

## 1978 No. 951

## ECCLESIASTICAL LAW

**The Vacation of Benefices (Legal Aid) Rules 1978**

*Made (approved by the  
General Synod) - 8th July 1978*

*Laid before Parliament 14th July 1978*

*Coming into Operation 1st September 1978*

In exercise of the powers conferred by section 15(3) of the Incumbents (Vacation of Benefices) Measure 1977(a) the General Synod hereby approve the following rules:—

*Citation, commencement and interpretation*

1.—(1) These rules may be cited as the Vacation of Benefices (Legal Aid) Rules 1978 and shall come into operation on 1st September 1978.

(2) In these rules—

“ the Committee ” means the Committee appointed by the General Synod under section 59(2) of the Ecclesiastical Jurisdiction Measure 1963(b) and charged with the duty of administering the Fund;

“ the Fund ” means the Legal Aid Fund constituted and maintained by the General Synod under section 59(1) of the said Measure of 1963;

“ the Measure ” means the Incumbents (Vacation of Benefices) Measure 1977;

“ the Secretary ” means the secretary of the Committee.

(3) The Interpretation Measure 1925(c) shall apply for the interpretation of these rules as it applies for the interpretation of Measures passed by the General Synod.

*Application for refund of costs*

2.—(1) Any person who by virtue of section 15(1) of the Measure, or of an order made by a provincial tribunal under subsection (1) or (2) of that section, is entitled to have any costs reasonably incurred by him in proceedings on an enquiry under Part I of the Measure conducted by a provincial tribunal refunded to him out of the Fund shall apply for the refund in a form approved by the Committee or in such other manner, being in writing, as the Secretary may accept as sufficient, and the application shall be sent to the Secretary at the Office of the Secretary-General of the General Synod.

---

(a) 1977 No. 1.

(b) 1963 No. 1.

(c) 15 & 16 Geo. 5 No. 1.

(2) Every such application shall contain such information and be accompanied by such documents as will enable the Committee to determine whether the applicant is entitled to have the costs so incurred refunded to him out of the Fund and whether those costs were reasonably incurred and the amount thereof ; and where the applicant employed a solicitor or was represented by a solicitor or barrister, the solicitor's bill of costs shall be a bill containing detailed items.

(3) Copies of the form of application approved by the Committee shall be supplied by the Secretary on application made to him.

*Authorisation of refund by the Committee*

3.—(1) Every such application shall be referred to the Committee by the Secretary, and the Committee shall decide whether the applicant is entitled to have the costs to which the application relates refunded to him out of the Fund, whether those costs were reasonably incurred and the amount thereof, and the decision of the Committee on any such question shall be final.

(2) If the Committee are satisfied that the applicant is so entitled they shall authorise the Central Board of Finance in writing to pay out of the Fund to the applicant the amount specified in the authorisation, being the amount of the costs which the Committee decide were reasonably incurred by the applicant in proceedings on an enquiry under Part I of the Measure conducted by a provincial tribunal.

(3) If it appears to the Committee on the information supplied by the applicant when making his application that any costs incurred by him in such proceedings may not have been reasonably incurred, the Secretary shall notify the applicant in writing accordingly and shall request him to supply such further information as the Committee may direct, but in such a case the Committee shall not decide on the amount to be specified in their authorisation without affording to the applicant an opportunity of making oral representations to them either in person or through his solicitor or counsel.

(4) The Secretary shall send to the applicant the authorisation issued by the Committee on his application.

*Quorum of Committee*

4. For the purposes of these rules three members of the Committee shall constitute a quorum, but the members present at any meeting of the Committee for those purposes must include one member who is a clerk in Holy Orders and one member who possesses legal qualifications, and every such meeting shall be presided over by a member possessing legal qualifications.

Approved by the General Synod 8th July 1978

*W. D. PATTINSON*  
Secretary-General

## EXPLANATORY NOTE

*(This Note is not part of the Rules.)*

The incumbent of a benefice and certain other persons are entitled by virtue of section 15(1) or (2) of the Incumbents (Vacation of Benefices) Measure 1977 to have costs reasonably incurred by them in proceedings on an enquiry under Part I of that Measure conducted by a tribunal refunded to them out of the Legal Aid Fund constituted under section 59 of the Ecclesiastical Jurisdiction Measure 1963. Rule 2 of these rules provides for the manner in which an application for the refund is to be made. Rule 3 provides that the Committee appointed by the General Synod under the said section 59 and charged with the duty of administering the said Fund shall decide whether the costs were reasonably incurred and the amount thereof and shall authorise the payment thereof out of the said Fund. Rule 4 makes provision with respect to the quorum of the Committee for the purposes of the rules.

SI 1978/951  
ISBN 0-11-083951-X



780110 839516