



Clergy Discipline Measure 2003

2003 No. 3

Miscellaneous

36 [F¹Suspension of priest or deacon]

(1) Where—

- (a) a complaint in writing is made under section 10(1) above against a priest or deacon holding any preferment in a diocese, or
- (b) a priest or deacon holding any preferment in a diocese is arrested [F²(whether in England or elsewhere)] on suspicion of committing a criminal offence, [F³or
- (c) a priest or deacon holding any preferment in a diocese is convicted of any offence mentioned in section 30(1)(a) above, or
- (d) a priest or deacon holding any preferment in a diocese is included in a barred list,][F⁴or
- (e) the bishop of the diocese is satisfied, on the basis of information provided by a local authority or the police, that a priest or deacon holding any preferment in the diocese presents a significant risk of harm,]

the bishop of the diocese may, by notice in writing served on him, suspend him from exercising or performing without the leave of the bishop any right or duty of or incidental to his office:

Provided that, in the case of a complaint made as aforesaid, the priest or deacon shall not be suspended under this subsection unless and until the complaint falls to be considered under section 12(1) above.

(2) The bishop may at any time, by notice in writing served on the priest or deacon concerned, revoke a notice of suspension served under subsection (1) above.

[F⁵(2A) For the purposes of subsection (1)(e), a person presents a significant risk of harm if there is a significant risk that the person may—

- (a) harm a child or vulnerable adult,
- (b) cause a child or vulnerable adult to be harmed,
- (c) put a child or vulnerable adult at risk of harm,
- (d) attempt to harm a child or vulnerable adult, or

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(e) incite another person to harm a child or vulnerable adult.]

[^{F6}(2B) Before [^{F7}deciding whether to serve a notice under subsection (1)(e) or whether to revoke] a notice served under subsection (1)(e), the bishop must consult—

- (a) the diocesan safeguarding advisor, and
- (b) such other persons as the bishop considers appropriate.]

(3) Where a notice of suspension is served under subsection (1)[^{F8}(a) or (b)] above and it has not been revoked under subsection (2) the suspension shall continue until the expiry of the period of three months following service of the notice or until the proceedings under this Measure or for the criminal offence are concluded, whichever occurs earlier, but if the proceedings are not concluded before the expiry of that period a further notice of suspension under subsection (1)[^{F8}(a) or (b)] above may be served, and this subsection shall apply in relation to the further suspension as it applied to the earlier suspension or suspensions.

[^{F9}(3A) Where a notice of suspension is served under subsection (1)(c) or (d) above and it has not been revoked under subsection (2), the suspension shall continue until the expiry of the period of three months following service of the notice or until a penalty is imposed on the priest or deacon under section 30(1) above, whichever occurs earlier, save that a further notice of suspension under subsection (1)(c) or (d) may be served pending conclusion of any step taken under section 30(2) or (4), and this subsection shall apply in relation to the further suspension as it applied to the earlier suspension or suspensions.]

[^{F10}(3B) Where a notice of suspension is served under subsection (1)(e) and it has not been revoked under subsection (2), the suspension shall continue until the expiry of the period of three months following service of the notice; and a further notice of suspension under subsection (1)(e) may be served, and this subsection shall apply to the further suspension as it applied to the earlier suspension or suspensions.]

(4) Where a notice of suspension is served under subsection (1) above the bishop may, after consultation with the churchwardens and with the incumbent or priest in charge concerned, make such arrangements as he thinks fit for the ministrations of the church or churches concerned while the suspension remains in force.

(5) While a notice of suspension under subsection (1) above remains in force in relation to a priest or deacon he shall not interfere with any person performing the services of a church in pursuance of arrangements made under subsection (4) above, and any such interference shall be regarded as an act in contravention of the laws ecclesiastical for the purposes of section 8(1) above.

(6) A priest or deacon on whom a notice of suspension is served under subsection (1) above may appeal against the suspension to the president of tribunals and on any such appeal the president of tribunals may, within twenty-eight days following the lodging of the appeal, either confirm or revoke the suspension.

Textual Amendments

- F1** S. 36 heading substituted (1.1.2017) by [Safeguarding and Clergy Discipline Measure 2016 \(No. 1\)](#), **ss. 1(1), 12(3)**; [S.I. 2016/1213](#), **art. 2**
- F2** Words in s. 36(1)(b) inserted (1.2.2014) by [Clergy Discipline \(Amendment\) Measure 2013 \(No. 2\)](#), **s. 10(2)**, **Sch. para. 8**; [2014 No. 1](#), **art. 2**

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- F3** S. 36(1)(c)(d) and word added (1.2.2014) by Clergy Discipline (Amendment) Measure 2013 (No. 2), **ss. 6(2)**, 10(2); 2014 No. 1, art. 2
- F4** S. 36(1)(e) and word inserted (1.1.2017) by Safeguarding and Clergy Discipline Measure 2016 (No. 1), **ss. 1(1)**, 12(3); S.I. 2016/1213, art. 2
- F5** S. 36(2A) inserted (1.1.2017) by Safeguarding and Clergy Discipline Measure 2016 (No. 1), **ss. 1(2)**, 12(3); S.I. 2016/1213, art. 2
- F6** S. 36(2B) inserted (1.1.2017) by Safeguarding and Clergy Discipline Measure 2016 (No. 1), **ss. 1(3)**, 12(3); S.I. 2016/1213, art. 2
- F7** Words in s. 36(2B) substituted (1.1.2020) by Church Representation and Ministers Measure 2019 (No. 1), s. 1(3), **Sch. 2 para. 28(3)**; S.I. 2019/1460, art. 2
- F8** Words in s. 36(3) added (1.2.2014) by Clergy Discipline (Amendment) Measure 2013 (No. 2), **ss. 6(3)**, 10(2); 2014 No. 1, art. 2
- F9** S. 36(3A) added (1.2.2014) by Clergy Discipline (Amendment) Measure 2013 (No. 2), **ss. 6(4)**, 10(2); 2014 No. 1, art. 2
- F10** S. 36(3B) inserted (1.1.2017) by Safeguarding and Clergy Discipline Measure 2016 (No. 1), **ss. 1(4)**, 12(3); S.I. 2016/1213, art. 2

Commencement Information

- I1** S. 36 in force at 1.1.2006 by S.I. 2005/6, Instrument made by Archbishops

Changes to legislation:

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