



# Clergy Discipline Measure 2003

2003 No. 3

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

## **9 Limitation of time for institution of proceedings**

[<sup>F1</sup>(1)] No disciplinary proceedings under this Measure shall be instituted unless the misconduct in question, or the last instance of it in the case of a series of acts or omissions, occurred within the period of one year ending with the date on which proceedings are instituted:

Provided that, when the misconduct is one for which the person concerned has been convicted either on indictment or summarily, proceedings may be instituted within twelve months of the conviction becoming conclusive, notwithstanding that the aforesaid period of one year has elapsed:

And provided further that the president of tribunals may, if he considers that there was good reason why the complainant did not institute proceedings at an earlier date, after consultation with the complainant and the respondent, give his written permission for the proceedings to be instituted after the expiry of the said period of one year.

[<sup>F2</sup>(2) Subsection (1) does not apply where the misconduct in question is conduct of a sexual nature towards a child.

(3) Subsection (1) does not apply where the misconduct in question is conduct of a sexual nature towards an adult if the president of tribunals considers that the adult was a vulnerable adult at the time of the conduct, having taken into account such representations as the complainant and respondent each make on the issue of vulnerability.

(4) Where, in a case within subsection (3), the president of tribunals does not consider that the adult was a vulnerable adult at the time of the conduct in question, the president may at the same time decide whether nonetheless to give permission under subsection (1) for the proceedings to continue; and for that purpose, the second proviso to subsection (1) has effect as if for “to be instituted” there were substituted “to continue despite having been instituted”.]

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**Changes to legislation:** There are currently no known outstanding effects for the Clergy Discipline Measure 2003, Section 9. (See end of Document for details)

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#### **Textual Amendments**

- F1** S. 9(1): s. 9 renumbered as s. 9(1) (1.1.2017) by [Safeguarding and Clergy Discipline Measure 2016 \(No. 1\)](#), **ss. 7(1), 12(3)** (with s. 7(2)); S.I. 2016/1213, art. 2
- F2** S. 9(2)(3)(4) inserted (1.1.2017) by [Safeguarding and Clergy Discipline Measure 2016 \(No. 1\)](#), **ss. 7(1), 12(3)** (with s. 7(2)); S.I. 2016/1213, art. 2
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#### **Commencement Information**

- I1** S. 9 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 9.