



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.

- (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 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.