



Church of England (Miscellaneous Provisions) Measure 2024

2024 No. 1

PROSPECTIVE

Ecclesiastical jurisdiction

9 Judges: appointment etc.

- (1) In section 2 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (appointment of chancellor), in subsection (1), after “letters patent” insert “on the recommendation of the Dean of the Arches and Auditor”.
- (2) In that section, for subsection (6) substitute—
 - “(6) Before making a recommendation under subsection (1), the Dean of the Arches and Auditor must consult the Lord Chancellor as well as the bishop.”
- (3) In section 21(2) of the Clergy Discipline Measure 2003 (membership of provincial panels), in paragraph (c) (legally qualified members), for the words from “who have a seven year general qualification” to the end substitute “who—
 - (i) hold or have held high judicial office, or
 - (ii) hold or have held the office of circuit judge or have the qualifications required for holding that office;”.
- (4) In section 42(3) of the Ecclesiastical Jurisdiction Measure 1963 (composition of committee of inquiry), in sub-paragraph (ii) of paragraph (b), for the words from “has a 10 year High Court qualification” to the end substitute “holds or has held high judicial office or has the qualifications required for appointment as a High Court judge;”.

Commencement Information

11 S. 9 not in force at Royal Assent, see [s. 22\(4\)](#)

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 2024, Cross Heading: Ecclesiastical jurisdiction. (See end of Document for details)

10 Judges: training

- (1) Before section 22 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (but after the preceding cross-heading) insert—

“21A Training requirements for ecclesiastical judges

- (1) The Dean of the Arches and Auditor may by regulations make provision as to the training requirements to be met by ecclesiastical judges.
- (2) “Ecclesiastical judge” means—
- (a) the Dean of the Arches and Auditor,
 - (b) the Vicar-General of each province,
 - (c) the chancellor of each diocese,
 - (d) the chair of a disciplinary tribunal for the purposes of the Clergy Discipline Measure 2003, or
 - (e) the deputy of a person specified in paragraphs (a) to (d).
- (3) The Dean may not make regulations under subsection (1) without having obtained the agreement of the Vicar-General of each province.
- (4) The Dean may not include in regulations under subsection (1) provision as to the training requirements to be met by an ecclesiastical judge coming within subsection (2)(d) without having also obtained the agreement of the president of tribunals.
- (5) Regulations under this section may make different provision for different purposes.
- (6) Regulations under this section—
- (a) must be laid before the General Synod, and
 - (b) may not come into force unless they have been approved by the Synod.”

(2) In section 94(1) of that Measure (regulations etc. to be made by statutory instrument), after paragraph (a) insert—

“(aa) the power to make regulations under section 21A (training requirements for ecclesiastical judges);”.

Commencement Information

I2 S. 10 not in force at Royal Assent, see [s. 22\(4\)](#)

11 Disciplinary proceedings etc.

- (1) In Schedule 1 to the Church of England (Legal Aid) Measure 1994 (proceedings for which legal aid may be given), after item 7 insert—

“8. Proceedings on a claim for judicial review of a decision by the president of tribunals on disciplinary proceedings under the Clergy Discipline Measure 2003.	Any person who, as a respondent to the disciplinary proceedings, is an interested party in the proceedings on the claim for judicial review.”
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(2) At the end of that Schedule insert—

“NOTES

1 In item 8, “interested party” has the meaning given in Civil Procedure Rules relating to judicial review.”

(3) In section 20(1B) of the Clergy Discipline Measure 2003 (application for leave to appeal)—

(a) for paragraph (a) substitute—

“(a) shall, at the direction of the Dean of the Arches and Auditor, be heard either—

(i) by the Dean of the Arches and Auditor sitting alone, or

(ii) if the Dean is unable to hear the application, by a single person appointed by the Dean from among those nominated under section 21(2)(c) to serve on the relevant provincial panel,” and

(b) in paragraph (c), for “at least one of the judges” substitute “the person hearing the application”.

(4) In rule 4D of the Clergy Discipline (Appeal) Rules 2005 (application for leave to appeal)—

(a) in paragraph (1), for “jointly by the Dean and one judge” substitute “by the Dean or by the person”, and

(b) in paragraph (3), omit “at least one of the judges is”.

(5) In each of the following provisions, for “diocesan safeguarding advisor” substitute “diocesan safeguarding officer”—

(a) in the Church Representation Rules, each of Rules 68(7)(a), 69(6)(a) and (11)(d) and 71(1) and Part 11,

(b) in the Churchwardens Measure 2001, each of sections 2(3C)(a), 6A(5)(a) and (10)(g) and 13(1),

(c) in the Clergy Discipline Measure 2003, each of sections 36(2B)(a) and 43(1),

(d) in the Clergy Discipline Rules 2005, rule 61C(2), and

(e) in the Cathedrals Measure 2021, each of sections 36(7)(a), 37(6)(a) and (11)(c), 39(1) and 53(5)(b)(ii).

(6) The amendments made by subsections (4) and (5)(d) do not affect the power to make further rules amending or revoking the provision made by those amendments.

Commencement Information

I3 S. 11 not in force at Royal Assent, see [s. 22\(4\)](#)

12 Live broadcast of proceedings

After section 93 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 insert—

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“Other matters

93A Live broadcast of proceedings

- (1) Where an ecclesiastical court directs that certain proceedings are to be broadcast live in order to enable members of the public to see and hear the proceedings, the direction must—
 - (a) specify the means by which the proceedings are to be broadcast (for example, by live stream), and
 - (b) state whether the whole, or only a specified part, of the proceedings is to be broadcast.
- (2) It is a contempt of court for a person to make, or attempt to make, a transmission or recording of—
 - (a) an image or sound broadcast in accordance with the direction, or
 - (b) an image of, or sound made by, another person while that other person is viewing or listening to a broadcast made in accordance with the direction.
- (3) Subsection (2) does not apply in so far as the transmission or recording is authorised by the direction or authorised (generally or specifically) by the ecclesiastical court in which the proceedings are being held.
- (4) A broadcast made in accordance with the direction does not amount to a breach of—
 - (a) section 41 of the Criminal Justice Act 1925 (prohibition on taking photographs etc in court), or
 - (b) section 9 of the Contempt of Court Act 1981 (recording).
- (5) “Ecclesiastical court” has the same meaning as in section 83(2)(a) and (b) (see section 83(7)).”

Commencement Information

I4 S. 12 not in force at Royal Assent, see [s. 22\(4\)](#)

Status:

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Changes to legislation:

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