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STATUTORY INSTRUMENTS

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**2005 No. 2022**

**The Clergy Discipline Rules 2005**

**PART XIII**

**Proceedings against bishops and archbishops**

**Application of rules to bishops and archbishops**

**81.**—(1) Subject to rules 82 to 90 these rules apply to proceedings against bishops and archbishops under the Measure as they apply to priests and deacons, and are to be construed accordingly for the purposes of such proceedings.

(2) Unless the context otherwise requires, in proceedings against a bishop references in the rules to the bishop to whom a complaint is made shall be construed as references to the archbishop of the relevant province, and in proceedings against an archbishop such references to the bishop shall be construed as references to the other archbishop.

**Institution of proceedings against bishops or archbishops**

**82.**—(1) No disciplinary proceedings under section 10 of the Measure against a bishop or archbishop may be instituted except by way of a written complaint made in form 1b in the Schedule, or in a document which is substantially to the like effect containing the information required for the completion of form 1b.

(2) Where the complainant has been nominated by the bishop's council or the archbishop's council of the relevant diocese the complaint in writing shall have attached to it a certified copy of the council's resolution passed in accordance with section 10(1)(b)(i) or (c)(i) as the case may be.

(3) A complaint shall be referred for preliminary scrutiny in accordance with rule 9 to the provincial registrar in the case of a bishop, and in the case of an archbishop to the provincial registrar of the other province.

**Conditional deferment of a complaint against a bishop or archbishop**

**83.**—(1) Where the respondent is a bishop or archbishop and has consented in writing to a conditional deferment, the archbishop or the other archbishop, as the case may be, shall within 21 days send—

- (a) to the complainant and the respondent a copy of the determination to impose a conditional deferment, and
- (b) to the registrar of the province of the respondent a copy of the determination, the complaint with evidence in support, and the respondent's answer, if any, with evidence in support, and the provincial registrar shall maintain a record of the conditional deferment for such period not exceeding five years as the archbishop or other archbishop may determine;

and form 6 and rule 24(b) shall be adapted accordingly by omitting reference to notification to the archbishop.

(2) The provincial registrar’s record of the conditional deferment shall not be open to public inspection but shall be made available to diocesan bishops, and registrars.

**Death or serious illness or incapacity of the complainant**

**84.** Rules 55 and 56 shall be read as if the words “the parochial church council” wherever they appear are replaced by “the bishop’s council” or “the archbishop’s council”, as the case may be.

**Notice of suspension of a bishop or archbishop during proceedings**

- 85.** For the purposes of rule 60 a notice of suspension on a bishop or archbishop shall be—
- (a) in form 12b in the Schedule or in a form which is substantially to the same effect,
  - (b) signed by the archbishop of the province in which the bishop to be suspended holds office, or, in the case of an archbishop to be suspended, signed by the other archbishop, and
  - (c) countersigned by the two most senior diocesan bishops in that province or the province of the other archbishop, as the case may be,

and rule 62 shall be construed accordingly.

**Notice of suspension of a bishop or archbishop following arrest**

- 86.** For the purposes of rule 61 a notice of suspension on a bishop or archbishop shall be—
- (a) in form 13b in the Schedule or in a form which is substantially to the like effect,
  - (b) signed by the archbishop of the province in which the bishop to be suspended holds office, or, in the case of an archbishop to be suspended, signed by the other archbishop, and
  - (c) countersigned by the two most senior diocesan bishops in that province or the province of the other archbishop, as the case may be.

and rule 62 shall be construed accordingly.

**Notification to others of suspension of bishop**

**87.** For the purposes of rule 63 a copy of the notice of suspension of a bishop shall be sent or delivered to—

- (a) the other archbishop,
- (b) other bishops of the diocese of the suspended bishop, including assistant bishops,
- (c) the secretary of the bishop’s council of the diocese of the suspended bishop,
- (d) the diocesan registrar,
- (e) the provincial registrar,

and rules 64(2), 65 & 66(4) shall be construed accordingly.

**Notification to others of suspension of archbishop**

**88.** For the purposes of rule 63 a copy of the notice of suspension of an archbishop shall be sent or delivered by the other archbishop to—

- (a) each diocesan bishop of the province of the suspended archbishop,
- (b) the secretary of the archbishop’s council of the diocese of the suspended archbishop,
- (c) the provincial registrars,

and rules 64(2), 65 and 66(4) shall be construed accordingly.

**Sentences of imprisonment & matrimonial orders: bishops & archbishops**

**89.** In rules 67 to 73 references to provisions in section 30 of the Measure shall be read as references to the corresponding provisions in section 31 of the Measure.

**Application by bishop or archbishop for review of penalty**

**90.** An application under rule 70 for a review of a penalty imposed under section 31(2) of the Measure shall be made by a bishop to the other archbishop, and by an archbishop to the President, and rules 70 to 73 shall be construed accordingly.