
STATUTORY INSTRUMENTS

1964 No. 1755

The Ecclesiastical Jurisdiction (Discipline) Rules 1964

Articles and answer thereto

12.—(1) Subject to the following provisions of this rule, the person nominated to promote a complaint under section 25 of the Measure shall, within 28 days after his nomination, lodge with the registrar 6 copies of the articles charging the offence or offences specified by the examiner, together with a certificate of his nomination signed by the bishop, and shall within the said period or as soon as possible thereafter serve a copy of the said articles on the accused.

The registrar shall forthwith give one of the copies lodged with him to the judge of the consistory court, and 4 copies shall be available for the assessors.

(2) If the promoter wishes to apply to the examiner or the consistory court under section 26 of the Measure for leave to include in the articles particulars of any offence not specified by the examiner, being an offence founded on evidence disclosed in the course of the inquiry by the examiner, he shall lodge with the registrar, within 14 days after his nomination, 2 copies of an application in writing stating the offences to be included and the evidence on which he relies, and whether the application is to the examiner or the court, and shall within the said period or as soon as possible thereafter serve a copy of the application on the accused.

(3) The registrar shall give not less than 7 days' notice in writing to the promoter and the accused of the time and place of the hearing of the application.

(4) If such an application is refused by the examiner, a subsequent application may be made to the consistory court, and paragraphs (2) and (3) of this rule shall apply thereto, except that the period for lodging the application shall be 7 days after the date of the refusal of the previous application.

(5) If any application or applications is or are made under this rule, the period within which the articles must be lodged with the registrar shall extend to 21 days after the date of the decision or, as the case may be, the second decision, and paragraph (1) of this rule shall apply accordingly.

(6) The service on the accused of a copy of the articles and of any application under this rule must be personal service, and rule 58(1) shall apply thereto.

13.—(1) The accused may, within 14 days after the service on him of the articles, lodge with the registrar 6 copies of an answer to the articles and serve one copy on the complainant.

The registrar shall give one of the copies lodged with him to the judge of the consistory court, and 4 copies shall be available for the assessors.

(2) If an answer is lodged, it shall admit or deny the offence, or if the articles specify two or more offences, each of the offences; and may also admit or deny, or give the accused's account or explanation of, the matters alleged in the articles to constitute the offence or offences.