



Clergy Discipline Measure 2003

2003 No. 3

Proceedings in secular courts

31 [F¹ Convictions for criminal offences and matrimonial orders, etc.: bishops and archbishops]

- (1) If a person who is a bishop or archbishop—
- (a) is convicted (whether in England or elsewhere) of an offence [F² mentioned in section 30(1)(a)(i) or (ii) above].
 - (b) has a decree of divorce or an order of [F³judicial] separation made against him following a finding of adultery, behaviour in such a way that the petitioner cannot reasonably be expected to live with the respondent or desertion and, in the case of divorce, the decree has been made absolute, [F⁴or
 - (c) is included in a barred list,]

he shall be liable without further proceedings to a penalty of removal from office or prohibition (whether for life or limited) or both.

- (2) Where a person is liable to a penalty of removal from office or prohibition or both by virtue of subsection (1) above and the archbishop concerned proposes to impose such a penalty, he shall, after consultation with the president of tribunals, inform that person in writing of that proposal, together with an invitation to send representations in writing to the archbishop within the period of twenty-eight days. On the expiry of that period the archbishop shall decide whether or not to impose the penalty and shall inform that person in writing of the decision. If the decision is to impose a penalty, that person may—
- (a) if he is a bishop, request the other archbishop, or
 - (b) if he is an archbishop, request the president of tribunals,

to review the decision and upon such a review the archbishop or the president of tribunals, as the case may be, may uphold or reverse the decision after consideration of all the circumstances, including any representations made under this subsection.

- (3) [F⁵Subject to subsection (3A) below,] A penalty shall not be imposed under this section after the expiry of the period of two years beginning with the date on which the

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[^{F6}conviction] becomes conclusive or, as the case may be, the decree absolute or order is made.

[^{F7}(3A) The president of tribunals may, on application by the archbishop, if the person liable to a penalty under this section is a bishop, or the other archbishop, if the person liable is an archbishop, extend the period of two years referred to in subsection (3) above if, after consultation with the bishop or archbishop concerned, he is satisfied that the archbishop or the other archbishop, as the case may be, did not know of the existence of the conviction or, as the case may be, of the decree absolute or order.]

- (4) Where a penalty is to be imposed under this section it shall be imposed—
- (a) in the case of a person who is a bishop, by the archbishop of the relevant province after consultation with the two senior diocesan bishops of the province, and
 - (b) in the case of a person who is an archbishop, by the other archbishop after consultation as aforesaid.
- (5) When imposing a penalty under this section the archbishop shall be attended by the registrar of his province. The penalty shall be reduced to writing and a copy thereof shall be recorded in the registry of the province concerned and sent to the archbishop concerned.
- (6) The functions exercisable under this section by the archbishop of the relevant province shall, during the absence abroad or incapacity through illness of the archbishop or a vacancy in the see, be exercisable by the other archbishop.
- (7) In this section “bishop” means any diocesan bishop, any suffragan bishop and any other bishop.

Textual Amendments

- F1** S. 31 heading substituted (1.2.2014) by [Clergy Discipline \(Amendment\) Measure 2013 \(No. 2\)](#), **ss. 5(5), 10(2)**; 2014 No. 1, art. 2
- F2** Words in s. 31(1)(a) substituted (1.2.2014) by [Clergy Discipline \(Amendment\) Measure 2013 \(No. 2\)](#), **ss. 5(2)(a), 10(2)** (with s. 5(6)); 2014 No. 1, art. 2
- F3** Word in s. 31(1)(b) inserted (1.2.2014) by [Clergy Discipline \(Amendment\) Measure 2013 \(No. 2\)](#), **ss. 5(2)(b), 10(2)**; 2014 No. 1, art. 2
- F4** S. 31(1)(c) and word added (1.2.2014) by [Clergy Discipline \(Amendment\) Measure 2013 \(No. 2\)](#), **ss. 5(2)(c), 10(2)**; 2014 No. 1, art. 2
- F5** Words in s. 31(3) inserted (1.2.2014) by [Clergy Discipline \(Amendment\) Measure 2013 \(No. 2\)](#), **ss. 5(3), 10(2)**; 2014 No. 1, art. 2
- F6** Word in s. 31(3) substituted (1.2.2014) by [Clergy Discipline \(Amendment\) Measure 2013 \(No. 2\)](#), **ss. 5(3), 10(2)**; 2014 No. 1, art. 2
- F7** S. 31(3A) inserted (1.2.2014) by [Clergy Discipline \(Amendment\) Measure 2013 \(No. 2\)](#), **ss. 5(4), 10(2)**; 2014 No. 1, art. 2

Commencement Information

- I1** S. 31 in force at 1.1.2006 by [S.I. 2005/6](#), Instrument made by Archbishops

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Clergy Discipline Measure 2003. Any changes that have already been made by the team appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to the whole Measure associated Parts and Chapters:

Whole provisions yet to be inserted into this Measure (including any effects on those provisions):

- s. 21(2)(c)(i)(ii) and word substituted for words by [2024 No. 1 s. 9\(3\)](#)