



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 - “(3B) Where a notice of suspension is served under subsection (1)(e) and it has not been revoked under subsection (2), the suspension shall continue until the

Status: This is the original version (as it was originally enacted).

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—

<p>“7. Proceedings on an appeal under section 36(6) or 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.</p>	<p>The appellant.”</p>
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