
STATUTORY INSTRUMENTS

1964 No. 1755

The Ecclesiastical Jurisdiction (Discipline) Rules 1964

Proceedings before Examiner

7.—(1) Within 14 days after receiving notice of the name of the examiner, the complainant shall lodge with the registrar the original and one copy of the affidavits containing the evidence which he proposes to lay before the examiner under section 24(3) of the Measure and 2 copies of a notice in writing stating the name of any person whom he is proposing to call to give oral evidence at the inquiry by virtue of the proviso to the said section 24(3), and shall serve one copy of the affidavits and notice (if any) on the accused within the said period or as soon as possible thereafter.

(2) The service on the accused must be personal service, and rule 58(1) shall apply thereto.

(3) Within 14 days after the service of copies of the complainant's affidavits, the accused shall lodge with the registrar the original and one copy of the affidavits containing the evidence which he proposes to lay before the examiner under the said section 24(3) and of a notice in writing stating the name of any person whom he is proposing to call to give oral evidence at the inquiry by virtue of the proviso to the said section 24(3), and shall serve one copy of the affidavits and notice (if any) on the complainant within the said period.

(4) No further affidavits shall be laid before the examiner, except with the leave of the registrar.

8.—(1) The examiner shall as soon as possible after his selection fix the time and place at which the inquiry will be held, and it shall be not less than 28 days after his selection, and the registrar shall give not less than 14 days' notice in writing of the time and place so fixed to the complainant and the accused.

(2) If it is necessary for the inquiry to be adjourned, the examiner shall fix the time and place at which the inquiry will be resumed.

(3) Either the complainant or the accused may apply to the registrar for a postponement of the inquiry or, as the case may be, of the adjourned hearing and, if the application is granted, the inquiry or hearing shall be postponed to such later time as the examiner may fix, and the registrar shall give not less than 7 days' notice in writing to the parties of the time so fixed.

(4) The examiner may at any time of his own motion postpone the inquiry or, as the case may be, the adjourned hearing to such later time as he may fix, and the registrar shall give not less than 7 days' notice in writing thereof to the parties.

9.—(1) Any application to the examiner under section 24(3) of the Measure to request the attendance at the inquiry of a person making an affidavit shall be lodged with the registrar not less than 10 days before the day fixed for the inquiry, and any request by the examiner for the attendance of any such person shall be made in writing not less than 4 days before his attendance is required.

(2) If the examiner of his own motion requests the attendance of any such person, the registrar shall give notice in writing of the request to each party.

10. The examiner shall give copies of his decision to the complainant and to the registrar, as well as to the persons to whom he is required to give copies thereof by section 24(6) of the Measure, and the registrar shall file his copy in the registry.