



Clergy Discipline Measure 2003

2003 No. 3

Introductory

1 Duty to have regard to bishop's role

Any body or person on whom functions in connection with the discipline of persons in Holy Orders are conferred by this Measure shall, in exercising those functions, have due regard to the role in that connection of the bishop or archbishop who, by virtue of his office and consecration, is required to administer discipline.

2 Disciplinary tribunals

Where a complaint is to be referred under this Measure to a disciplinary tribunal the tribunal (to be called the bishop's disciplinary tribunal) shall be constituted for the diocese in question in accordance with section 22 below to deal with the complaint.

3 Clergy Discipline Commission

- (1) There shall be a body (to be called the Clergy Discipline Commission) consisting of not more than twelve persons appointed by the Appointments Committee of the Church of England including at least—
 - (a) two persons from each House of the General Synod;
 - (b) two persons who have either a seven years general qualification within the meaning of the Courts and Legal Services Act 1990 (c. 41) or who have held or are holding high judicial office or the office of Circuit judge.
- (2) The Appointments Committee shall, after consultation with the Dean of the Arches and Auditor, appoint a member of the Commission to be the chairman of the Commission and also a member to be the deputy chairman, being members who have the qualifications referred to in subsection (1)(b) above.
- (3) The Commission shall exercise the functions conferred on it by this Measure and in addition shall have the following duties—

Status: This is the original version (as it was originally enacted).

- (a) to give general advice to disciplinary tribunals, the courts of the Vicars-General, bishops and archbishops as to the penalties which are appropriate in particular circumstances;
- (b) to issue codes of practice and general policy guidance to persons exercising functions in connection with clergy discipline;
- (c) to make annually to the General Synod through the House of Bishops thereof a report on the exercise of its functions during the previous year.

4 President of tribunals

- (1) The chairman and deputy chairman of the Commission shall be the president of tribunals and the deputy president respectively for the purposes of this Measure.
- (2) The president of tribunals shall exercise the functions conferred on him by this Measure and in addition shall have the following duties—
 - (a) to issue practice directions;
 - (b) to act as the chairman of a disciplinary tribunal where, in his opinion, important points of law or principle are involved;
 - (c) to exercise such other functions as may be prescribed.
- (3) The deputy president of tribunals shall act for the president when the president is absent or is unable or unwilling to act.

5 Registrar of tribunals

- (1) The archbishops of Canterbury and York shall each for his province, after consultation with the president of tribunals, appoint a person to be the registrar of tribunals for the province for the purposes of this Measure.
- (2) A person so appointed shall be a person who has a general qualification within the meaning of the Courts and Legal Services Act 1990 (c. 41).
- (3) The person holding the office of registrar of tribunals for a province shall vacate that office on the date on which he attains the age of seventy years or such earlier age as may be prescribed by regulations made by the House of Bishops of the General Synod under section 5 of the [Ecclesiastical Judges and Legal Officers Measure 1976 \(1976 No. 2\)](#).
- (4) The registrar of tribunals for a province may resign his office by instrument in writing under his hand addressed to, and served on, the archbishop of the province and the instrument shall specify the date, being a date not less than twelve months after the service of the instrument or such earlier date as the archbishop may allow, on which the resignation is to take effect.
- (5) The appointment of a person as registrar of tribunals for a province may be terminated by an instrument in writing under the hand of the archbishop of the province (after consultation with the president of tribunals) addressed to, and served on, that person, and the instrument shall specify the date, being a date not less than twelve months after the date of service of the instrument, on which the appointment is to terminate.
- (6) The registrar of tribunals for a province shall exercise the functions conferred on him by this Measure and in addition shall have the following duties—
 - (a) to direct and supervise the general administration of disciplinary tribunals in the province;

(b) to exercise such other functions as may be prescribed.

(7) If the person holding the office of registrar of tribunals for a province is for any reason unable or unwilling to perform the duties of a registrar or it would be inappropriate for him to perform those duties, the registrar of tribunals for the other province shall perform those duties and, for that purpose, shall have all the powers and duties of the registrar of the first-mentioned province.

6 Jurisdiction in disciplinary proceedings

(1) A disciplinary tribunal constituted for a diocese has jurisdiction to hear and determine disciplinary proceedings under this Measure against a priest or deacon—

- (a) who, when the misconduct complained of was alleged to have been committed, held preferment in the diocese or, subject to subsection (3) below, was resident therein; or
- (b) who is alleged to have officiated as a minister in the diocese without authority.

(2) The Vicar-General's court of each of the provinces of Canterbury and York constituted in accordance with the provisions of this Measure has jurisdiction to hear and determine disciplinary proceedings under this Measure—

- (a) against any bishop who, when the misconduct complained of was alleged to have been committed, held preferment in the province or, subject to subsection (3) below, was resident therein; or
- (b) against any bishop who is alleged to have officiated as a minister in the province without authority; or
- (c) against the archbishop of the other province.

(3) Where disciplinary proceedings in respect of any matter are instituted under section 10 below against—

- (a) a priest or deacon in the diocese in which he holds or held preferment or in which he is alleged to have officiated as a minister without authority, or
- (b) a bishop in the province in which he holds or held preferment or in which he is alleged to have officiated without authority,

no such proceedings in respect of the same matter shall be instituted in any other diocese or the other province, as the case may be, on the basis of residence therein and any such proceedings previously instituted on that basis shall be discontinued.

(4) Where disciplinary proceedings in respect of any matter are instituted under section 10 below against—

- (a) a priest or deacon in the diocese in which he is alleged to have officiated without authority, or
- (b) a bishop in the province in which he is alleged to have officiated without authority,

no such proceedings in respect of the same matter shall be instituted in any other diocese or the other province, as the case may be, on the basis of preferment therein and any such proceedings previously instituted on that basis shall be discontinued.

(5) In this section and elsewhere in this Measure “preferment” has the meaning assigned to it by section 43 below.