

# Ecclesiastical Jurisdiction Measure 1963

1963 No. 1

## PART VIII

### CENSURES

#### 49 Censures.

- (1) The censures to which a person found guilty of an offence under this Measure renders himself liable are the following, namely,—
  - (a) deprivation, that is to say, removal from any preferment which he then holds and disqualification from holding any other preferment except as hereinafter provided, and if he holds no preferment at the time the censure is pronounced, disqualification from holding any preferment in the future except as hereinafter provided;
  - (b) inhibition, that is to say, disqualification for a specified time from exercising any of the functions of his Order;
  - (c) suspension, that is to say, disqualification for a specified time from exercising or performing without leave of the bishop any right or duty of or incidental to his preferment or from residing in the house of residence of his preferment or within such distance thereof as shall be specified in the censure;
  - (d) monition that is to say an order to do or refrain from doing a specified act;
  - (e) rebuke.
- (2) Where a censure of suspension or inhibition has been pronounced against any person, he shall not be readmitted to his benefice or permitted to exercise the functions of his order unless he satisfies the bishop (or, where the person is himself a bishop, the Upper House of the Convocation of the relevant province) of his good conduct during the term of his suspension or inhibition.
- (3) [<sup>F1</sup> In proceedings under this Measure] no censure more severe than monition shall be imposed unless the Court is satisfied that the accused has already been admonished on a previous occasion in respect of another offence of the same or substantially the same nature.

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

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- (4) No censure of deprivation on any archbishop or bishop or on any person in respect of any preferment the right to appoint to which is vested in Her Majesty (not being a parochial benefice) shall have effect unless and until Her Majesty by order in Council shall confirm the same.
- (5) Where by virtue of any censure of deprivation a bishop, priest or deacon is disqualified from holding any preferment, the disqualification shall not extend to a preferment to which the bishop of a diocese, with the consent of the archbishop of the relevant province and in the case of a priest or deacon of the bishop of the diocese in which the proceedings were instituted, shall appoint him, and shall cease upon the occasion of any such appointment if the archbishop when consenting thereto shall so direct.
- (6) Not more than one censure shall be imposed in respect of any one offence save that when a censure of suspension is pronounced a censure of inhibition may be pronounced for the same period.

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**Textual Amendments**

- F1** Words in s. 49(3) substituted (1.1.2006) by [Clergy Discipline Measure 2003 \(No. 3\)](#), s. 48(2), [Sch. 1 para. 7](#) (with s. 47); [S.I. 2005/6](#), Instrument made by Archbishops

**50 Power of bishop to depose priest or deacon from Holy Orders.**

When a censure of deprivation is pronounced [<sup>F2</sup>in pursuance of proceedings under this Measure] on any priest or deacon the bishop of the diocese may by sentence without any further legal proceedings depose him from Holy Orders and the sentence of deposition shall be recorded in the registry of the diocese:

Provided that before deposing him from Holy Orders the bishop shall serve on the priest or deacon concerned and on the provincial registrar of the relevant province a written notice in the prescribed form of his intention so to depose him and within the period of one month from the date of such notice the said priest or deacon may appeal to the archbishop of the relevant province or, if the diocesan be the archbishop, to the archbishop of the other province in such manner as may be prescribed and the diocesan shall not proceed so to depose him until the time for the making of such appeal has passed or, in the event of an appeal being made, unless or until it shall have been dismissed.

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**Textual Amendments**

- F2** Words in s. 50 inserted (1.1.2006) by [Clergy Discipline Measure 2003 \(No. 3\)](#), s. 48(2), [Sch. 1 para. 8](#) (with s. 47); [S.I. 2005/6](#), Instrument made by Archbishops

**51 Power to depose archbishop or bishop from Holy Orders.**

Where a censure of deprivation is pronounced in pursuance of proceedings under this Measure on an archbishop or bishop the Upper House of Convocation of the relevant province may by resolution depose him from Holy Orders:

Provided that before any motion for such a resolution is put to the Upper House a notice in the prescribed form shall be served on the archbishop or bishop concerned and the House shall consider any written representations made to it by such archbishop or

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bishop within one month of the service of such notice and afford him an opportunity of being heard before it personally.

**52 Effect of deposition.**

When a person is deposed [<sup>F3</sup>under this Measure] from Holy Orders the like consequences shall ensue as by paragraph (3) of section four of the <sup>M1</sup>Clerical Disabilities Act 1870 would ensue, if, more than six months before the day on which such disqualification takes effect, he had executed a deed of relinquishment in the form set out in the Second Schedule to that Act and done the things prescribed by section three thereof and the bishop had on that day caused the deed to be registered in the registry of his diocese.

**Textual Amendments**

**F3** Words in s. 52 inserted (1.1.2006) by [Clergy Discipline Measure 2003 \(No. 3\)](#), s. 48(2), **Sch. 1 para. 9** (with s. 47); [S.I. 2005/6](#), Instrument made by Archbishops

**Marginal Citations**

**M1** 1870 c. 91.

**53 Restoration on pardon.**

Where by virtue of anything done under this Measure an archbishop, bishop or other clergyman is deprived or deposed his incapacities shall cease if he receives a free pardon from the Crown, and he shall be restored to any preferment he previously held if it has not in the meantime been filled.

<sup>F4</sup>**54 Disobedience to censure.**

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**Textual Amendments**

**F4** [S. 54](#) 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

**Changes to legislation:**

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