



Safeguarding and Clergy Discipline Measure 2016

2016 No. 1

Safeguarding children and vulnerable adults

1 Clergy: suspension

- (1) In section 36 of the Clergy Discipline Measure 2003 (the title to which becomes “Suspension of priest or deacon”), in subsection (1), after paragraph (d) insert “or
 - (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,”.
- (2) After subsection (2) of that section insert—
 - “(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
 - (e) incite another person to harm a child or vulnerable adult.”
- (3) After subsection (2A) of that section (inserted by subsection (2)) insert—
 - “(2B) Before serving a notice under subsection (1)(e) or revoking 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.”
- (4) After subsection (3A) of that section insert—
 - “(3B) Where a notice of suspension is served under subsection (1)(e) and it has not been revoked under subsection (2), the suspension shall continue until the

Changes to legislation: There are currently no known outstanding effects for the Safeguarding and Clergy Discipline Measure 2016, Section 1. (See end of Document for details)

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.”

- (5) In section 37 of the Clergy Discipline Measure 2003 (the title to which becomes “Suspension of bishop or archbishop”), in subsection (1), after paragraph (d) insert “or
- (e) the archbishop of the province in which a bishop holds office or, in the case of an archbishop, the other archbishop, is satisfied, on the basis of information provided by a local authority or the police, that the bishop or archbishop presents a significant risk of harm,”.
- (6) After subsection (2) of that section insert—
- “(2A) The reference in subsection (1)(e) to presenting a significant risk of harm is to be construed in accordance with section 36(2A).”
- (7) In subsection (6) of that section, for “(3), (3A)” substitute “(2A) to (3B)”.
- (8) In section 43 of the Clergy Discipline Measure 2003 (interpretation)—
- (a) in subsection (1), insert each of the following at the appropriate place—
- ““child” means a person aged under 18;”,
- ““diocesan safeguarding advisor” means the person appointed as such for the diocese in question in accordance with provision made by Canon;”, and
- ““vulnerable adult” has the same meaning as in the Safeguarding and Clergy Discipline Measure 2016.”, and
- (b) after subsection (1) insert—
- “(1A) A reference in this Measure to being arrested for an offence includes a reference to being charged with an offence without being arrested.”
- (9) In Schedule 1 to the Church of England (Legal Aid) Measure 1994 (proceedings for which legal aid may be given) at the end insert—

“7. Proceedings on an appeal under section 36(6) or The appellant.”
by virtue of section 37(6) of the Clergy Discipline Measure 2003 against a suspension made in reliance on section 36(1)(e) or 37(1)(e) of that Measure.

Annotations:

Commencement Information

II S. 1 in force at 1.1.2017 by [S.I. 2016/1213](#), [art. 2](#)

Changes to legislation:

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