



Clergy Discipline Measure 2003

2003 No. 3

Proceedings in secular courts

30 ^[F1] **Convictions for criminal offences and matrimonial orders, etc. : priests and deacons** **E**

(1) If a person who is a priest or deacon—

^[F2](a) is convicted—

(i) whether in England or elsewhere, of any offence for which a sentence of imprisonment (including one which is not implemented immediately) is passed on him, or

(ii) of any offence, other than a summary offence, committed in England and Wales, or]

(b) has a decree of divorce or an order of ^[F3]judicial 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, ^[F4] or

(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.

^[F5](1A) In this Measure “barred list” means the children's barred list or the adults' barred list established in accordance with section 2(1) of and Schedule 3 to the Safeguarding Vulnerable Groups Act 2006.]

(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

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after consideration of all the circumstances, including any representations made under this subsection.

- (3) [^{F6}Subject to subsection (3A) below,] A penalty shall not be imposed under [^{F7}subsection (1)(a) or (b)] after the expiry of the period of two years beginning with the date on which the [^{F7}conviction] becomes conclusive or, as the case may be, the decree absolute or order is made.
- [^{F8}(3A) The president of tribunals may, on application by the bishop of the relevant diocese, extend the period of two years referred to in subsection (3) above if, after consultation with the priest or deacon concerned, he is satisfied that the bishop 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 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 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 [^{F9}conviction] which justifies the imposition of the penalty becomes conclusive [^{F10}or, as the case may be, the date of the decree absolute of divorce or the date of the order of judicial separation];
 - (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.

Textual Amendments

- F1** S. 30 heading substituted (1.2.2014) by [Clergy Discipline \(Amendment\) Measure 2013 \(No. 2\)](#), **ss. 4(7), 10(2)**; 2014 No. 1, art. 2
- F2** S. 30(1)(a) substituted (1.2.2014) by [Clergy Discipline \(Amendment\) Measure 2013 \(No. 2\)](#), **ss. 4(2)(a), 10(2)** (with s. 4(8)); 2014 No. 1, art. 2
- F3** Word in s. 30(1)(b) inserted (1.2.2014) by [Clergy Discipline \(Amendment\) Measure 2013 \(No. 2\)](#), **ss. 4(2)(b), 10(2)**; 2014 No. 1, art. 2
- F4** S. 30(1)(c) and word added (1.2.2014) by [Clergy Discipline \(Amendment\) Measure 2013 \(No. 2\)](#), **ss. 4(2)(c), 10(2)**; 2014 No. 1, art. 2
- F5** S. 30(1A) inserted (1.2.2014) by [Clergy Discipline \(Amendment\) Measure 2013 \(No. 2\)](#), **ss. 4(3), 10(2)**; 2014 No. 1, art. 2

Changes to legislation: There are currently no known outstanding effects for the Clergy Discipline Measure 2003, Cross Heading: Proceedings in secular courts. (See end of Document for details)

- F6** Words in s. 30(3) inserted (1.2.2014) by Clergy Discipline (Amendment) Measure 2013 (No. 2), ss. 4(4), 10(2); 2014 No. 1, art. 2
- F7** Words in s. 30(3) substituted (1.2.2014) by Clergy Discipline (Amendment) Measure 2013 (No. 2), ss. 4(4), 10(2); 2014 No. 1, art. 2
- F8** S. 30(3A) inserted (1.2.2014) by Clergy Discipline (Amendment) Measure 2013 (No. 2), ss. 4(5), 10(2); 2014 No. 1, art. 2
- F9** Word in s. 30(7)(a) substituted (1.2.2014) by Clergy Discipline (Amendment) Measure 2013 (No. 2), ss. 4(6), 10(2); 2014 No. 1, art. 2
- F10** Words in s. 30(7)(a) added (1.2.2014) by Clergy Discipline (Amendment) Measure 2013 (No. 2), ss. 4(6), 10(2); 2014 No. 1, art. 2

Commencement Information

- I1** S. 30 in force at 1.1.2006 by S.I. 2005/6, Instrument made by Archbishops

31 [^{F11} **Convictions for criminal offences and matrimonial orders, etc.: bishops and archbishops**] **E**

- (1) If a person who is a bishop or archbishop—
- is convicted (whether in England or elsewhere) of an offence [^{F12}mentioned in section 30(1)(a)(i) or (ii) above].
 - has a decree of divorce or an order of [^{F13}judicial] 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, [^{F14}or
 - 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—
- if he is a bishop, request the other archbishop, or
 - 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) [^{F15}Subject 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 [^{F16}conviction] becomes conclusive or, as the case may be, the decree absolute or order is made.

[^{F17}(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

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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

- F11** 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](#)
- F12** 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](#)
- F13** 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](#)
- F14** 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](#)
- F15** 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](#)
- F16** 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](#)
- F17** 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

- 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 E

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.

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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** **E**

- (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,
- 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

[^{F18}34 **Duty to disclose details of divorce and separation orders** **E**

- (1) 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 shall be under a duty, within the period of twenty-eight days following the decree or order—
- (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—
 - (i) of the decree or order,
 - (ii) as to whether he was the respondent in the proceedings, and
 - (iii) if he was the respondent, of any finding of adultery, unreasonable behaviour or desertion against him and of the details or particulars of the conduct which led to any such finding.
- (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.]

Textual Amendments

F18 S. 34 substituted (1.2.2014) by [Clergy Discipline \(Amendment\) Measure 2013 \(No. 2\)](#), s. 10(2), [Sch. para. 6](#); 2014 No. 1, art. 2

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[^{F19}**34A Duty to disclose inclusion in a barred list** **E**]

- (1) A person in Holy Orders who is included in a barred list shall be under a duty, within the period of twenty-eight days following his inclusion—
- (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—
 - (i) of his inclusion in the barred list, and
 - (ii) of the reasons for his inclusion.
- (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.]

Textual Amendments

F19 S. 34A inserted (1.2.2014) by Clergy Discipline (Amendment) Measure 2013 (No. 2), s. 10(2), **Sch. para. 7**; 2014 No. 1, art. 2

Changes to legislation:

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