



Ecclesiastical Jurisdiction Measure 1963

1963 No. 1

PART X

COSTS

60 Powers of courts and commissions in regard to costs.

- (1) [^{F1}Subject, in the case of any party to whom legal aid is granted under [^{F2}the Church of England (Legal Aid) Measure 1994], to rules made under section 4 of that Measure] Any court or commission having jurisdiction under this Measure ^{F3}... shall have power at any stage of the proceedings to order any party to give security for costs.
- (2) [^{F4}A court or commission exercising jurisdiction under this Measure, a Vicar-General's court as constituted under the Clergy Discipline Measure 2003, or a committee under this Measure] shall have power at its discretion to make an order for payment of taxed costs against any party and may take into account the fact that the whole or part of the costs of a complainant or accused person are being or have been met out of the [^{F5}Fund maintained under [^{F6}the Church of England (Legal Aid) Measure 1994]].
- (3) An award of costs to any person under the last foregoing subsection may direct that, instead of taxed costs, that person shall be entitled—
 - (a) to a proportion specified in the direction of the taxed costs or to the taxed costs from or up to a stage of the proceedings so specified; or
 - (b) to a gross sum so specified in lieu of taxed costs.
- (4) In this section the expression “costs” includes fees, charges, disbursements, expenses and remuneration and the expression “taxed costs” [^{F7}in relation to costs incurred by any person to whom legal aid is granted under the [^{F8}Church of England (Legal Aid) Measure 1994], means costs taxed or assessed in accordance with rules made under section 4 of that Measure and in relation to costs incurred by any other person.] means costs taxed by a registrar in the prescribed manner.
- [^{F9}(5) Where an order for payment of taxed costs has been made under subsection (2) of this section any party to the proceedings may appeal to the chancellor of the diocese

Changes to legislation: There are currently no known outstanding effects for the Ecclesiastical Jurisdiction Measure 1963, Section 60. (See end of Document for details)

in which the proceedings took place against the registrar’s taxation, and on any such appeal the chancellor may confirm or vary the registrar’s taxation.

- (6) An appeal under subsection (5) of this section shall be lodged and conducted in such manner as may be prescribed.]

Textual Amendments

- F1** Words inserted by Church of England (Legal Aid and Miscellaneous Provisions) Measure 1988 (No. 1, SIF 21:1), s. 14(1), **Sch. 2 para. 1(a)**
- F2** Words in s. 60(1) substituted (1.9.1994) by 1994 No. 3, s. 7(2), **Sch. 2 para. 1(a)** (with s. 5(1); Instrument dated 25.7.1994 made by Archbishops of Canterbury and York
- F3** Words in s. 60(1) repealed (1.9.2018) by Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (No. 3), s. 99(2), **Sch. 1 para. 20(2)**, **Sch. 5** (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2 (with art. 3)
- F4** Words in s. 60(2) substituted (1.9.2018) by Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (No. 3), s. 99(2), **Sch. 1 para. 20(3)** (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2 (with art. 3)
- F5** Words substituted by Church of England (Legal Aid and Miscellaneous Provisions) Measure 1988 (No. 1, SIF 21:1), s. 18(1), **Sch. 2 para. 1(b)**
- F6** Words in s. 60(2) substituted (1.9.1994) by 1994 No. 3, s. 7(2), **Sch. 2 para. 1(b)** (with s. 5(1)); Instrument dated 25.7.1994 made by Archbishops of Canterbury and York
- F7** Words inserted by Church of England (Legal Aid and Miscellaneous Provisions) Measure 1988 (No. 1, SIF 21:1), s. 14(1), **Sch. 2 para. 1(c)**
- F8** Words in s. 60(4) substituted (1.9.1994) by 1994 No. 3, s. 7(2), **Sch. 2 para. 1(c)** (with s. 5(1)); Instrument dated 25.7.1994 made by Archbishops of Canterbury and York
- F9** S. 60(5)(6) inserted (1.3.1993) by Care of Churches and Ecclesiastical Jurisdiction Measure 1991 (No. 1, SIF 21:8), s. 8(1), **Sch. 4 para. 9** (with s. 31(6)); Instrument dated 16.2.1993 made by the Archbishops of Canterbury and York

Modifications etc. (not altering text)

- C1** S. 60 applied (with modifications) (1.1.2006) by Clergy Discipline Measure 2003 (No. 3), **ss. 35(1), 48(2)** (with s. 47); S.I. 2005/6, Instrument made by Archbishops
- C2** S. 60(3) applied by S.I. 1990/2335, **rule 9(4)**
- C3** S. 60(3) applied (1.1.2008) by The Care of Cathedrals Rules 2006 (S.I. 2006/1941), rules 1(2), **26(5)**

Changes to legislation:

There are currently no known outstanding effects for the Ecclesiastical Jurisdiction Measure 1963, Section 60.