



# Ecclesiastical Jurisdiction and Care of Churches Measure 2018

2018 No. 3

## PART 1

### THE ECCLESIASTICAL COURTS

#### *Commissions of review*

#### **19 Commissions of review: continuation**

- (1) There is to continue to be power for Her Majesty to appoint commissioners who are to have jurisdiction to review a finding of the Court of Ecclesiastical Causes Reserved in proceedings under section 18.
- (2) A party to proceedings in the Court of Ecclesiastical Causes Reserved under section 18 may lodge with the Clerk of the Crown in Chancery a petition addressed to Her Majesty praying that She will be pleased to cause a finding of the Court in those proceedings to be reviewed.
- (3) A petition under this section—
  - (a) must be in the form specified in rules;
  - (b) must be lodged with the Clerk of the Crown in Chancery within the period so specified after the finding to which it relates.
- (4) On a petition being lodged under this section, a commission must be directed under the Great Seal to such five persons as Her Majesty may nominate to review the finding to which the petition relates.
- (5) Three of the nominees under subsection (4) must be persons each of whom—
  - (a) is a judge of the Supreme Court or a member of the supplementary panel under section 39 of the Constitutional Reform Act 2005, and
  - (b) has made a declaration that he or she is a communicant.

- (6) Two of the nominees under subsection (4) must be Lords Spiritual in the House of Lords.
- (7) A commission appointed under this section is to be known as a Commission of Review.

## **20 Proceedings**

- (1) Proceedings before a Commission of Review exercising jurisdiction under this Measure are, subject to this section, to be brought and conducted in such manner as rules may specify.
- (2) To assist a Commission of Review on a review under this Measure of a decision of the Court of Ecclesiastical Causes Reserved involving a question of doctrine, the Upper House of each the Convocations must jointly appoint a panel of persons, in such numbers as those Houses may determine, consisting of—
  - (a) members of either House, and
  - (b) if the Houses think fit, theologians who are not members of either House.
- (3) Where a review under this Measure by a Commission of Review involves a question of doctrine, the Commission must request five persons selected by it from the panel appointed under subsection (2)—
  - (a) to sit with it as advisers, and
  - (b) to give such assistance on the matters of doctrine involved in the review as the Commission may require.
- (4) The judgment of the Commission must accord with the opinion of the majority of its members; and each member of the Commission must state his or her own opinion on the question under review.
- (5) In the exercise of its jurisdiction under this Measure, a Commission of Review is not bound by any decision of the Judicial Committee of the Privy Council in relation to matter of doctrine, ritual or ceremonial.
- (6) A decision of a Commission of Review under this Measure or the Ecclesiastical Jurisdiction Measure 1963 is binding on a subsequent Commission under this Measure, except in relation to a matter on which new information or evidence is adduced which was not before the previous Commission.