



Clergy Discipline Measure 2003

2003 No. 3

Miscellaneous

38 Archbishops' list **E**

- (1) Subject to the following provisions of this section, it shall be the duty of the archbishops acting jointly to compile and maintain a list of all clerks in Holy Orders—
 - (a) on whom a penalty or censure (by consent or otherwise) has been imposed under this Measure or the 1963 Measure; or
 - (b) who have been deposed from Holy Orders under the 1963 Measure; or
 - (c) who have executed a deed of relinquishment under the Clerical Disabilities Act 1870 (c. 31); or
 - (d) who have resigned preferment following the making of a complaint in writing against them under section 10(1) above or under the 1963 Measure; or
 - ^[F1](dd) whose name is included in a barred list; or
 - (e) who, in the opinion of the archbishops, have acted in a manner (not amounting to misconduct) which might affect their suitability for holding preferment.
- (2) Where the ^[F2]archbishops have included a person falling within paragraphs (a) to ^[F3](dd) of subsection (1) above in the list ^[F4]the archbishop of the relevant province shall take all reasonable steps to inform that person in writing that ^[F5]they have done so and of the particulars recorded in respect of that person. That person may request the president of tribunals to review the matter and upon such a review the president of tribunals shall direct that that person should continue to be included in the list or should be excluded therefrom and, in the former case, may also direct that the particulars relating to that person should be altered in such manner as may be specified.
- (3) Where the ^[F6]archbishops propose to include a person falling within paragraph (e) of subsection (1) above in the list ^[F6]the archbishop of the relevant province shall take all reasonable steps to inform that person in writing of the proposal and the particulars to be recorded, together with an invitation to send comments or representations in writing to the archbishop within the period of twenty-one days. On the expiry of that period the ^[F6]archbishops shall decide whether or not to include that person in the list and ^[F7]the archbishop of the relevant province shall inform that person in writing of

Changes to legislation: There are currently no known outstanding effects for the Clergy Discipline Measure 2003, Section 38. (See end of Document for details)

[^{F6}their] decision. If the decision is to include that person in the list that person may request the president of tribunals to review the decision and upon such a review the president of tribunals shall uphold or reverse the decision.

- (4) It shall be the duty of the [^{F8}archbishops] to review the inclusion of a person in the list, in such manner as may be prescribed, on the expiry of the period of five years following the inclusion and also if requested to do so by that person or by the bishop of a diocese:

Provided that that person shall not be entitled to make a request under this subsection within the said period of five years nor within the period of five years following any previous review.

Textual Amendments

- F1** S. 38(1)(dd) and word inserted (1.2.2014) by [Clergy Discipline \(Amendment\) Measure 2013 \(No. 2\)](#), **ss. 8(2)**, 10(2); 2014 No. 1, art. 2
- F2** Words in s. 38(2) substituted (1.2.2014) by [Clergy Discipline \(Amendment\) Measure 2013 \(No. 2\)](#), **ss. 8(3)(a)**, 10(2); 2014 No. 1, art. 2
- F3** Word in s. 38(2) substituted (1.2.2014) by [Clergy Discipline \(Amendment\) Measure 2013 \(No. 2\)](#), **ss. 8(3)(b)**, 10(2); 2014 No. 1, art. 2
- F4** Words in s. 38(2) substituted (1.2.2014) by [Clergy Discipline \(Amendment\) Measure 2013 \(No. 2\)](#), **ss. 8(3)(c)**, 10(2); 2014 No. 1, art. 2
- F5** Words in s. 38(2) substituted (1.2.2014) by [Clergy Discipline \(Amendment\) Measure 2013 \(No. 2\)](#), **ss. 8(3)(d)**, 10(2); 2014 No. 1, art. 2
- F6** Words in s. 38(3) substituted (1.2.2014) by virtue of [Clergy Discipline \(Amendment\) Measure 2013 \(No. 2\)](#), **ss. 8(4)**, 10(2); 2014 No. 1, art. 2
- F7** Words in s. 38(3) inserted (1.2.2014) by [Clergy Discipline \(Amendment\) Measure 2013 \(No. 2\)](#), **ss. 8(4)**, 10(2); 2014 No. 1, art. 2
- F8** Word in s. 38(4) substituted (1.2.2014) by [Clergy Discipline \(Amendment\) Measure 2013 \(No. 2\)](#), **ss. 8(5)**, 10(2); 2014 No. 1, art. 2

Commencement Information

- I1** S. 38 in force at 1.1.2006 by [S.I. 2005/6](#), Instrument made by Archbishops

Changes to legislation:

There are currently no known outstanding effects for the Clergy Discipline Measure 2003, Section 38.