



# Care of Churches and Ecclesiastical Jurisdiction Measure 1991

1991 No. 1

## PART IV

### MISCELLANEOUS AND GENERAL

#### 26 Functions of Rule Committee.

- (1) The Rule Committee may make rules for carrying into effect the provisions of—
- (a) this Measure;
  - (b) the <sup>M1</sup>1963 Measure;
  - (c) the <sup>M2</sup>1964 Measure;
  - (d) the [<sup>F1</sup>Care of Cathedrals Measures 1990 and 1994];
- (hereafter referred to in this section as “the relevant provisions”).
- (2) Rules made under subsection (1) above may in particular (so far as the same are not regulated by the relevant provisions or by rules made under section 4 of the [<sup>F2</sup>Church of England (Legal Aid Measure 1994)]) make provision for—
- (a) regulating the procedure and practice (including the mode and burden of proof and admissibility of evidence) of all courts, commissions, committees and examiners provided for in the 1963 Measure or the [<sup>F3</sup>Care of Cathedrals Measures 1990 and 1994], including courts of appellate jurisdiction (so far as rules made by the Judicial Committee of the Privy Council do not extend);
  - (b) the procedure and practice where archdeacons have jurisdiction in faculty matters under section 14 above;
  - (c) the appointment and duties of officers of the said courts, commissions and committees;
  - (d) the time within which any act required or permitted to be performed by the relevant provisions is to be performed;

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*Status: Point in time view as at 01/10/1994. This version of this provision has been superseded.*  
*Changes to legislation: There are currently no known outstanding effects for the Care of Churches and Ecclesiastical Jurisdiction Measure 1991, Section 26. (See end of Document for details)*

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- (e) matters relating to the appointment of authorised complainants and prosecutors in connection with proceedings or contemplated proceedings under the relevant provisions;
  - (f) the forms of complaint instituting proceedings under the relevant provisions and of any answers to be made thereto;
  - (g) all other forms and notices required in connection with the relevant provisions;
  - (h) the mode of effecting service of complaints, articles or other documents including provision for substituted service;
  - (i) the fixing of the time and place of any hearing or trial and for notifying the parties thereof;
  - (j) the passing of censures and the forms of certificates of findings;
  - (k) matters relating to costs, fees and expenses in respect of any proceedings under the relevant provisions;
  - (l) enabling evidence to be obtained of compliance with the relevant provisions; and
  - (m) any matter which may be prescribed by virtue of the relevant provisions.
- (3) The Rule Committee may also make rules containing provision—
- (a) for enabling a parochial church council, after consultation with the advisory committee of the diocese concerned, to deposit (without a faculty) moveable articles appertaining to a church in the parish concerned for safekeeping in places approved for the purpose by such persons as may be specified in the rules, subject to such requirements, terms and conditions as may be so specified or as may be determined by persons so specified;
  - (b) for requiring parochial church councils to keep records of the location of burials carried out in churchyards in their parish and of reserved grave-spaces in respect of which a faculty has been granted;
  - (c) for the safe-keeping, care, inspection and preservation of books and other documents (not being register books or records within the meaning of section 25 of the <sup>M3</sup>Parochial Registers and Records Measure 1978) which, in the opinion of such person as may be specified in the rules, are of historic interest to the Church of England, including provision for the appointment of persons with duties in that respect.

#### Textual Amendments

- F1** Words in s. 26(1)(d) substituted (1.10.1994) by 1994 No. 2, s. 9; Instrument dated 25.7.1994 made by [Archbishops of Canterbury and York](#)
- F2** Words in s. 26(2) substituted (1.9.1994) by 1994 No. 3, s. 7(2), **Sch. 2 para. 3**; Instrument dated 25.7.1994 made by [Archbishops of Canterbury and York](#)
- F3** Words in s. 26(2)(d) substituted (1.10.1994) by 1994 No. 2, s. 9; Instrument dated 25.7.1994 made by [Archbishops of Canterbury and York](#)

#### Marginal Citations

- M1** 1963 No. 1.  
**M2** 1964 No.5.  
**M3** 1978 No. 2.

**Status:**

Point in time view as at 01/10/1994. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Care of Churches and Ecclesiastical Jurisdiction Measure 1991, Section 26.