



Care of Cathedrals Measure 2011

2011 No. 1

PART 3

POWERS OF BISHOP TO PREVENT OR STOP CONTRAVENTIONS OF SECTION 2 AND TO RESTORE STATUS QUO

20 Powers of court

- (1) In any proceedings instituted under section 18 against a Chapter, the court may by way of special citation add as a further party to the proceedings any person who appears to the court to be or to have been concerned in furthering the alleged contravention of section 2.
- (2) A special citation under subsection (1) may require the person to whom it is issued to attend the court at such time and place as may be specified in the citation.
- (3) Where, in any such proceedings, it appears to the court that the Chapter intends to commit or continue to commit any act in contravention of section 2, the court may issue an injunction restraining—
 - (a) the Chapter from committing or continuing to commit that act; or
 - (b) any other party to the proceedings from committing or continuing to commit any act in furtherance of the contravention.
- (4) Where, in any such proceedings, it appears to the court that the Chapter against which the proceedings were instituted has committed any act in contravention of section 2, the court may make an order (a “restoration order”) requiring the Chapter or any other party to the proceedings to take such steps as the court may consider necessary, within such time as the court may specify, for the purpose of restoring the position so far as possible to that which existed before the act was committed.
- (5) The court shall not make a restoration order in respect of any act unless the court is satisfied that less than 6 years have elapsed since the act was committed.
- (6) The court shall seek the advice of the Commission before making a restoration order.

Changes to legislation: *Care of Cathedrals Measure 2011, Section 20 is up to date with all changes known to be in force on or before 11 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (7) Where proceedings for obtaining a restoration order are instituted on behalf of a bishop under section 18 and any fact relevant to the institution of such proceedings has been deliberately concealed from him, the period of 6 years mentioned in subsection (5) shall not begin to run until the bishop has discovered the concealment or could with reasonable diligence have discovered it.
- (8) For the purpose of subsection (7), deliberate commission of a breach of duty in circumstances in which it is unlikely to be discovered for some time amounts to deliberate concealment of the facts involved in that breach of duty.
- (9) Failure to comply without reasonable excuse with any requirement of an injunction or restoration order [^{F1}or of a special citation under subsection (1)] shall be a contempt of the court.
- (10) In any such proceedings the court may order that the special visitation from which the proceedings ensued shall continue on such terms as it considers just or shall cease and may make such further order in relation to the proceedings as it considers just.
- [^{F2}(11) The court has the same powers as the High Court in relation to—
- (a) the attendance and examination of witnesses, and
 - (b) the production and inspection of documents.
- (12) If a person does or omits to do something in connection with proceedings instituted under section 18 which is in contempt of the court, the presiding judge may certify the act or omission under his or her hand to the High Court.
- (13) The High Court may—
- (a) on receiving a certificate under subsection (12), inquire into the alleged act or omission, and
 - (b) after hearing any witnesses against or on behalf of the person subject to the allegation and any statement in defence, exercise the same jurisdiction and powers as if the person were guilty of contempt of the High Court.
- (14) For the right of appeal against a judgment, order or decree of the court in proceedings instituted under section 18, see section 14 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018.]

Textual Amendments

- F1** Words in s. 20(9) inserted (1.9.2018) by [Ecclesiastical Jurisdiction and Care of Churches Measure 2018 \(No. 3\)](#), s. 99(2), **Sch. 1 para. 29(2)** (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2
- F2** S. 20(11)-(14) inserted (1.9.2018) by [Ecclesiastical Jurisdiction and Care of Churches Measure 2018 \(No. 3\)](#), s. 99(2), **Sch. 1 para. 29(3)** (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2
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Commencement Information

- I1** S. 20 in force at 1.9.2011 by [2011 No. 2](#), **art. 2**

Changes to legislation:

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Changes and effects yet to be applied to the whole Measure associated Parts and Chapters:

Whole provisions yet to be inserted into this Measure (including any effects on those provisions):

- s. 2(1)(ba) and word inserted by [2024 No. 1 s. 15\(1\)](#)