
STATUTORY INSTRUMENTS

2005 No. 2022

The Clergy Discipline Rules 2005

PART II

Institution of proceedings

Institution of proceedings against priests or deacons

4.—(1) No disciplinary proceedings under section 10(1)(a) of the Measure may be instituted against priests or deacons except by way of a written complaint made in form 1a in the Schedule, or in a document which is substantially to the like effect containing the information required by sub-rule (2).

(2) A complaint in writing made under section 10(1)(a) of the Measure shall—

(a) state—

- (i) the bishop to whom the complaint is being made,
- (ii) the full name and contact address, including postcode, of the complainant,
- (iii) the name and position held of the priest or deacon about whom the complaint is made,
- (iv) why the complainant claims to have a proper interest or is otherwise entitled to make the complaint,
- (v) in summary form the nature and details of the acts or omissions alleged to be misconduct under section 8 of the Measure,
- (vi) the date or dates of the alleged misconduct,
- (vii) the evidence in support that the complainant relies upon, which shall be in writing signed and dated by the maker of the statement in each case.

(b) where the complainant has been nominated by a Parochial Church Council, have attached to it a certified copy of the resolution passed by the Parochial Church Council in accordance with section 10(1)(a)(i) of the Measure,

(c) contain a declaration that the complainant believes the facts of the complaint to be true, and

(d) be signed and dated by the complainant, and be sent or delivered to the bishop.

Joint complainants

5. Where a complaint is signed by two or more persons jointly, they shall nominate one of them to be the correspondent for the purposes of these rules.

Form of statements in support

6.—(1) The maker of any statement submitted as evidence in support of a complaint shall indicate which matters in it are within the maker's own knowledge and which are matters of information and belief, and shall identify the source of any matters of information and belief.

(2) Any such statement in support shall be made in form 3 in the Schedule or in a document which is substantially to the like effect, and shall contain a declaration that the maker of the statement believes the facts in it are true.

Submission of statements in support

7.—(1) All written evidence relied upon in support of the complaint shall be sent to the bishop at the same time as the complaint, save as provided for in sub-rules (2) and (3).

(2) Any request to the bishop for permission to send written evidence in support of the complaint after the date of the complaint shall be in writing and shall state the reasons relied upon.

(3) A reasonable period of time for written evidence in support of the complaint to be sent may be allowed by the bishop but this should not exceed 28 days from the date of the complaint.

(4) The complainant shall be notified promptly in writing of any permission or refusal by the bishop to allow written evidence to be sent after the date of the complaint.

Complaint out of time

8.—(1) Any application to the President to permit a complaint instituting disciplinary proceedings outside the period prescribed in section 9 of the Measure shall be made in writing in form 1c in the Schedule or in a document which is substantially to the like effect containing the information required for completion of form 1c, and shall set out the reasons why proceedings were not instituted within time.

(2) Within 7 days of receipt of the application the President shall start consultation by providing the respondent with a copy of the complainant's application, and shall invite the respondent to make written comments within 21 days about the reasons given by the complainant for not instituting proceedings in time.

(3) A copy of any comments received from the respondent shall be supplied by the President to the complainant within 7 days of receipt.

(4) The President shall inform the complainant that within 21 days of receiving a copy of any comments from the respondent the complainant may send written comments in reply to the President.

(5) Having considered any comments of the complainant and the respondent, and if satisfied that there was good reason why the complainant did not institute proceedings at an earlier date, the President may give permission in writing to the complainant for a complaint to be made under section 10(1)(a) of the Measure, and if so, shall specify the time within which the complaint in writing shall be made in accordance with rule 4. The President shall send a copy of the written permission to the respondent and the relevant bishop.

(6) If, having considered any comments of the complainant and the respondent, the President does not give permission for a complaint to be made outside the period prescribed in section 9 of the Measure, the President shall in writing so notify the complainant, the respondent and the relevant bishop.