 5** (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2
- F13** S. 3(3)-(6) repealed (1.9.2018) by Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (No. 3), s. 99(2), **Sch. 1 para. 6(4)**, **Sch. 5** (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2
- F14** S. 3(4) repealed (1.2.2014) by Clergy Discipline (Amendment) Measure 2013 (No. 2), **ss. 9(4)**, 10(2); S.I. 2014/1, art. 2
- F15** Words in s. 3(7) substituted (1.3.1993) by Care of Churches and Ecclesiastical Jurisdiction Measure 1991 (No. 1, SIF 21:8), s. 8(1), **Sch. 4 para. 3(f)** (with s. 31(6)); Instrument dated 16.2.1993 made by the Archbishops of Canterbury and York
- F16** Word in s. 3(7) substituted (1.2.2014) by Clergy Discipline (Amendment) Measure 2013 (No. 2), **ss. 9(6)**, 10(2); S.I. 2014/1, art. 2
- F17** Words in s. 3(6)(7) repealed (1.9.1995) by 1995 No. 2, **s. 9(b)(i)**; Instrument dated 26.7.1995 made by Archbishops of Canterbury and York
- F18** Words in s. 3(7)(a) substituted (1.9.2018) by Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (No. 3), s. 99(2), **Sch. 1 para. 6(5)** (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2
- F19** Words repealed by Church of England (Worship and Doctrine) Measure 1974 (No. 3), **Sch. 2**
- F20** S. 3(6)(b)(7)(b) repealed by Church of England (Worship and Doctrine) Measure 1974 (No. 3), **Sch. 2**
- F21** Words in 3(8) repealed (1.9.1995) by 1995 No. 2, **s. 9(b)(ii)**; Instrument dated 26.7.1995 made by Archbishops of Canterbury and York
- F22** Words in s. 3(8) substituted (1.9.2018) by Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (No. 3), s. 99(2), **Sch. 1 para. 6(6)** (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2

#### <sup>F23</sup>4 Appointment of deputy judges.

.....

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

**Textual Amendments**

**F23** S. 4 repealed (1.9.2018) by Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (No. 3), s. 99(2), Sch. 1 para. 7, **Sch. 5** (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2

**F24** **5 Judges of the Court of Ecclesiastical Causes Reserved.**

.....

**Textual Amendments**

**F24** S. 5 repealed (1.9.2018) by Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (No. 3), s. 99(2), Sch. 1 para. 8, **Sch. 5** (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2

*Jurisdiction of the Courts*

**F25** **6 Jurisdiction of the consistory court.**

.....

**Textual Amendments**

**F25** 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.**

**F26**(1) .....

[**F27**(1A) [**F28**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 [**F29**(**F30**... as constituted in accordance with the Clergy Discipline Measure 2003)], as the case may be.]

[**F31**(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—

[**F32**(a) **F33**... [**F34**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;]

**F35**(b) .....

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

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

[<sup>F36</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>F37</sup>(4) .....

<sup>F37</sup>(5) .....

**Textual Amendments**

- F26** 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
- F27** 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
- F28** 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
- F29** 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
- F30** 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
- F31** 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
- F32** 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
- F33** 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
- F34** 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
- F35** 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
- F36** 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)
- F37** 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>F38</sup> **Appellate jurisdiction of Her Majesty in Council.**

.....

**Textual Amendments**

- F38** 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

<sup>F39</sup> **Jurisdiction of commissions of convocation.**

.....

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

**Textual Amendments**

**F39** 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.**

<sup>F40</sup>(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

<sup>F41</sup>(b) .....  
<sup>F42</sup> ...

- <sup>F43</sup>(2) .....
- <sup>F43</sup>(3) .....
- <sup>F43</sup>(4) .....
- <sup>F43</sup>(5) .....
- <sup>F43</sup>(6) .....

**Textual Amendments**

**F40** 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

**F41** 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

**F42** 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)

**F43** 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 [<sup>F44</sup>Jurisdiction of Her Majesty to review findings of Court of Ecclesiastical Causes Reserved]**

<sup>F45</sup>(1) .....

- (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—

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

- (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>F46</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>F47</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**

- F44** 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
- F45** 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
- F46** 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
- F47** 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)

*Miscellaneous Provisions relating to the Courts and the Judges*

**[<sup>F48</sup>12 Disciplinary tribunals to be unaffected by vacation of see**

- (1) The vacation of the see of Canterbury or York or of the bishop of any other diocese shall not render a disciplinary tribunal unable to exercise its jurisdiction, and no such vacancy shall affect the discharge by the members or officers of such a tribunal of their functions.
- (2) For provision as to the Arches Court of Canterbury, the Chancery Court of York and the Vicar-General's court of each province where there is a vacation of see as mentioned in subsection (1), see section 22 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018.]

**Textual Amendments**

- F48** S. 12 substituted (1.9.2018) by Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (No. 3), s. 99(2), **Sch. 1 para. 14** (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2

**<sup>F49</sup>13 Certain judges to be ex officio officials principal.**

.....

---

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

---

.....

**Textual Amendments**

**F49** S. 13 repealed (1.9.2018) by Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (No. 3), s. 99(2), Sch. 1 para. 15, **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, Part I.