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STATUTORY INSTRUMENTS

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**1964 No. 1755**

**The Ecclesiastical Jurisdiction (Discipline) Rules 1964**

*Proceedings at trial*

17.—(1) Without prejudice to section 28 of the Measure (which contains provisions as to the procedure at the trial), the following provisions of this rule shall apply with respect to the evidence at the trial.

(2) Subject as hereinafter provided, the evidence shall be given orally and on oath and in open court.

(3) The registrar may, on an application by either party before the hearing, or the judge may, on an application by either party made at the hearing, allow the evidence of any witness to be taken before an examiner, if he is satisfied that the witness is unable to attend at the trial by reason of illness, and allow the depositions so taken to be given in evidence.

(4) If either party proposes to make such an application at the hearing, he shall if practicable give notice in writing to the other party and to the registrar, but the court may nonetheless exercise its powers aforesaid without notice.

(5) An order for the giving of evidence by deposition may be made on such terms as the registrar or judge may direct.

(6) If an order is made for the taking of evidence before an examiner—

- (a) the judge may undertake the examination himself, and shall otherwise appoint in writing a fit person to be the examiner;
- (b) the examiner shall fix the time and place for the examination, and the registrar shall give 7 days' notice thereof to both parties, who shall be entitled to attend;
- (c) the witness shall be subject to examination and cross-examination.

(7) The party on whose application an order is made under this rule shall lodge the original depositions and 5 copies thereof with the registrar and shall serve one copy thereof on the other party.