

Changes to legislation: There are currently no known outstanding effects for the Care of Churches and Ecclesiastical Jurisdiction Measure 1991, SCHEDULE 4. (See end of Document for details)

SCHEDULES

SCHEDULE 4

Section 8.

AMENDMENT OF ECCLESIASTICAL JURISDICTION MEASURE 1963

1 The ^{M1}Ecclesiastical Jurisdiction Measure 1963 shall be amended as follows.

Marginal Citations

M1 1963 No.1.

^{F1}2

Textual Amendments

F1 Sch. 4 para. 2 repealed (1.9.2018) by Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (No. 3), s. 99(2), **Sch. 5** (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2

- 3 In section 3 (judges of the Arches and Chancery Courts)—
- (a) in subsection (1) for the words “five in number” there shall be substituted the words “ as set out in subsection (2) of this section ”;
 - ^{F2}(b)
 - ^{F2}(c)
 - ^{F2}(d)
 - ^{F2}(e)
 - (f) in subsection (7) for the words from the beginning to “appointed” there shall be substituted the words “ A person appointed under paragraph (b) or (c) of subsection (2) of this section ”.

Textual Amendments

F2 Sch. 4 para. 3(b)-(e) repealed (1.9.2018) by Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (No. 3), s. 99(2), **Sch. 5** (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2

^{F3}4

Textual Amendments

F3 Sch. 4 paras. 4-7 repealed (1.9.2018) by Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (No. 3), s. 99(2), **Sch. 5** (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2

^{F3}5

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Textual Amendments

F3 Sch. 4 paras. 4-7 repealed (1.9.2018) by [Ecclesiastical Jurisdiction and Care of Churches Measure 2018](#) (No. 3), s. 99(2), [Sch. 5](#) (with [Sch. 4 Pt. 1](#)); S.I. 2018/720, art. 2

F36

Textual Amendments

F3 Sch. 4 paras. 4-7 repealed (1.9.2018) by [Ecclesiastical Jurisdiction and Care of Churches Measure 2018](#) (No. 3), s. 99(2), [Sch. 5](#) (with [Sch. 4 Pt. 1](#)); S.I. 2018/720, art. 2

F37

Textual Amendments

F3 Sch. 4 paras. 4-7 repealed (1.9.2018) by [Ecclesiastical Jurisdiction and Care of Churches Measure 2018](#) (No. 3), s. 99(2), [Sch. 5](#) (with [Sch. 4 Pt. 1](#)); S.I. 2018/720, art. 2

8 In section 47 (proceedings in Arches and Chancery Courts) for subsection (1) there shall be substituted the following subsection—

- “(1) Proceedings in the Arches Court of Canterbury or the Chancery Court of York shall be heard and disposed of—
- (a) in the case of an appeal from a judgment of the consistory court of a diocese given in such proceedings as are mentioned in section 6(1) (a) of this Measure, by all the judges of the Court mentioned in paragraphs (a), (b) and (c) of section 3(2) of this Measure;
 - (b) in any other case, by the Dean of the Arches and Auditor and two diocesan chancellors designated by him for the purposes of the case.”.

9 In section 60 (powers of courts and commissions in regard to costs) at the end there shall be inserted the following subsections—

- “(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 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.”

10 In section 66(1) (interpretation) in the definition of “prescribed” for the words “this Measure” there shall be substituted the words “ section 26 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 ”.

11 In section 81 (evidence and general powers and rights of courts and commissions) for subsections (2) and (3) there shall be substituted the following subsections—

- “(2) If any person does or omits to do anything in connection with proceedings before, or with an order made by, such court or commission which is in contempt of that court or commission by virtue of any enactment or which

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would, if the court or commission had been a court of law having power to commit for contempt, have been in contempt of that court, the judge or presiding judge of the court or the presiding member of the commission, as the case may be, may certify the act or omission under his hand to the High Court.

- (3) On receiving a certificate under subsection (2) above the High Court may thereupon inquire into the alleged act or omission and after hearing any witnesses who may be produced against or on behalf of the person who is the subject of the allegation, and after hearing any statement that may be offered in defence, exercise the same jurisdiction and powers as if that person had been guilty of contempt of the High Court.
- (4) In this section “order” includes a special citation under subsection (2) of section 13 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 and an injunction under subsection (4) of that section.”.

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