



# Clergy Discipline Measure 2003

2003 No. 3

*Disciplinary proceedings concerning matters not involving doctrine, ritual or ceremonial*

## 20 Right of appeal

(1) [<sup>F1</sup>Subject to the following provisions of this section,] In disciplinary proceedings under this Measure—

- (a) the respondent may appeal against any penalty imposed on him, and
- (b) the respondent on a question of law or fact, and the designated officer, on a question of law, may appeal against any finding of the disciplinary tribunal or the Vicar-General's court,

to the Arches Court of Canterbury (where the proceedings take place in the province of Canterbury) or the Chancery Court of York (where the proceedings take place in the province of York).

[<sup>F2</sup>(1A) An appeal by the respondent or the designated officer may only be brought with the leave of the disciplinary tribunal or the Vicar-General's court, as the case may be, or the appeal court.

(1B) Any application for leave of the appeal court under subsection (1A)—

- (a) shall be heard jointly by the Dean of the Arches and Auditor and one judge appointed by the president of tribunals for the purpose of those proceedings from among the persons serving on the provincial panel of the relevant province, who shall be a lay person in the case of an application by the respondent and a person in Holy Orders in the case of an application by the designated officer;
- (b) may, if the Dean of the Arches and Auditor so directs, be determined without a hearing; and
- (c) shall be granted if at least one of the judges considers either that the appeal would have a real prospect of success or that there is some other compelling reason why the appeal should be heard.

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**Changes to legislation:** *Clergy Discipline Measure 2003, Section 20 is up to date with all changes known to be in force on or before 09 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (1C) If the disciplinary tribunal or the court grants the application for leave, it may direct that the issues to be heard on the appeal be limited in such way as the tribunal or the court may specify.]
- [<sup>F3</sup>(2) Subject to subsection (3) below, proceedings on an appeal under subsection (1) above shall be heard and disposed of by the Dean of the Arches and Auditor sitting with two persons in Holy Orders and two lay persons appointed by the president of tribunals for the purpose of those proceedings from among the persons nominated to serve on the provincial panel of the relevant province otherwise than by the bishop of the diocese concerned.
- (3) In the case of an appeal from a decision of the Vicar-General's court—
- (a) one of the persons in Holy Orders shall be in Episcopal Orders, whether or not that person has been nominated to serve on the provincial panel mentioned in subsection (2) above, and
  - (b) where the appeal is by an archbishop, subsection (2) shall have effect as if the reference to persons nominated to serve on the provincial panel otherwise than by the bishop of the diocese concerned were a reference to persons (other than the person in Episcopal Orders) nominated to serve on the provincial panel of the other province.
- (4) Before the president of tribunals appoints a person to sit as a judge for the purpose of proceedings on an appeal under subsection (1) or on an application for leave to appeal under subsection (1A) above he shall satisfy himself that there is no reason to question the impartiality of that person.
- (5) Before appointing a person to sit as a judge for the purpose of proceedings on an appeal under subsection (1) or on an application for leave to appeal under subsection (1A) above the president of tribunals shall afford an opportunity to the respondent to make representations as to the suitability of that person to be appointed.]

#### Textual Amendments

- F1** Words in s. 20(1) inserted (1.2.2014) by [Clergy Discipline \(Amendment\) Measure 2013 \(No. 2\)](#), **ss. 3(2), 10(2)** (with s. 3(5)); 2014 No. 1, art. 2
- F2** S. 20(1A)-(1C) inserted (1.2.2014) by [Clergy Discipline \(Amendment\) Measure 2013 \(No. 2\)](#), **ss. 3(3), 10(2)** (with s. 3(5)); 2014 No. 1, art. 2
- F3** S. 20(2)-(5) substituted for s. 20(2) (1.2.2014) by [Clergy Discipline \(Amendment\) Measure 2013 \(No. 2\)](#), **ss. 3(4), 10(2)** (with s. 3(6)); 2014 No. 1, art. 2

#### Modifications etc. (not altering text)

- C1** [S. 20\(2\)\(3\)](#) applied by 1963 No. 1, s. 3(2)(b) (as substituted (1.9.2018) by [Ecclesiastical Jurisdiction and Care of Churches Measure 2018 \(No. 3\)](#), s. 99(2), **Sch. 1 para. 6(3)** (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2)

#### Commencement Information

- I1** S. 20 in force at 1.1.2006 by [S.I. 2005/6](#), Instrument made by Archbishops

**Changes to legislation:**

Clergy Discipline Measure 2003, Section 20 is up to date with all changes known to be in force on or before 09 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- s. 20(1B)(a) substituted by [2024 No. 1 s. 11\(3\)\(a\)](#)
- s. 20(1B)(c) words substituted by [2024 No. 1 s. 11\(3\)\(b\)](#)

**Changes and effects yet to be applied to the whole Measure associated Parts and Chapters:**

Whole provisions yet to be inserted into this Measure (including any effects on those provisions):

- s. 21(2)(c)(i)(ii) and word substituted for words by [2024 No. 1 s. 9\(3\)](#)