



# Ecclesiastical Jurisdiction Measure 1963

1963 No. 1

## PART VII

### OTHER PROCEEDINGS

#### 46 Proceedings in consistory court not falling within Part IV.

- (1) Proceedings in the consistory court of a diocese other than those falling within paragraph (a) of subsection (1) of section six of this Measure shall be heard and disposed of by the chancellor of the diocese:  
Provided that proceedings in a cause of faculty may be heard and disposed of by the bishop of the diocese alone or with the chancellor if, and in so far as, provision in that behalf is made in the letters patent by which the chancellor of the diocese is appointed.
- (2) Subject to the provisions of the proviso to section sixty-nine of this Measure proceedings to which this section applies other than those falling within paragraph (b) of subsection (1) of section six of this Measure shall be instituted and conducted in such manner as may be prescribed.

#### Modifications etc. (not altering text)

- C1 S. 46(1) modified (1.7.2001) by 1999 No. 2, ss. 3(3); Instrument dated 21.6.2001 made by the Archbishops of Canterbury and York

#### 47 Proceedings in Arches and Chancery Courts.

- [<sup>F1</sup>(1) Proceedings in the Arches Court of Canterbury or the Chancery Court of York shall be heard and disposed of—
- (a) in the case of an appeal from a judgment of the consistory court of a diocese given in such proceedings as are mentioned in section 6(1)(a) of this Measure, by all the judges of the Court mentioned in paragraphs (a), (b) and (c) of section 3(2) of this Measure;

*Status: Point in time view as at 01/03/1993.*

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

- (b) in any other case, by the Dean of the Arches and Auditor and two diocesan chancellors designated by him for the purposes of the case.]
- (2) Subject to the provisions of the proviso to section sixty-nine of this Measure proceedings in the said Court shall be instituted and conducted in such manner as may be prescribed.

#### **Textual Amendments**

- F1** S. 47(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. 8(1) (with s. 31(6)); Instrument dated 16.2.1993 made by the [Archbishops of Canterbury and York](#)

#### **48 Proceedings before Commissions of Review.**

- (1) Subject to the following provisions of this section all proceedings before a Commission of Review shall be instituted and conducted in such manner as may be prescribed.
- (2) In order to give assistance to any Commission of Review in reviewing any decision of the Court of Ecclesiastical Causes Reserved involving a question of doctrine the Upper Houses of the Convocations of the Provinces of Canterbury and of York shall jointly appoint a panel of persons consisting of members of either of the Upper Houses and also if thought fit of theologians who are not members of either of the Upper Houses in such numbers as the Upper Houses may jointly determine.
- (3) When any review by a Commission of Review involves a question of doctrine the Commission shall request five persons selected by it from the panel appointed under subsection (2) of this section to sit with it as advisers and to give such assistance on the matters of doctrine involved in the review as the Commission may require.
- (4) The judgment of the Commission shall be according to the opinion of the majority of the members thereof and each member of the Commission shall state his own opinion on the question under review.
- (5) In the exercise of its jurisdiction under this Measure a Commission of Review shall not be bound by any decision of the Judicial Committee of the Privy Council in relation to matter of doctrine, ritual or ceremonial.
- (6) A decision of a previous Commission of Review shall be binding on a Commission subsequently appointed in any matter which shall, by virtue of this Measure, be within the jurisdiction of such Commission except in regard to a matter on which new information or evidence is adduced which was not before the Commission on the previous occasion.

**Status:**

Point in time view as at 01/03/1993.

**Changes to legislation:**

There are currently no known outstanding effects for the Ecclesiastical Jurisdiction Measure 1963, Part VII.