
STATUTORY INSTRUMENTS

1964 No. 1755

The Ecclesiastical Jurisdiction (Discipline) Rules 1964

Proceedings at trial

16.—(1) The judge of the consistory court may at the hearing, if he thinks that the interests of justice so require—

- (a) allow the promoter to withdraw the articles or, if two or more offences are charged, to withdraw the charge or charges in respect of one or some of those offences;
- (b) allow the promoter to amend the articles in any other way, but not so as to charge any new offence;
- (c) allow the accused, if he has not lodged an answer to the articles, to put in an answer;
- (d) allow the accused to amend his answer.

(2) If either party proposes to apply to the court to exercise any of its powers under this rule, he shall if practicable give notice in writing to the other party and the registrar, but the court may nonetheless exercise the said powers without notice.

(3) If the judge exercises his powers under this rule, he may do so on such terms, including the adjournment of the trial, as he thinks just.

(4) If the accused admits any offence charged by the articles or any act or omission alleged by the articles, the judge may treat the offence or the act or omission as proved and dispense with any evidence thereof, or may require such evidence as he thinks fit.

(5) If the accused has not lodged an answer and does not put in an answer under this rule, he shall be treated as having denied the offence or offences charged by the articles.

(6) If the answer of the accused fails to state or make clear whether he admits or denies any offence or allegation, he shall be treated as having denied it.

17.—(1) Without prejudice to section 28 of the Measure (which contains provisions as to the procedure at the trial), the following provisions of this rule shall apply with respect to the evidence at the trial.

(2) Subject as hereinafter provided, the evidence shall be given orally and on oath and in open court.

(3) The registrar may, on an application by either party before the hearing, or the judge may, on an application by either party made at the hearing, allow the evidence of any witness to be taken before an examiner, if he is satisfied that the witness is unable to attend at the trial by reason of illness, and allow the depositions so taken to be given in evidence.

(4) If either party proposes to make such an application at the hearing, he shall if practicable give notice in writing to the other party and to the registrar, but the court may nonetheless exercise its powers aforesaid without notice.

(5) An order for the giving of evidence by deposition may be made on such terms as the registrar or judge may direct.

(6) If an order is made for the taking of evidence before an examiner—

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format. The electronic version of this UK Statutory Instrument has been contributed by Westlaw and is taken from the printed publication. **Read more***

- (a) the judge may undertake the examination himself, and shall otherwise appoint in writing a fit person to be the examiner;
 - (b) the examiner shall fix the time and place for the examination, and the registrar shall give 7 days' notice thereof to both parties, who shall be entitled to attend;
 - (c) the witness shall be subject to examination and cross-examination.
- (7) The party on whose application an order is made under this rule shall lodge the original depositions and 5 copies thereof with the registrar and shall serve one copy thereof on the other party.