
STATUTORY INSTRUMENTS

1964 No. 1755

The Ecclesiastical Jurisdiction (Discipline) Rules 1964

*PROCEDURE ON REVIEW BY COMMISSION OF
REVIEW (SECTIONS 11 AND 48 OF MEASURE)*

Lodging of Petition

44.—(1) Where the accused wishes that

- (a) a finding of any Commission of Convocation under Part V of the Measure, or
- (b) a finding of the Court of Ecclesiastical Causes Reserved under Part VI of the Measure,

should be reviewed on a question of fact by a Commission of Review, or where either party wishes that any such finding should be reviewed on a question of law by a Commission of Review, the petition must be lodged, in the manner hereinafter provided, within 28 days after the finding to which the petition relates.

(2) The lodging of a petition shall be effected by—

- (a) lodging six copies thereof with the Clerk to the Crown in Chancery,
- (b) lodging one copy thereof with the registrar,
- (c) serving one copy on the other party.

(3) The petition shall be in the appropriate form set out in the Appendix and shall state the grounds of the petition, and if the judgment of the Commission of Convocation or Court of Ecclesiastical Causes Reserved comprised findings in respect of two or more offences, and the petition only relates to one or some of those findings, shall specify the finding or findings concerned.

(4) Except with the leave of the Commission of Review, the petitioner shall not be entitled on the hearing of the petition to rely on any grounds not stated in the petition, whether as originally lodged or, if amended under the next following rule, as so amended.

(5) As soon as a petition under this rule has been lodged, the Clerk to the Crown in Chancery shall appoint a person to be the registrar of the Commission of Review, and shall hand over the six copies of the petition to the registrar so appointed, who shall file one of them.

(6) As soon as he receives his copy of the petition, the registrar (as defined in rule 2) shall transmit the record of the proceedings, and any documents and exhibits lodged with him or in his custody relating to the proceedings, to the registrar of the Commission of Review, and shall also request the judge who presided at the trial to send his note of the trial to the latter registrar; and the parties shall be entitled, on reasonable notice, to inspect the said record, documents, exhibits and judge's note and to take extracts therefrom or make copies thereof.

(7) The registrar of the Commission of Review shall notify to both parties the names of the members of the Commission and, in a case involving a question of doctrine, the persons selected under section 48(3) of the Measure to sit with the Commissioners as advisers.