



# Churchwardens Measure 2001

2001 No. 1

## [<sup>F1</sup>6A Suspension

- (1) This section applies where—
  - (a) a churchwarden is arrested on suspicion of committing an offence mentioned in Schedule 1 to the Children and Young Persons Act 1933 or is charged with such an offence without being arrested, or
  - (b) the bishop is satisfied, on the basis of information provided by a local authority or the police, that a churchwarden presents a significant risk of harm [<sup>F2</sup>, or
  - (c) the bishop is satisfied that a churchwarden has failed to comply with a requirement imposed by the code under section 5A of the Safeguarding and Clergy Discipline Measure 2016]
- (2) The bishop may suspend the person from the office of churchwarden by serving written notice on the person; and the notice must specify the bishop's reasons for imposing the suspension.
- (3) The bishop may at any time revoke a suspension under this section by serving written notice on the person.
- (4) For the purposes of subsection (1)(b), a person presents a significant risk of harm if there is a significant risk that the person may—
  - (a) harm a child or vulnerable adult,
  - (b) cause a child or vulnerable adult to be harmed,
  - (c) put a child or vulnerable adult at risk of harm,
  - (d) attempt to harm a child or vulnerable adult, or
  - (e) incite another person to harm a child or vulnerable adult.
- (5) Before [<sup>F3</sup>deciding whether to suspend a person in reliance on subsection (1)(b) [<sup>F4</sup>or (c)] or whether to revoke] a suspension made in reliance on subsection (1)(b), the bishop must consult—
  - (a) the diocesan safeguarding advisor, and
  - (b) such other persons as the bishop considers appropriate.

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*Changes to legislation: Churchwardens Measure 2001, Section 6A is up to date with all changes known to be in force on or before 29 March 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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- (6) Where, in reliance on subsection (1)(a), a notice of suspension is served under subsection (2) and the suspension has not been revoked under subsection (3), the suspension continues until the earlier of—
- (a) the expiry of three months beginning with the day on which the notice is served, and
  - (b) the conclusion of the matter.
- (7) If, in the case of a suspension made in reliance on subsection (1)(a), the matter is not concluded before the expiry of the period referred to in subsection (6)(a), a further notice of suspension under subsection (2) may be served on the person; and subsection (6) and this subsection apply to the further suspension as they applied to the earlier suspension or suspensions.
- (8) Where, in reliance on subsection (1)(b) [<sup>F5</sup>or (c)], a notice of suspension is served under subsection (2) and the suspension has not been revoked under subsection (3), the suspension continues until the expiry of three months beginning with the day on which the notice is served.
- (9) In the case of a suspension made in reliance on subsection (1)(b) [<sup>F6</sup>or (c)], a further notice of suspension under subsection (2) may be served on the person; and subsection (8) and this subsection apply to the further suspension as they applied to the earlier suspension or suspensions.
- (10) Having served a notice of suspension or revocation under this section, the bishop shall give each of the following written notification—
- (a) the archdeacon of each archdeaconry in the diocese,
  - (b) the rural dean or the area dean of the deanery in which the parish in question is situated,
  - (c) the clergy who hold office in the parish,
  - (d) the other churchwarden or churchwardens of the parish,
  - (e) each suffragan bishop of the diocese,
  - (f) the registrar of the diocese,
  - (g) the diocesan safeguarding advisor, and
  - (h) such other persons as the bishop considers appropriate.
- (11) The registrar shall file the notification given under subsection (10)(f) in the diocesan registry.
- (12) For the purposes of this section, a matter is concluded when—
- (a) a decision is taken not to charge the person with the offence in question, or
  - (b) where the person is charged with the offence, the proceedings for the offence are concluded.
- (13) In this section—
- “child” means a person aged under 18;
  - “vulnerable adult” has the same meaning as in the Safeguarding and Clergy Discipline Measure 2016.]

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#### Textual Amendments

- F1** S. 6A, 6B inserted (1.1.2017) by [Safeguarding and Clergy Discipline Measure 2016 \(No. 1\)](#), **ss. 2(6), 12(3)**; [S.I. 2016/1213](#), art. 2

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- F2** S. 6A(1)(c) and word inserted (1.3.2022) by [Safeguarding \(Code of Practice\) Measure 2021 \(No. 3\)](#), **ss. 1(2)**, 3(3); S.I. 2022/118, art. 2
- F3** Words in s. 6A(5) substituted (1.1.2020) by [Church Representation and Ministers Measure 2019 \(No. 1\)](#), s. 1(3), **Sch. 2 para. 25**; S.I. 2019/1460, art. 2
- F4** Words in s. 6A(5) inserted (1.3.2022) by [Safeguarding \(Code of Practice\) Measure 2021 \(No. 3\)](#), **ss. 1(3)**, 3(3); S.I. 2022/118, art. 2
- F5** Words in s. 6A(8) inserted (1.3.2022) by [Safeguarding \(Code of Practice\) Measure 2021 \(No. 3\)](#), **ss. 1(3)**, 3(3); S.I. 2022/118, art. 2
- F6** Words in s. 6A(9) inserted (1.3.2022) by [Safeguarding \(Code of Practice\) Measure 2021 \(No. 3\)](#), **ss. 1(3)**, 3(3); S.I. 2022/118, art. 2

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

- s. 6A(5)(a) words substituted by [2024 No. 1 s. 11\(5\)\(b\)](#)
- s. 6A(10)(g) words substituted by [2024 No. 1 s. 11\(5\)\(b\)](#)