



# Clergy Discipline (Amendment) Measure 2013

2013 No. 2

## 3 Right of appeal

- (1) Section 20 of the Measure is amended as follows.
- (2) In subsection (1), at the beginning there are inserted the words “Subject to the following provisions of this section,”.
- (3) After subsection (1) there are inserted the following subsections—
  - “(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.
  - (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.”.
- (4) For subsection (2) the following subsections are substituted—

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*Status: This is the original version (as it was originally enacted).*

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- “(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.”.
- (5) Subsections (2) and (3) above shall not have effect in relation to any complaint made before the date of the coming into force of those subsections.
- (6) Immediately before the coming into force of subsection (4) above the appointment of any judge under section 3(2)(b) or (c) of the Ecclesiastical Jurisdiction Measure 1963 shall cease to have effect.