
STATUTORY INSTRUMENTS

2005 No. 2022

The Clergy Discipline Rules 2005

PART XII

The Archbishops' list

Access to the list

74.—(1) There shall be a single list compiled and maintained jointly by the archbishops for the purposes specified in section 38(1) of the Measure, and the list shall be in the custody of the Archbishop of Canterbury.

(2) A copy of the list shall be in the custody of the Archbishop of York.

(3) Subject to the provisions of section 38(2) and section 38(3) of the Measure, the list shall not be open to public inspection but shall be made available to the President, diocesan bishops of the Church of England, and registrars.

Inclusion of name in list under section 38(1)(a) to (d) of the Measure

75.—(1) Within 21 days of including in the list with the agreement of the other archbishop the details of a person falling within paragraphs (a) to (d) of section 38(1) of the Measure, the archbishop of the relevant province shall take all reasonable steps to inform that person in writing of—

(a) the inclusion,

(b) the particulars recorded,

(c) the person's right to request the President in writing to review the matter.

(2) Within 21 days of being so informed, that person may in writing request the President to review the matter, and the President upon receipt of the request shall send a copy of it to the archbishop of the relevant province.

(3) The archbishop of the relevant province may, within 21 days of receiving the copy of the request, make written representations to the President and shall send a copy of those representations to the person requesting the review.

(4) Within 42 days of receiving the request for a review the President shall in writing direct whether the person requesting the review is to continue to be included or is to be excluded from the list. If the person requesting the review is to continue to be included in the list, the President may direct that the particulars relating to that person shall be altered in such manner as are specified in the direction.

(5) A copy of the President's direction under sub-rule (4) shall be sent to the person requesting the review and to the archbishop of the relevant province.

Inclusion of name in list under section 38(1)(e) of the Measure

76.—(1) Where the archbishops propose to include in the list a person falling within paragraph (e) of section 38(1) of the Measure, the archbishop of the relevant province shall take all reasonable

steps to inform that person in writing of the proposal and the particulars to be recorded, and shall invite that person to send comments or representations in writing within 21 days from the date of the written invitation.

(2) On expiry of the period of 21 days the archbishop of the relevant province, after considering any comments or representations received, shall—

- (a) with the agreement of the other archbishop give a decision whether or not to include that person in the list, and
- (b) inform the person in writing of the decision.

(3) If the decision under sub-rule (2) is that the person is to be included in the list then the archbishop of the relevant province shall notify the person in writing of—

- (a) the particulars to be recorded, and
- (b) the person's right to request the President in writing to review the decision.

(4) Within 21 days of being so informed under sub-rule (3), the person may request the President in writing to review the decision and shall give reasons for seeking a review, and the President upon receiving the request shall send a copy to the archbishop of the relevant province.

(5) The archbishop of the relevant province may, within 21 days of receiving a copy of the request for a review of the decision, make written representations to the President and shall send a copy of those representations to the person requesting the review.

(6) Within 42 days of receiving the request for a review of the decision, and after considering the request and any representations from the archbishop of the relevant province, the President shall in writing uphold or reverse the archbishops' decision to include the person in the list, and if the decision is upheld the President may also direct that the particulars relating to that person should be altered in such manner as are specified in the direction.

(7) The President's written decision on a review under sub-rule (4) shall be sent by the President to the person requesting the review and to the archbishop of the relevant province.

Review of an entry in the list – (a),(b) & (c)

77.—(1) Where a person has been included in the list under section 38(1)(a) or (b) of the Measure the archbishop of the relevant province shall, with the agreement of the other archbishop, direct that the name of that person together with the particulars recorded be removed from the list on being satisfied that—

- (a) a declaration has been made under section 26 of the Measure that the penalty of prohibition for life or deposition, by reason of which the person was included in the list, be nullified, or
- (b) an order has been made under section 27 of the Measure that the penalty of limited prohibition, by reason of which the person was included in the list, be removed, or
- (c) a free pardon from the Crown has been received by the person included in the list in respect of the matters recorded in the list.

(2) Where a person has been included in the list under section 38(1)(c) of the Measure and the archbishop of the relevant province makes a request under section 1 of the Clerical Disabilities Act 1870 (Amendment) Measure 1934(1) for the vacation of the enrolment of the deed of relinquishment executed by that person, the archbishop shall with the agreement of the other archbishop remove that person from the list.

Review of an entry in the list – (d) & (e)

78.—(1) On the expiry of the period of five years following the inclusion of a person in the list under section 38(1)(d) or (e), the archbishop of the relevant province shall—

- (a) inform the person in writing that a review is to be carried out,
- (b) send to the person a transcript of the relevant entry in the list,
- (c) for the purposes of the review invite the person to send written comments or representations within 28 days of the date of the invitation to do so,
- (d) consult the bishop of the diocese in which the person resides or holds office at the time of review and the bishop of any diocese which was concerned at the date of inclusion.

(2) After the 28 day period specified in sub-rule 1(c) has expired, and after considering any comments and representations received, the archbishop of the relevant province shall—

- (a) with the agreement of the other archbishop, decide—
 - (i) whether or not the person shall remain in the list, and
 - (ii) where the person is to remain in the list, whether or not the particulars recorded in respect of that person shall be altered, and if so, how they shall be altered,
- (b) in writing, notify the decision to—
 - (i) the person included in the list,
 - (ii) the bishop of the diocese where that person resides or holds office, and
 - (iii) any other bishop who was consulted in the course of the review.

Bishop may request review of inclusion in the list

79. A bishop of a diocese may, at any time following the inclusion of a person in the list under section 38(1)(d) or (e), request a review of the inclusion, and the archbishop of the relevant province shall follow the same procedure as set out in rule 78.

Person named in the list may request review of inclusion after 5 years

80. A person included in the list under section 38(1)(d) or (e) may request a review under section 38(4) of the Measure only after the expiry of a period of 5 years from the inclusion or after the expiry of a period of 5 years from the date of a previous review. Where such a request is made the archbishop of the relevant province shall follow the same procedure as set out in rule 78.