
STATUTORY INSTRUMENTS

2022 No. 118

ECCLESIASTICAL LAW, ENGLAND

**The Safeguarding (Code of Practice) Measure 2021
(Commencement and Transitional Provision) Order 2022**

Made - - - - *27th January 2022*

The Archbishops of Canterbury and York, in exercise of the powers conferred by section 3 of the Safeguarding (Code of Practice) Measure 2021⁽¹⁾, make the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Safeguarding (Code of Practice) Measure 2021 (Commencement and Transitional Provision) Order 2022.

(2) In this Order—

“the 2016 Measure” means the Safeguarding and Clergy Discipline Measure 2016⁽²⁾, and

“the 2021 Measure” means the Safeguarding (Code of Practice) Measure 2021.

Commencement on 1st March 2022

2. Sections 1 and 2 of the 2021 Measure come into force on 1st March 2022.

Transitional provision

3.—(1) Despite the repeal by section 2(1) of the 2021 Measure of section 5(1) of the 2016 Measure (duty to have due regard to guidance)—

(a) any guidance issued by the House of Bishops on a matter relating to the safeguarding of children and vulnerable adults continues in operation until a code of practice under section 5A of the 2016 Measure which relates to that matter comes into operation, and

(b) section 5(1) of the 2016 Measure continues to apply in relation to guidance which continues in operation under sub-paragraph (a) but with “relevant person” having the meaning given in section 5A of the 2016 Measure.

(2) Despite the substitution by section 2(4) of the 2021 Measure of section 8(1)(aa) of the Clergy Discipline Measure 2003⁽³⁾ (misconduct), section 8(1)(aa) of that Measure continues to apply in

(1) 2021 No. 3.

(2) 2016 No. 1.

(3) 2003 No. 3. Paragraph (aa) of section 8(1) was inserted by section 5(3) of the 2016 Measure.

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the form it took immediately before that substitution in the case of a failure to comply with the duty under section 5(1) of the 2016 Measure (as modified by paragraph (1)(b)).

(3) In paragraph (1), “children” and “vulnerable adults” each have the meaning given in section 6 of the 2016 Measure.

27th January 2022

+ *Justin Cantuar*
+ *Stephen Ebor*
Archbishop of Canterbury Archbishop of York

EXPLANATORY NOTE

(This note is not part of the Order)

This Order appoints as 1st March 2022 the day on which sections 1 and 2 of the Safeguarding (Code of Practice) Measure 2021 come into force.

This Order also makes transitional provision to keep in operation any guidance made by the House of Bishops on matters relating to safeguarding children and vulnerable adults until that guidance is replaced by a code of practice under the new section 5A of the Safeguarding and Clergy Discipline Measure 2016. A failure to have due regard to any such guidance which continues in operation continues to be misconduct for the purposes of the Clergy Discipline Measure 2003.