



Ecclesiastical Jurisdiction Measure 1963

1963 No. 1

PART VI

CONDUCT OF PROCEEDINGS AGAINST DEACONS, PRIESTS OR BISHOPS FOR OFFENCES
UNDER THE MEASURE INVOLVING MATTER OF DOCTRINE, RITUAL OR CEREMONIAL

Procedure under Part VI after Laying of Complaint

45 Conduct of trial under Part VI.

- (1) The following provisions shall have effect with respect to the trial of a person by the Court of Ecclesiastical Causes Reserved under this Part of this Measure, namely:—
- (a) the procedure at the trial shall, so far as circumstances admit and subject to any rules which may be prescribed, be the same as at the trial of a person by a court of assize exercising criminal jurisdiction;
 - (b) the accused shall be entitled to be supplied with a copy of the articles;
 - (c) the rules as to the admissibility of evidence and as to whether a witness is competent or compellable to give evidence shall be the same as those observed at the trial of a person by such a court of assize;
 - (d) the registrar before whom the complaint was laid shall give not less than fourteen clear days' notice of the sittings of the court to the promoter thereof and to the accused and at any sitting the court may proceed in the absence of the accused if satisfied that he was given proper notice of the sitting;
 - (e) the court, if satisfied that it is in the interests of justice so to do, may give directions that during any part of the proceedings such person or persons as the court may determine shall be excluded;
 - (f) the determination of any matter before the court shall be according to the opinion of the majority of the members thereof;
 - (g) if the accused shall be found guilty of an offence charged, the court shall decide such censure therefor as is warranted by the following provisions of this Measure;

Changes to legislation: *There are currently no known outstanding effects for the Ecclesiastical Jurisdiction Measure 1963, Section 45. (See end of Document for details)*

- (h) the censure shall be reduced to writing by the court, shall be pronounced in open court by the person presiding over the court and shall not be invalid by reason only that it is not pronounced in the presence of the accused.
- (2) For the purposes of this section it shall be the duty of the Upper Houses of the Convocations of Canterbury and York jointly to draw up, with the approval of the Lower Houses of those Convocations, and from time to time to revise, with the like approval, a panel of persons each of whom shall be an eminent theologian or an eminent liturgiologist, and the Court of Ecclesiastical Causes Reserved shall, when trying a person sit with not less than three nor more than five advisers selected by the Dean of the Arches and Auditor from amongst the members of the panel.
- (3) In the exercise of its jurisdiction under this Measure the Court of Ecclesiastical Causes Reserved shall not be bound by any decision of the Judicial Committee of the Privy Council in relation to matter of doctrine ritual or ceremonial.

Changes to legislation:

There are currently no known outstanding effects for the Ecclesiastical Jurisdiction Measure 1963, Section 45.