Ecclesiastical Law

Ecclesiastical Courts
**Consistory Courts**

Each diocese has a court which exercises control over any changes to certain types of church land and buildings, including many churches and churchyards. This is known as the ‘Consistory Court’ (or, in Canterbury diocese, the ‘Commissary Court’).

The Consistory court issues ‘faculties’ which are permissions authorising physical changes to buildings and land which are ‘consecrated’ (this means that they are set aside for the worship and service of God by a legal act known as ‘consecration’).

Changes to cathedrals are dealt with separately by a body called the Cathedrals Fabric Commission for England.

**Bishops’ Disciplinary (CDM) Tribunals**

Allegations of misconduct by members of the clergy are dealt with in bishops’ disciplinary tribunals (or the court of the Vicar-General of the relevant province in the case of allegations on the part of bishops and archbishops).

**Court of Arches & Chancery Court**

Occasionally, there is an appeal from a consistory court or a disciplinary tribunal. Appeals are heard by different courts, depending on the subject matter of the case. Most appeals are heard by the Court of Arches in the Province of Canterbury and the Chancery Court in the Province of York.

**Judicial Committee of the Privy Council**

The final court of appeal for cases from the Court of Arches and the Chancery Court is the Judicial Committee of the Privy Council.

**Court of Ecclesiastical Causes Reserved**

Faculty or disciplinary cases very rarely involve a matter of doctrine, ritual or ceremonial. When they do, appeals are heard by the Court of Ecclesiastical Causes Reserved.

**Commission of Review**

An appeal against the decision of the Court of Ecclesiastical Causes Reserved is considered by a Commission of Review appointed by His Majesty. The Commission must include a judge of the Supreme Court who has made a declaration that he or she is a communicant in addition to two Lords Spiritual in the House of Lords.

No cases have ever gone to the Privy Council or a Commission of Review in modern times and the Court of Ecclesiastical Causes Reserved has only sat twice.

More information on these courts, their functions and membership may be found in the Ecclesiastical Jurisdiction and Care of Churches Measure 2018.
Ecclesiastical Judges

Consistory Court
Chancellors

Court of Arches / Chancery Court
The Dean of the Arches and Auditor

The Right Worshipful Morag Ellis KC

Source URL: https://www.churchofengland.org/about/leadership-and-governance/ecclesiastical-courts