
STATUTORY INSTRUMENTS

2005 No. 2022

The Clergy Discipline Rules 2005

PART IV

Consideration of the courses available to the bishop

Conciliation

26.—(1) Where the bishop directs under section 15 of the Measure that an attempt at conciliation should be made, the bishop shall notify the complainant and the respondent accordingly and invite them to agree to the appointment of the conciliator within 21 days.

(2) Subject to the agreement of the complainant and the respondent under sub-rule (1), the bishop shall propose in writing the name or names of potential conciliators with details of their suitability, experience and qualifications for appointment, and shall invite the complainant and the respondent to indicate within 14 days which names, if any, they would each agree to be appointed. Provided the complainant and the respondent agree on a person to be appointed and the bishop has no reason to question that person's impartiality, the bishop shall appoint that person as conciliator.

(3) At the time of appointment of the conciliator the bishop shall supply the conciliator with a copy of the complaint and the respondent's answer, together with the evidence in support of each.

(4) The conciliator may use such conciliation procedures as he or she thinks fit.

(5) The conciliator shall use his or her best endeavours to bring about a conciliation within 3 months, or within any further period he or she allows with the agreement of the complainant and the respondent.

Where the period for bringing about a conciliation is extended, the conciliator shall notify the bishop.

(6) Where a conciliation has been brought about—

(a) The conciliator shall—

(i) reduce the agreed points into writing and obtain the signatures of the complainant and the respondent, and

(ii) submit to the bishop the signed points of agreement and a written report signed by the complainant and the respondent with such recommendations as the conciliator may wish to make.

(b) Within 21 days of receipt the bishop shall notify the complainant and the respondent in writing that the bishop—

(i) accepts the signed points of agreement, and

(ii) that the bishop will pursue any agreed course, provided the bishop could have pursued that course under section 12 of the Measure had the bishop not instead directed an attempt be made to bring about conciliation.

(7) If a conciliation is not brought about but the complainant and the respondent agree that another conciliator should be appointed, the bishop may appoint that other conciliator.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(8) If a conciliation is not brought about, and the complainant and the respondent do not agree to a further period of time under sub-rule (5) or to the appointment of another conciliator under sub-rule (7), the matter shall be referred back to the bishop.

(9) If the complainant and the respondent do not agree to the appointment of a conciliator or to any of the proposed names to be appointed, or if the matter is referred back to the bishop by the conciliator under sub-rule (8), the bishop shall deal with the complaint under section 12(1)(a), (b), (d) or (e) of the Measure.