

SCHEDULE

Section 9

AMENDMENTS OF CLERGY DISCIPLINE MEASURE 2003

- 1 The Clergy Discipline Measure 2003 is amended as follows.
- 2 At the beginning of section 4(3) there are inserted the words “Subject to subsection (4) below,”.
- 3 After section 4(3) there is inserted the following subsection—
 - “(4) The president or deputy president of tribunals may select any person who may be appointed as the chairman of a disciplinary tribunal under section 22(1) below to act in his place when he is absent or unable or unwilling to act.”.
- 4 In section 21(4), for the words “No person” there are substituted the words “No lay person”.
- 5 Section 23 is amended as follows—
 - (a) in subsection (1)(a), after the word “respondent” there are inserted the words “or he is otherwise unable to act” and for the words “relevant provincial panel of the province other than that in which the bishop serves” there are substituted the words “provincial panel of either province”;
 - (b) for subsection (1)(b) there shall be substituted the following paragraph—
 - “(b) two persons in Holy Orders appointed by the president of tribunals, of whom one shall be in Episcopal Orders and the other shall be appointed from among those nominated to serve on the provincial panel of the province other than that in which the bishop serves;”;
 - (c) in subsection (2)(a), after the word “respondent” there are inserted the words “or he is otherwise unable to act”; and
 - (d) for subsection (2)(b) there shall be substituted the following paragraph—
 - “(b) two persons in Holy Orders appointed by the president of tribunals, of whom one shall be in Episcopal Orders and the other shall be appointed from among those nominated to serve on the provincial panel of the other province;”.
- 6 For section 34 there is substituted the following section—

“34 Duty to disclose details of divorce and separation orders

- (1) A person in Holy Orders in respect of whose marriage a decree nisi of divorce has been made absolute or an order of judicial separation has been made shall be under a duty, within the period of twenty-eight days following the decree or order—
 - (a) in the case of a priest or deacon, to inform the bishop of the diocese concerned,
 - (b) in the case of a bishop, to inform the archbishop concerned, and
 - (c) in the case of an archbishop, to inform the other archbishop—
 - (i) of the decree or order,
 - (ii) as to whether he was the respondent in the proceedings, and
 - (iii) if he was the respondent, of any finding of adultery, unreasonable behaviour or desertion against him and of the

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details or particulars of the conduct which led to any such finding.

(2) Failure to comply with the requirements of subsection (1) above shall be regarded as a failure to do an act required by the laws ecclesiastical for the purposes of section 8(1) above.”.

7 After section 34 there is inserted the following section—

“34A Duty to disclose inclusion in a barred list

(1) A person in Holy Orders who is included in a barred list shall be under a duty, within the period of twenty-eight days following his inclusion—

- (a) in the case of a priest or deacon, to inform the bishop of the diocese concerned,
- (b) in the case of a bishop, to inform the archbishop concerned, and
- (c) in the case of an archbishop, to inform the other archbishop—
 - (i) of his inclusion in the barred list, and
 - (ii) of the reasons for his inclusion.

(2) Failure to comply with the requirements of subsection (1) above shall be regarded as a failure to do an act required by the laws ecclesiastical for the purposes of section 8(1) above.”.

8 In section 36(1)(b), after the word “arrested” there are inserted the words “(whether in England or elsewhere)”.

9 In section 37(1)(b), after the word “arrested” there are inserted the words “(whether in England or elsewhere)”.

10 In section 39, for subsection (3) there are substituted the following subsections—

“**(3)** A Code of Practice shall be laid in draft before the General Synod and, if it is approved by the General Synod without amendment, the Code shall be issued by the Clergy Discipline Commission.

(3A) If the Code has been approved by the General Synod with amendment, it shall be referred to the Clergy Discipline Commission.

(3B) Where a draft Code of Practice is referred to the Clergy Discipline Commission under subsection (3A) above, then the Commission may either—

- (a) issue the Code as so amended, or
- (b) withdraw the Code for further consideration in view of any amendment by the General Synod,

and the Code shall not come into force until it has been approved by the General Synod and issued by the Commission.”.

11 In section 43(1), after the definition of “the 1963 Measure”, there is inserted the following definition—

““barred list” has the meaning assigned to it by section 30(1A) above;”.

12 In section 44—

- (a) subsection (1) is repealed; and
- (b) in subsection (4), for the words “provincial registrar” there are substituted the words “provincial registrars”.

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- 13 In section 45(2)(a), for the words “Measure 1990” there are substituted the words “Measures 1990 and 1994”.