



# Clergy Discipline Measure 2003

2003 No. 3

*Disciplinary proceedings concerning matters not involving doctrine, ritual or ceremonial*

## 8 Misconduct

- (1) Disciplinary proceedings under this Measure may be instituted against any archbishop, bishop, priest or deacon alleging any of the following acts or omissions—
  - (a) doing any act in contravention of the laws ecclesiastical;
  - [<sup>F1</sup>(aa) failing to comply with a requirement imposed by the code under section 5A of the Safeguarding and Clergy Discipline Measure 2016;]
  - (b) failing to do any [<sup>F2</sup>other] act required by the laws ecclesiastical;
  - (c) neglect or inefficiency in the performance of the duties of his office;
  - (d) conduct unbecoming or inappropriate to the office and work of a clerk in Holy Orders.
- (2) In the case of a minister licensed to serve in a diocese by the bishop thereof, the licence shall not be terminated by reason of that person's misconduct otherwise than by way of such proceedings.
- (3) [<sup>F3</sup>Subject to subsection (4) below,] No proceedings in respect of unbecoming [<sup>F3</sup>or inappropriate] conduct shall be taken in respect of the lawful political opinions or activities of any [<sup>F3</sup>archbishop,] bishop, priest or deacon.
- [<sup>F4</sup>(4) Notwithstanding subsection (3) above, it shall be unbecoming or inappropriate conduct for any archbishop, bishop, priest or deacon to be a member of, or to promote, or express or solicit support for, a political party or other organisation whose constitution, policies, objectives, activities or public statements are declared in writing by the House of Bishops to be incompatible with the teaching of the Church of England in relation to the equality of persons or groups of different races.
- (5) It shall be the duty of the House of Bishops to take appropriate steps to publish any declaration made under subsection (4) above.
- (6) Without prejudice to subsection (5) above, the House of Bishops shall lay any declaration made under subsection (4) above before the General Synod and, if 25 or

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*Changes to legislation: There are currently no known outstanding effects for the Clergy Discipline Measure 2003, Section 8. (See end of Document for details)*

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more members of the Synod give notice in accordance with its Standing Orders that they wish the declaration to be debated, it shall come into force on the date on which the declaration is approved by the General Synod.

- (7) Any declaration made under subsection (4) above which is not debated by the General Synod in accordance with subsection (6) above shall come into force at the expiry of the period required by the Standing Orders for the giving of the notice under subsection (6).
- (8) Any declaration made under subsection (4) above may be revoked by a resolution of the House of Bishops and subsections (5), (6) and (7) above shall apply to any such resolution as they apply to a declaration under subsection (4).
- (9) Any declaration made by the House of Bishops under subsection (4) above shall require the assent of a majority of not less than two-thirds of the members of the House present and voting.
- (10) In subsection (4) above “races” shall be construed in accordance with section 9 of the Equality Act 2010.]

#### Textual Amendments

- F1** S. 8(1)(aa) substituted (1.3.2022) by Safeguarding (Code of Practice) Measure 2021 (No. 3), **ss. 2(4), 3(3)**; S.I. 2022/118, art. 2 (with art. 3(2))
- F2** Word in s. 8(1)(b) inserted (1.10.2016) by Safeguarding and Clergy Discipline Measure 2016 (No. 1), **ss. 5(3)(b), 12(3)**; S.I. 2016/938, art. 2
- F3** Words in s. 8(3) inserted (1.2.2014) by Clergy Discipline (Amendment) Measure 2013 (No. 2), **ss. 1(2), 10(2)** (with s. 1(4)); 2014 No. 1, art. 2
- F4** S. 8(4)-(10) added (1.2.2014) by Clergy Discipline (Amendment) Measure 2013 (No. 2), **ss. 1(3), 10(2)** (with s. 1(4)); 2014 No. 1, art. 2

#### Commencement Information

- I1** S. 8 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 8.