



Clergy Discipline Measure 2003

2003 No. 3

Disciplinary proceedings concerning matters not involving doctrine, ritual or ceremonial

11 Preliminary scrutiny of complaint

- (1) When a complaint in writing has been made in accordance with section 10 above it shall be referred in the first instance to the registrar of the diocese or province concerned, as the case may be, who shall thereupon scrutinise the complaint in consultation with the complainant with a view to—
- forming a view as to whether or not the parochial church council or other person making the complaint has a proper interest in doing so or, if the complainant purports to be a churchwarden, establishing that he is such, and
 - forming a view as to whether or not there is sufficient substance in the complaint to justify proceeding with it in accordance with the following provisions of this Measure,

and the registrar shall notify the respondent that the complaint has been referred to him.

- (2) Having scrutinised the complaint the registrar shall, within the period of twenty-eight days following its receipt by him or such longer period as he considers to be justified in the particular circumstances of the case, send a written report to the bishop by whom the complaint was received setting out the registrar's views and thereupon the bishop shall deal with the complaint in accordance with the following provisions of this Measure, having regard to the registrar's report:

Provided that the period of twenty-eight days referred to above shall not be extended as aforesaid more than once.

- (3) On receipt of the registrar's report the bishop may dismiss the complaint and, if he does so, he shall give written notice of the dismissal to the complainant and the respondent, together with a copy of the report.
- (4) On receipt of a notice of dismissal the complainant may request the president of tribunals to review the dismissal, and the president may then uphold the dismissal or, if he considers the dismissal to be plainly wrong,^[F1] he may—

Changes to legislation: There are currently no known outstanding effects for the Clergy Discipline Measure 2003, Section 11. (See end of Document for details)

- (a)] reverse it and direct the bishop to deal with the complaint in accordance with section 12 below^{F2}, or
- (b) remit the complaint to the bishop and direct the bishop to reconsider the dismissal].

^{F3}(4A) On a reconsideration following a direction under subsection (4)(b), the bishop may nonetheless exercise the power under subsection (3) and, if the bishop does so, must give notice in accordance with that subsection; and subsection (4) and this subsection apply accordingly.]

- (5) Where the registrar proposes to extend the period of twenty-eight days referred to in subsection (2) above, he shall, before doing so, consult the complainant and the respondent.
- (6) The registrar may delegate any or all of his functions under this section to such person as he may designate.

Textual Amendments

- F1** S. 11(4)(a) and words inserted (1.1.2017) by [Safeguarding and Clergy Discipline Measure 2016 \(No. 1\)](#), **ss. 10(1)(a)**, 12(3); S.I. 2016/1213, art. 2
 - F2** S. 11(4)(b) inserted (1.1.2017) by [Safeguarding and Clergy Discipline Measure 2016 \(No. 1\)](#), **ss. 10(1)(b)**, 12(3); S.I. 2016/1213, art. 2
 - F3** S. 11(4A) inserted (1.1.2017) by [Safeguarding and Clergy Discipline Measure 2016 \(No. 1\)](#), **ss. 10(2)**, 12(3); S.I. 2016/1213, art. 2
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Commencement Information

- I1** S. 11 in force at 1.1.2006 by [S.I. 2005/6](#), Instrument made by Archbishops

Changes to legislation:

There are currently no known outstanding effects for the Clergy Discipline Measure 2003, Section 11.