



Clergy Discipline Measure 2003

2003 No. 3

Miscellaneous

[^{F1}36A Suspension of priest or deacon pending determination of application to bring proceedings out of time

- (1) This section applies where a complainant applies to the president of tribunals for permission under section 9 for disciplinary proceedings against a priest or deacon holding any preferment in a diocese to be instituted after the expiry of the period provided for by that section.
- (2) The bishop of the diocese may, by notice in writing served on the priest or deacon, suspend the priest or deacon from exercising or performing without the leave of the bishop any right or duty of or incidental to the priest's or deacon's office.
- (3) The bishop may not exercise the power under subsection (2) unless the bishop is satisfied that the suspension is necessary in all the circumstances of the case.
- (4) Before [^{F2}deciding whether to exercise] the power under subsection (2), the bishop must refer the matter to the registrar of the diocese for advice on—
 - (a) whether or not the complainant has a proper interest in instituting the proceedings,
 - (b) whether or not there is sufficient substance in the complaint to justify proceeding with it in accordance with this Measure, and
 - (c) whether or not the suspension is necessary in all the circumstances of the case.
- (5) Having considered a matter referred under subsection (4), the registrar must send a written report to the bishop setting out the registrar's advice; and the bishop must, in deciding whether to exercise the power, have regard to the registrar's report.
- (6) The bishop may at any time, by notice in writing served on the priest or deacon, revoke the notice of suspension under subsection (2).
- (7) Where a notice of suspension is served under subsection (2) and has not been revoked under subsection (6), the suspension continues until—
 - (a) the expiry of the period of three months following service of the notice, or

Changes to legislation: There are currently no known outstanding effects for the Clergy Discipline Measure 2003, Section 36A. (See end of Document for details)

- (b) if the application for permission is determined before the expiry of that period, the time determined in accordance with subsection (8) or (10) (as the case may be).
- (8) If the application for permission is granted—
 - (a) section 36(1), in its application to the complaint, has effect as if the words from “Provided that” to the end were omitted, and
 - (b) the suspension continues until whichever is the first of the events mentioned in subsection (9) to occur.
- (9) Those events are—
 - (a) the expiry of the period of 14 days beginning with the day on which the disciplinary proceedings are instituted;
 - (b) the expiry of the period within which permission was given for the proceedings to be instituted (without them having been instituted);
 - (c) the service of a notice of suspension under section 36(1) on the priest or deacon.
- (10) If the application for permission is refused, the suspension ends with the refusal.
- (11) If the application for permission is not determined before the end of the period mentioned in subsection (7)(a), a further notice of suspension under subsection (2) may be served; and—
 - (a) subsections (7) to (10) and this subsection apply in relation to the further suspension as they applied to the earlier suspension or suspensions, but
 - (b) subsection (4) does not apply in relation to the power to give the further notice.
- (12) Subsections (4) to (6) of section 36 apply in relation to a notice of suspension under subsection (2) of this section as they apply in relation to a notice of suspension under subsection (1) of that section.]

Textual Amendments

- F1** S. 36A inserted (1.1.2017) by [Safeguarding and Clergy Discipline Measure 2016 \(No. 1\)](#), **ss. 8(1)**, [12\(3\)](#) (with [s. 8\(3\)](#)); [S.I. 2016/1213](#), [art. 2](#)
- F2** Words in [s. 36A\(4\)](#) substituted (1.1.2020) by [Church Representation and Ministers Measure 2019 \(No. 1\)](#), [s. 1\(3\)](#), **Sch. 2 para. 28(4)**; [S.I. 2019/1460](#), [art. 2](#)

Changes to legislation:

There are currently no known outstanding effects for the Clergy Discipline Measure 2003, Section 36A.