



Clergy Discipline Measure 2003

2003 No. 3

Miscellaneous

[^{F1}37A Suspension of bishop or archbishop 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 bishop or archbishop to be instituted after the expiry of the period provided for by that section.
- (2) Where the application relates to a bishop, the archbishop of the province in which the bishop holds office may, with the consent of the two most senior diocesan bishops in that province, by notice in writing suspend the bishop from exercising any right or duty of or incidental to the bishop's office.
- (3) Where the application relates to an archbishop, the other archbishop may, with the consent of the two most senior diocesan bishops in the province of the other archbishop, by notice in writing suspend the archbishop from exercising any right or duty of or incidental to the archbishop's office.
- (4) The archbishop may not exercise the power under subsection (2) or (3) unless the archbishop is satisfied that the suspension is necessary in all the circumstances of the case.
- (5) Before [^{F2}deciding whether to exercise] the power under subsection (2) or (3), the archbishop must refer the matter to the registrar of the province 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.
- (6) Having considered a matter referred under subsection (5), the registrar must send a written report to the archbishop setting out the registrar's advice; and the archbishop must—

Changes to legislation: There are currently no known outstanding effects for the Clergy Discipline Measure 2003, Section 37A. (See end of Document for details)

- (a) when seeking the consent of the two diocesan bishops under subsection (2) or (3) (as the case may be), provide each of them with a copy of the registrar's report, and
 - (b) in deciding whether to exercise the power to suspend, have regard to the registrar's report.
- (7) The archbishop may at any time, by notice in writing served on the bishop or other archbishop (as the case may be), revoke the notice of suspension under subsection (2) or (3).
- (8) Subsections (7) to (11) of section 36A apply in relation to a notice of suspension under subsection (2) or (3) of this section as they apply in relation to a notice of suspension under subsection (2) of that section, but as if—
- (a) the reference in subsection (7) to subsection (6) of section 36A were a reference to subsection (7) of this section,
 - (b) the reference in subsection (8) to section 36(1) were a reference to section 37(1), and
 - (c) the reference in subsection (11)(b) to subsection (4) of section 36A were a reference to subsection (5) of this section.
- (9) Subsections (3) and (4) of section 37, and subsection (6) of that section so far as relating to section 36(6), apply in relation to a notice of suspension under subsection (2) or (3) of this section as they apply in relation to a notice of suspension under subsection (1) of section 37.
- (10) In this section, “bishop” has the same meaning as in section 37.]

Textual Amendments

- F1** S. 37A inserted (1.1.2017) by [Safeguarding and Clergy Discipline Measure 2016 \(No. 1\)](#), **ss. 8(2), 12(3)** (with [s. 8\(3\)](#)); S.I. 2016/1213, art. 2
- F2** Words in s. 37A(5) substituted (1.1.2020) by [Church Representation and Ministers Measure 2019 \(No. 1\)](#), s. 1(3), **Sch. 2 para. 28(5)**; S.I. 2019/1460, art. 2

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