



# Ecclesiastical Jurisdiction Measure 1963

1963 No. 1

## PART VI

CONDUCT OF PROCEEDINGS AGAINST DEACONS, PRIESTS OR BISHOPS FOR OFFENCES  
UNDER THE MEASURE INVOLVING MATTER OF DOCTRINE, RITUAL OR CEREMONIAL

### *Procedure under Part VI after Laying of Complaint*

#### **42 Inquiry into complaint by committee of convocation.**

- (1) Where, by virtue of the foregoing provisions of this Part of this Measure, a complaint is referred, or stands referred, for inquiry, the following provisions shall have effect.
- (2) The reference shall be to a committee whose duty it shall be to inquire into the complaint for the purpose of deciding whether there is a case to answer in respect of which the accused should be put on trial upon articles by the Court of Ecclesiastical Causes Reserved, for any offence under this Measure involving matter of doctrine, ritual or ceremonial.
- (3) The committee shall—
  - (a) where the accused is a priest or deacon, consist of—
    - (i) one member of the Upper House of the Convocation of the relevant province, appointed by the archbishop;
    - (ii) two members of the Lower House of that Convocation, appointed by the prolocutor of that House; and
    - (iii) two chancellors of dioceses in that province, appointed by the Dean of the Arches and Auditor:
  - (b) where the accused is an archbishop or a bishop, consist of—
    - (i) such even number of persons, to be appointed by the Upper House of the Convocation of the relevant province, as that House shall determine; and
    - (ii) the Dean of the Arches and Auditor or a deputy who is nominated by him and who shall make a declaration that he is a communicant being

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*Changes to legislation: There are currently no known outstanding effects for the*  
*Ecclesiastical Jurisdiction Measure 1963, Section 42. (See end of Document for details)*

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a person holding or having held high judicial office, or a <sup>F1</sup>person who has a 10 year High Court qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990,];

and the determination of any matter before the committee shall be according to the opinion of the majority of the members thereof.

- (4) Either the accused or the complainant may, if he so desires, be assisted or represented by a friend or adviser at any meeting of such a committee at which he is invited to be present.
- (5) The complainant and the accused may lay before the committee such evidence as they shall think fit and such evidence shall be given by affidavit but the committee shall on the application of either party and may on its own motion request the person making such affidavit to attend the inquiry for the purpose of answering such questions on oath as may be put to him by the committee or by or on behalf of any party, and unless such person shall attend the inquiry for that purpose his affidavit shall be disregarded: Provided that the evidence of any person who is incapable of giving evidence on oath shall be given orally at the inquiry.
- (6) If the committee, after making due inquiry into the complaint, decide that there is a case for the accused to answer in respect of which he should be put on trial upon articles by the Court of Ecclesiastical Causes Reserved for any such offence as aforesaid, they shall declare their decision, specifying the offence.
- (7) Where the committee decide as mentioned in the last foregoing subsection, but are of opinion on consideration of the evidence, of any statement made to them by the accused and of any representations made to them by the bishop of the diocese where the accused is a deacon or a priest—
  - (a) that the offence charged by the complaint is too trivial to warrant further proceedings thereon; or
  - (b) that the offence was committed upon extenuating circumstances; or
  - (c) that further proceedings on the complaint would not be in the interests of the Church of England;
 they may dismiss the complaint and report to the Convocation of the relevant province that they have dismissed it and the ground on which they have taken that course.
- (8) If the committee, after making due inquiry into the complaint, decide that there is no case for the accused to answer, they shall declare their decision.
- (9) The committee shall reduce their decision, or decisions, to writing and shall send a copy thereof to the accused and to the Upper House of the Convocation of the relevant province and in the case of an accused archbishop, to the archbishop of the other province.
- (10) Where the committee dismiss a complaint and report their dismissal of it under subsection (7) of this section or declare that there is no case for the accused to answer under subsection (8) of this section, no further step shall be taken in the matter of the complaint.

#### **Textual Amendments**

**F1** Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 71(2), **Sch. 10 para. 18(1)**

**Changes to legislation:**

There are currently no known outstanding effects for the Ecclesiastical Jurisdiction Measure 1963, Section 42.