

English Translation of
Prot. N. 15291/2016
Vatican City, 12 February 2016

(Omissis)

I hereby reply to your letter on 16 January, which you have asked for this Pontifical Council to clarify some issues regarding the constitution of the diocesan tribunal.

After careful consideration of the above issues, I would like to inform you of the following. Concerning the first question on how to proceed to erect the diocesan tribunal, the *motu proprio Mitis Iudex Dominus Iesus* states in art. 8 §2, the right of the diocesan bishop to freely withdraw from the inter-diocesan tribunal constituted according to the norm of can. 1423 and in can. 1673 §2 the right/duty of the diocesan Bishop to establish, if possible, his diocesan tribunal or the causes of the nullity of marriage, without the need of any approval from the Apostolic Signatura.

Concerning the second question on the appointment of the judicial vicar, can. 1420 §1 permits the possibility of the diocesan Bishop to appoint the vicar general as a judicial vicar in cases where: “the small size of the diocese or the small number of cases does not suggest otherwise”.

With regard to the third question on the personnel of the diocesan tribunal, the law establishes the requirements necessary to be appointed: the judicial vicar must be a priest of at least 30 years old, of good reputation, doctor or at least licensed in canon law (see can. 1420 §§1 and 4 CIC); the judges, who are clerics or lay, of good reputation and doctor or at least licensed in canon law (see can. 1421 CIC); the promoter of justice, either cleric or lay, of good reputation, doctor or licensed in canon law, of proven prudence and solicitude for justice (see can. 1432 and 1435 CIC); the notary, who is a person of good reputation and above all suspicion (see can. 483 and 1437 CIC); procurator or advocate, who hold the office of lawyers or prosecutors, who are mature and possess a good reputation (see CIC 1483 and 1490 CIC), the lawyer must also be a Catholic and a doctor in canon law or be truly an expert.

In the event that any of the members of the tribunal does not possess the academic qualifications required by law, it is possible to request the dispensation from the titles to the Apostolic Signatura (see Const. Ap. Pastor Bonus, Art. 124 124, 2 ° and Lex of the Signatura Apostolica, Article 35, 2°).

(omissis)