
STATUTORY INSTRUMENTS

1964 No. 1755

The Ecclesiastical Jurisdiction (Discipline) Rules 1964

Interlocutory applications

60.—(1) This rule applies to all applications to the registrar except applications for taxation of costs (for which provision is made by rule 54) and applications for substituted service, and applies also to applications made to the Dean of the Arches and Auditor under rule 40 or to the presiding judge of a Commission of Review under rule 45.

(2) All applications shall be in writing and shall be lodged with the registrar, and a copy thereof shall be served on the other party.

(3) The registrar may grant any application made to him, without a hearing, if there is lodged with the application a consent in writing signed by the other party or his solicitor, or if the registrar is otherwise satisfied that the other party does not oppose the application.

(4) In any other case, including an application made to the Dean of Arches and Auditor or the presiding judge as aforesaid, the registrar shall fix a time and place for the hearing thereof, and shall give not less than 3 days' notice in writing of the time and place to both parties.

(5) Any application granted under these rules may be granted on such terms as the person or body granting the application may think just.

(6) Either party may appeal from a decision of the registrar—

- (a) on an application made before the conclusion of the inquiry into the complaint, to the examiner or committee of inquiry, as the case may be;
- (b) in any other case to the judge;

and the notice of appeal must be lodged with the registrar within 7 days after the decision, and the registrar shall fix the time and place of the hearing of the appeal and give not less than 3 days' notice thereof in writing to both parties.

(7) In this rule—

“the registrar” means, in relation to proceedings on an appeal to the Arches Court of Canterbury or the Chancery Court of York, or on a petition to a Commission of Review, the registrar of the Court or Commission;

“the judge” means—

- (a) in relation to proceedings before the consistory court, the judge of that court;
- (b) in relation to proceedings before a commission of convocation, the Dean of the Arches and Auditor;
- (c) in relation to proceedings before the Court of Ecclesiastical Causes Reserved, such one of the two judges other than bishops as may be agreed between them;
- (d) in relation to proceedings on an appeal to the Arches Court of Canterbury or the Chancery Court of York, the Dean of the Arches and Auditor; and
- (e) in relation to proceedings on a petition to a Commission of Review, the presiding judge of that Commission.