
STATUTORY INSTRUMENTS

2005 No. 2022

The Clergy Discipline Rules 2005

PART XI

Penalties imposed under section 30 of the Measure

Certificate of conviction

67. Where a priest or deacon is liable to a penalty of prohibition or removal from office, or both, by virtue of section 30(1)(a) of the Measure, the bishop shall not propose to impose any penalty until the conviction has become conclusive under section 40(1) of the Measure and the court has sent to the bishop the certificate of conviction in the form used by the court for that purpose.

Bishop proposes a penalty after sentence of imprisonment or matrimonial order

68. Where the bishop proposes to impose a penalty of prohibition or removal from office, or both, upon a priest or deacon falling within section 30(1)(a) or (b) of the Measure, the bishop, after consultation with the President, shall—

- (a) inform the priest or deacon in writing of the details of the proposed penalty, and
- (b) invite the priest or deacon to send to the bishop any representations in writing about the proposal within 28 days of the date of that invitation.

Bishop makes decision on imposition of penalty

69. After expiry of the 28 days specified in rule 68 the bishop shall decide whether or not to impose the proposed penalty under section 30 of the Measure and shall—

- (a) give the priest or deacon written notification of the decision, and
- (b) if the decision is to impose the penalty, inform the priest or deacon that an application may be made to the archbishop of the relevant province to review the decision, and that the penalty will not be imposed unless and until the time for making an application for a review has expired or the bishop's decision has been upheld by the archbishop following a review.

Application to review decision to impose penalty

70.—(1) An application by a priest or deacon for the review of a bishop's decision under section 30(2) of the Measure shall—

- (a) be sent or delivered in writing to the archbishop of the relevant province within 21 days from the date of the bishop's decision, and
- (b) contain details of the facts and matters which the priest or deacon wishes the archbishop to consider in conducting the review,

and the archbishop shall arrange for it to be copied and sent or delivered to the bishop who made the decision.

(2) The priest or deacon shall send or deliver to the archbishop with the application under sub-rule (1) a copy of—

- (a) the notification of the bishop’s intention to impose the penalty,
- (b) the representations made by the priest or deacon to the bishop, and
- (c) the bishop’s notification of the decision to impose the penalty.

Bishop may respond to application for review

71. Within 21 days of receiving from the archbishop a copy of the application for a review under rule 70, the bishop may send or deliver to the archbishop written comments in response to the application, together with copies of any documents taken into account by the bishop when deciding to impose the penalty, and a copy of the comments and any such documents shall be sent or delivered by the bishop to the priest or deacon.

Archbishop reviews imposition of penalty

72.—(1) The archbishop shall conduct the review with or without a hearing and, after considering the application and the documents supplied under rules 70(2) and 71 and all the circumstances, the archbishop shall decide whether to uphold or reverse the bishop’s decision to impose the penalty and shall put that decision in writing and send or deliver copies to the priest or deacon and to the bishop.

(2) Where the review is conducted without a hearing the archbishop shall send or deliver the written decision within 3 months of receiving the application for review. Where a hearing is held for the purposes of the review the archbishop shall send or deliver the written decision within 28 days after the hearing.

Imposition of penalty by bishop under section 30 of the Measure

73. When the time for making an application for review under rule 70 has expired, or the archbishop has decided following a review to uphold the bishop’s decision, then the bishop shall impose the penalty in accordance with section 30(4) and section 30(5) of the Measure.