



Ecclesiastical Jurisdiction and Care of Churches Measure 2018

2018 No. 3

PART 5

MISCELLANEOUS

Rules

83 Rule Committee: powers to make rules

- (1) The Rule Committee may make rules for carrying into effect the relevant provisions; and for this purpose “relevant provision” means a provision of any of the following—
- (a) Parts 1, 3 and 4 and this Part of this Measure (subject to subsection (6));
 - (b) the Ecclesiastical Jurisdiction Measure 1963;
 - (c) the Clergy Discipline Measure 2003;
 - (d) the Care of Cathedrals Measure 2011;
 - (e) the provisions referred to in section 4(1) of the Safeguarding and Clergy Discipline Measure 2016 (appeal against suspension).
- (2) Rules under subsection (1) may in particular (so far as the following matters are not regulated by a relevant provision or by rules under section 4 of the Church of England (Legal Aid) Measure 1994) make provision for—
- (a) regulating the procedure and practice (including the mode and burden of proof and admissibility of evidence) of an ecclesiastical court;
 - (b) the appointment and duties of officers of an ecclesiastical court;
 - (c) the procedure and practice where an archdeacon has jurisdiction in faculty matters under section 74;
 - (d) the procedure and practice where complaints are referred to a registrar under section 11 of the Clergy Discipline Measure 2003;
 - (e) the time within which an act required or permitted by a relevant provision is to be done;

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- (f) matters relating to the appointment of authorised complainants and prosecutors in connection with proceedings or contemplated proceedings under a relevant provision;
 - (g) the forms of complaint for bringing proceedings under a relevant provision and of answers to be made to complaints;
 - (h) any other form or notice required in connection with a relevant provision;
 - (i) the mode of effecting service of a complaint, article or other document including provision for substituted service;
 - (j) the fixing of the time and place of a hearing or trial and the notification of the parties;
 - (k) the passing of censures and the forms of certificates of findings;
 - (l) matters relating to costs, fees and expenses in relation to proceedings under a relevant provision;
 - (m) enabling evidence to be obtained of compliance with a relevant provision;
 - (n) a matter which may be specified in rules in accordance with a relevant provision.
- (3) The Rule Committee may also make rules containing provision for enabling a PCC, after consultation with the advisory committee of the diocese concerned, to deposit (without a faculty) a movable article appertaining to a church in the parish for safekeeping in a place approved for the purpose by specified persons, subject to such requirements, terms and conditions as may be specified or as may be determined by the specified persons.
- (4) The Rule Committee may also make rules containing provision for requiring a PCC to keep records of—
- (a) the location of burials carried out in churchyards in the parish, and
 - (b) reserved grave-spaces in relation to which a faculty has been granted.
- (5) The Rule Committee may also make rules containing provision for the safekeeping, care, inspection and preservation of books and other documents which, in the opinion of a specified person, are of historic interest to the Church of England; and the provision which may be made includes provision for the appointment of persons with duties in that respect.
- (6) In subsection (1)(a), the reference to provisions of this Measure does not include a reference to—
- (a) section 22(7) to (10) (certain vacancies in see),
 - (b) sections 45 to 47 (inspections),
 - (c) section 54 (parochial libraries),
 - (d) sections 84 to 87 (fees), or
 - (e) sections 88 to 91 (burials).
- (7) In subsection (2)(a) and (b), “ecclesiastical court” means a court, disciplinary tribunal, commission or committee provided for in a provision referred to in subsection (1)(a) to (d); but subsection (2)(a) and (b) does not apply to a court of appellate jurisdiction in so far as rules made by the Judicial Committee of the Privy Council provide for the matters in question in the case of that court.
- (8) In subsection (5), the reference to books and other documents does not include a reference to register books or records within the meaning of section 25 of the Parochial Registers and Records Measure 1978.

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(9) Rules under this section—

- (a) must be laid before the General Synod, and
- (b) may not come into force unless approved by the Synod, whether with or without amendment.

(10) If the Business Committee of the General Synod decides that the Synod does not need to debate rules under this section, the rules are deemed to be approved by the Synod without amendment unless notice is given by a member of the Synod in accordance with its Standing Orders that—

- (a) the member wishes the rules to be debated, or
- (b) the member wishes to move an amendment to the rules.

Commencement Information

II [S. 83](#) in force at 1.9.2018 by [S.I. 2018/720](#), [art. 2](#)

Changes to legislation:

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