
STATUTORY INSTRUMENTS

2005 No. 2022

The Clergy Discipline Rules 2005

PART VI

Directions preparatory to a hearing before the tribunal

Production appointment

34.—(1) The Registrar of Tribunals or the Chair may give notice to a person to attend a production appointment to provide reasons as to why that person should not be ordered to produce any documents specified or described.

(2) Any notice under sub-rule (1) shall be in form 10 in the Schedule or in a form which is substantially to the like effect, and—

(a) shall be given only where—

(i) the production of the documents specified or described in the notice appears to the Registrar of Tribunals or the Chair to be relevant and necessary for dealing fairly with the complaint, and

(ii) the person to whom the notice is given has been sent in writing a request by a party to produce the documents and has failed to do so within a reasonable time, and

(b) shall state that the person to whom the notice is directed need not attend the appointment if that person does not object to producing the documents specified or described or if that person sends any objections in writing to the Registrar of Tribunals or Chair no later than a stated time before the appointment.

(3) A person attending a production appointment pursuant to a notice under sub-rule (1) shall be permitted to be represented at the appointment, and to make representations objecting to the production of any documents in question.

(4) A person who received notice under sub-rule (1) may be ordered at the production appointment to produce for inspection by a party within a stated time any documents specified or described.

(5) Any order under sub-rule (4) shall be in form 11 in the Schedule or in a form which is substantially to the like effect, and—

(a) shall be made only where the production of the documents specified or described in the order appears to the Registrar of Tribunals or the Chair to be necessary for dealing fairly with the complaint, and where it appears just in all the circumstances to make such an order,

(b) shall state—

(i) that the person to whom the order is directed must obey the order, and

(ii) failure to do so may be a contempt of the tribunal, and

(iii) that the person to whom the order is directed may be sent to prison or fined, or both, if the order is not obeyed.