

*Status: Point in time view as at 03/04/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Pastoral Measure 1983 (repealed), SCHEDULE 2. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 2

Section 9.

#### APPEALS TO THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL

- 1 Any person who intends to apply for leave to appeal to Her Majesty in Council under section 9 shall on or before the date specified in the notice served on him under [<sup>F1</sup>section 8(1A)] send written notice of his intention to the [<sup>F2</sup>Registrar] of the Privy Council. The notice shall be sent by registered post or recorded delivery service and a copy thereof shall be sent to the Commissioners by the applicant.

#### Textual Amendments

- F1** Words in Sch. 2 para. 1 substituted (1.6.2005) by Church of England (Miscellaneous Provisions) Measure 2005 (No. 3), s. 11(2), Sch. 4 para. 25(a); 2005 No. 2, Instrument made by Archbishops
- F2** Word in Sch. 2 para. 1 substituted (1.6.2005) by Church of England (Miscellaneous Provisions) Measure 2005 (No. 3), s. 11(2), Sch. 4 para. 25(a); 2005 No. 2, Instrument made by Archbishops

- 2 Where five or more persons acting jointly duly made written representations with respect to the draft scheme, notice of their intention to apply for leave to appeal under section 9, the application for such leave, and, if such leave is granted, the appeal, shall be given or made, as the case may be, by not more than four of those persons acting on behalf of themselves and the others.
- 3 [<sup>F3</sup>If the Registrar of the Privy Council is satisfied that a notice has been given by a person who has duly made representations with respect to the scheme in question he shall so notify the applicant and the Commissioners.] If he is not so satisfied he shall inform the applicant and the Commissioners that the applicant is not entitled to proceed with his application.

#### Textual Amendments

- F3** Words in Sch. 2 para. 3 substituted (1.6.2005) by Church of England (Miscellaneous Provisions) Measure 2005 (No. 3), s. 11(2), Sch. 4 para. 25(b); 2005 No. 2, Instrument made by Archbishops

- 4 Within the period of 28 days beginning with the date on which an applicant for leave to appeal under section 9 receives a notification under paragraph 3 from the said [<sup>F4</sup>Registrar] he shall lodge in the registry of the Privy Council five copies of his application for such leave, and the application shall—
- state the grounds of his appeal including a succinct statement of any reasons why he considers that the scheme in question, or any particular provision thereof, should not have been made;
  - summarise succinctly and clearly any facts on which, if such leave is granted, he intends to rely in prosecuting his appeal.

There shall be annexed to each copy of the application a copy of the scheme and of the Commissioners' statement given to the applicant under section [<sup>F4</sup>8(1A)].

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**Textual Amendments**

- F4** Words in Sch. 2 para. 4 substituted (1.6.2005) by [Church of England \(Miscellaneous Provisions\) Measure 2005 \(No. 3\)](#), s. 11(2), **Sch. 4 para. 25(c)**; 2005 No. 2, Instrument made by Archbishops

- 5 The Judicial Committee of the Privy Council shall consider an application for such leave, and if it grants leave, the Registrar of the Privy Council shall forthwith register the appeal and notify <sup>F5</sup>..., the applicant and the Commissioners that he has done so.

**Textual Amendments**

- F5** Words in Sch. 2 para. 5 omitted (1.6.2005) by virtue of [Church of England \(Miscellaneous Provisions\) Measure 2005 \(No. 3\)](#), s. 11(2), **Sch. 4 para. 25(d)**; 2005 No. 2, Instrument made by Archbishops

- 6 After receiving notice that leave to appeal has been granted the appellant shall without delay lodge in the Registry of the Privy Council five copies of his petition of appeal. The petition shall consist of paragraphs numbered consecutively and shall state succinctly and clearly all such facts as are necessary in order to enable the Judicial Committee to advise Her Majesty in accordance with the provisions of section 9. There shall be annexed to each copy of the petition a copy of the scheme and of the Commissioners' statement given to the appellant under section [F68(1A)] and any documents in his possession to which the appellant may wish to refer. A copy of the petition and the annexed documents shall within fourteen days of the lodging of the petition be served by the appellant on the Commissioners.

**Textual Amendments**

- F6** Words in Sch. 2 para. 6 substituted (1.6.2005) by [Church of England \(Miscellaneous Provisions\) Measure 2005 \(No. 3\)](#), s. 11(2), **Sch. 4 para. 25(e)**; 2005 No. 2, Instrument made by Archbishops

- 7 The Commissioners shall without delay after receiving the said copy lodge in the Registry of the Privy Council five copies of their answer, to each of which shall be annexed copies of any documents to which the Commissioners may wish to refer, and shall within fourteen days of the lodging of the answer serve a copy thereof and of the annexed documents on the appellant.
- 8 Except with the leave of the Judicial Committee of the Privy Council, no document shall be introduced in the course of the proceedings on the appeal unless it has been annexed to the petition or to the answer.
- 9 An appeal shall be set down as soon as the answer has been lodged.
- 10 A map showing clearly the boundaries of any ecclesiastical area affected by the scheme shall be lodged by the Commissioners before the hearing of the appeal.
- 11 Where an appellant, having been granted leave to appeal under section 9, fails to lodge his petition of appeal within a period of three months beginning with the date on which he received a notification under paragraph 5 or such extended period as the Registrar of the Privy Council may allow, the Registrar of the Privy Council may by letter notify the Lord President of the Council that the appeal has not been prosecuted, and the appeal shall thereupon stand dismissed for non-prosecution as from the date of the said letter without further order, and a copy of the said

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letter shall be sent by the Registrar to the appellant or his solicitor and to the Commissioners.

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

**C1** Sch. 2 para. 11 amended by S.I. 1991/2684, artS. 1, 2(1), 4, Sch.1

- 12 All bills of costs under any order of the Judicial Committee, on such appeal shall be referred to the Registrar of the Privy Council for taxation, and such taxation shall be regulated (so far as the same are applicable) by the rules of the Judicial Committee for the time being in force.
- 13 The Judicial Committee of the Privy Council may give such further directions in matters of practice and procedure affecting applications for leave to appeal, and appeals, under section 9 as they consider just and expedient.

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