
STATUTORY INSTRUMENTS

1964 No. 1755

The Ecclesiastical Jurisdiction (Discipline) Rules 1964

*PROCEDURE ON APPEALS TO ARCHES AND CHANCERY
COURTS (SECTIONS 7 AND 47 OF MEASURE)*

Proceedings before Appellate Court

42.—(1) On an appeal brought by the accused on a question of fact, the following provisions shall apply:—

- (a) the note of the judge of the consistory court and all documents and exhibits transmitted under rule 39(6), so far as material to the appeal, shall be available for use at the hearing;
- (b) if a shorthand note of the evidence at the trial has been taken, the appellate court may require or allow it to be used at the hearing, on such terms as it may direct;
- (c) the appellate court may require or allow—
 - (i) any witnesses who gave evidence for the purposes of the trial to give evidence for the purposes of the appeal, either at the hearing or before an examiner;
 - (ii) any documents or exhibits produced at the trial (in addition to those transmitted as aforesaid) to be produced at the hearing;
 - (iii) in exceptional circumstances, new witnesses to give evidence at the hearing or before an examiner, or other new evidence to be produced.

(2) If either party proposes to apply to the court to exercise its powers under sub-paragraph (b) or (c) of the foregoing paragraph, he shall if practicable give notice in writing to the other party and to the registrar of the appellate court, but without prejudice to the exercise of the said powers without notice.

(3) On an appeal brought by either party on a question of law, the provisions of paragraph (1) of this rule shall apply to such extent as the appellate court thinks necessary for the purpose of examining any matters of fact relevant to the determination of the question of law, and paragraph (2) shall apply accordingly.