



Clergy Discipline Measure 2003

2003 No. 3

Proceedings in secular courts

30 Sentences of imprisonment and matrimonial orders: priests and deacons

- (1) If a person who is a priest or deacon—
 - (a) is convicted (whether in England or elsewhere) of an offence and a sentence of imprisonment (including one which is not implemented immediately) is passed on him, or
 - (b) has a decree of divorce or an order of 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,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 bishop of the relevant diocese proposes to impose such a penalty, he shall, after consultation with the president of tribunals, inform that person in writing of the proposal, together with an invitation to send representations in writing to the bishop within the period of twenty-eight days. On the expiry of that period the bishop 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 the penalty, that person may request the archbishop of the relevant province to review the decision and upon such a review the archbishop may uphold or reverse the decision after consideration of all the circumstances, including any representations made under this subsection.
- (3) 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 sentence becomes conclusive or, as the case may be, the decree absolute or order is made.
- (4) Where a penalty is to be imposed under this section, it shall be imposed by the bishop of the relevant diocese, and before imposing it the bishop shall require the registrar of his diocese to give (if it is practicable to do so) not less than fourteen days notice in

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writing to the priest or deacon concerned of the time and place at which the penalty will be imposed and if the priest or deacon appears at that time and place he shall be entitled to be present when the penalty is imposed.

- (5) When imposing a penalty under this section the bishop shall be attended by the registrar of his diocese. The penalty shall be reduced to writing and a copy thereof shall be sent to the archbishop of the province concerned and to the registrar of the diocese concerned.
- (6) The functions exercisable under this section by an archbishop shall, during the absence abroad or incapacity through illness of the archbishop or a vacancy in the see, be exercised by the other archbishop.
- (7) In this section “relevant diocese” means—
- (a) the diocese in which the priest or deacon, in relation to whom a penalty may be imposed under this section, holds preferment at the date on which the sentence which justifies the imposition of the penalty becomes conclusive; or
 - (b) if at that date he is not holding preferment, but is residing in a diocese, the diocese in which he is residing at that date; or
 - (c) if at that date he neither holds preferment nor resides in a diocese, the diocese in which he last held preferment before that date or, in the case of a priest or deacon who has not held preferment in any diocese, the diocese in which he was ordained.

Commencement Information

II S. 30 in force at 1.1.2006 by [S.I. 2005/6](#), Instrument made by Archbishops

31 Sentences of imprisonment and matrimonial orders; bishops and archbishops

- (1) If a person who is a bishop or archbishop—
- (a) is convicted (whether in England or elsewhere) of an offence and such a sentence as is mentioned in section 30(1) above is passed on him, or
 - (b) has a decree of divorce or an order of 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,
- 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,

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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) 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 sentence becomes conclusive or, as the case may be, the decree absolute or order is made.
- (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.

Commencement Information

I2 S. 31 in force at 1.1.2006 by [S.I. 2005/6](#), Instrument made by Archbishops

32 Consequences of penalties imposed under section 30 or 31

Where a penalty of removal from office or prohibition is imposed on any person pursuant to the provisions of section 30 or 31 above the penalty shall have effect subject to the provisions of sections 24 to 29 above, and the like consequences shall ensue in all respects as if such person had been found to have committed misconduct under this Measure and such a penalty had been imposed on him.

Commencement Information

I3 [S. 32](#) in force at 1.1.2006 by [S.I. 2005/6](#), Instrument made by Archbishops

33 Duty to disclose criminal convictions and arrests

- (1) A person in Holy Orders who (whether in England or elsewhere) is convicted of an offence or is arrested on suspicion of committing an offence shall be under a duty, within the period of twenty-eight days following the conviction or arrest,—
 - (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,

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of the conviction or arrest.

- (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.

Commencement Information

I4 [S. 33](#) in force at 1.1.2006 by [S.I. 2005/6](#), Instrument made by Archbishops

34 Duty to disclose divorce and separation orders

Section 33 above shall apply to 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 as it applies to a person who is convicted of an offence.

Commencement Information

I5 [S. 34](#) in force at 1.1.2006 by [S.I. 2005/6](#), Instrument made by Archbishops

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Point in time view as at 01/01/2006.

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