



# Church of England (Miscellaneous Provisions) Measure 2018

2018 No. 7

VALID FROM 01/03/2019

## *Ecclesiastical jurisdiction*

### **7 Provincial courts: decisions to be treated as taken by each Court**

- (1) After section 14 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018, insert—

#### **“14A Decisions treated as taken by each Court**

- (1) A decision of the Arches Court of Canterbury or the Chancery Court of York is to be treated by the other Court, and by the lower ecclesiastical courts in the province of the other Court, as if it were a decision which the other Court had itself taken.
- (2) The reference to a decision of the Arches Court of Canterbury or the Chancery Court of York is a reference to a decision taken by it in the exercise of—
- its jurisdiction under section 14(1), (2) or (3), or
  - its jurisdiction under section 7 of the Ecclesiastical Jurisdiction Measure 1963 (disciplinary jurisdiction).
- (3) “Lower ecclesiastical court”, in relation to a province, means—
- the Vicar-General's court of the province (including as constituted in accordance with the Clergy Discipline Measure 2003),
  - the consistory court for a diocese in the province, or
  - a disciplinary tribunal within the province.”

*Status: Point in time view as at 20/12/2018. This version of this cross heading contains provisions that are not valid for this point in time.*

**Changes to legislation:** *There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 2018, Cross Heading: Ecclesiastical jurisdiction. (See end of Document for details)*

- (2) In section 7 of the Ecclesiastical Jurisdiction Measure 1963 (Arches Court and Chancery Court: disciplinary jurisdiction), after subsection (3) insert—

“(3A) For provision as to how a decision of either of those Courts in the exercise of its jurisdiction under this section is to be treated in the province of the other Court, see section 14A of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018.”

- (3) This section applies to a decision of the Arches Court of Canterbury or the Chancery Court of York made before the commencement of this section (as well as to a decision made afterwards).

## 8 Fees

- (1) In section 1 of the Ecclesiastical Fees Measure 1986 (parochial fees orders), in subsection (1), for “licensed” substitute “ authorised ”.

- (2) After subsection (1) of that section insert—

“(1A) Subsection (1) does not apply to matters which relate to duties carried out in the course of employment by a university, college, school, hospital or public or charitable institution.”

- (3) In the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (“the 2018 Measure”), in section 84 (Fees Advisory Commission: continuation and membership), in subsection (2), for paragraph (a) substitute—

“(a) one person who is a diocesan or suffragan bishop nominated by the House of Bishops (regardless of whether that person is a member of that House);”.

- (4) In section 85 of the 2018 Measure (Fees Advisory Commission: procedure), after subsection (5) insert—

“(5A) If the chair of the Commission considers that it has business which can properly be conducted by correspondence, the chair may arrange for written proposals requiring the Commission's approval to be circulated to members.

(5B) Unless objection is received from members in such numbers and within such period from the date on which they were sent as the Commission may specify, the proposals are to be treated on the expiry of that period as approved by the Commission as if they had been approved at a duly convened meeting.

(5C) The Commission may delegate to the chair the approval of any matter which requires decision and which, because of its urgency, cannot be dealt with at a meeting of the Commission or by correspondence as mentioned in subsection (5A).

(5D) A delegation under subsection (5C)—

- (a) may be general or specific, and
- (b) is subject to such conditions as the Commission may from time to time impose.”

- (5) In section 86 of the 2018 Measure (fees orders), after subsection (4) insert—

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“(4A) An order under this section may provide for a fee, or a matter relating to the payment of a fee, to be determined—

- (a) by a court, ecclesiastical judge, legal officer or other person;
- (b) by reference to provision made under an Act of Parliament.”

- (6) The amendment made by subsection (5) is to be regarded as having always had effect; and section 5 of the Ecclesiastical Fees Measure 1986 is to be regarded as having always, until its consolidation as section 86 of the 2018 Measure, conferred power to make provision by order for a fee, or a matter relating to the payment of a fee, to be determined by a court, judge or other person or by reference to provision made under an Act of Parliament.

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**Commencement Information**

- II** [S. 8\(5\)\(6\)](#) in force at Royal Assent, see. [s. 17\(2\)\(b\)](#)

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