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**2005 No. 2022**

**ECCLESIASTICAL LAW, ENGLAND**

**The Clergy Discipline Rules 2005**

*Made - - - - -*

*9th July 2005*

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*26th July 2005*

*Coming into force in accordance with rule 107(2)*

**ARRANGEMENT OF RULES**

**PART I**

Introductory

1. Overriding Objective
2. Duty to co-operate
3. Application of rules

**PART II**

Institution of proceedings

4. Institution of proceedings against priests or deacons
5. Joint complainants
6. Form of statements in support
7. Submission of statements in support
8. Complaint out of time

**PART III**

Preliminary scrutiny

9. Receipt of complaint
10. Notifying the respondent about the complaint
11. Consulting the complainant for clarification
12. Registrar's written report
13. Registrar extends time for sending the written report
14. Multiple complaints and the written report
15. Dismissal of the complaint by the bishop under section 11(3) of the Measure
16. President's review of a dismissal

**PART IV**  
Consideration of the courses available to the bishop

17. Respondent's answer
18. Extension of period for bishop to consider complaint under section 12 of the Measure
19. Other proceedings
20. No further action
21. No further action: referral by complainant to the President
22. No further action: President's decision
23. Consent to conditional deferment
24. Written determination imposing conditional deferment
25. Record of conditional deferment
26. Conciliation
27. Penalty by consent
28. Reference to the Designated Officer for formal investigation

**PART V**  
Referring the complaint to the tribunal

29. The President's decision

**PART VI**  
Directions preparatory to a hearing before the tribunal

30. General
31. Form of application
32. Setting aside or varying directions given without a hearing
33. Matters which may be covered in directions
34. Production appointment

**PART VII**  
Evidence

35. Witness statements for use at a hearing before a tribunal
36. Expert evidence

**PART VIII**  
The tribunal

37. Appointment of members of the tribunal
38. Fixing the date and place of the hearing of the complaint
39. The tribunal and the overriding objective
40. Tribunal hearing normally to be in private
41. Power to adjourn
42. Absence from a hearing
43. Admissions by the respondent
44. Entitlement to call evidence
45. Oral evidence
46. Tribunal may require personal attendance of witness

47. Attendance at a hearing in private
48. Power to exclude from hearing
49. Tribunal may order identity not to be published
50. Pronouncement of the tribunal's determination of the complaint
51. Tribunal may invite the bishop to give views about the penalty
52. Pronouncement of penalty
53. Record of conditional discharges

## PART IX

### Termination, substitution, and withdrawal

54. Death of the respondent
55. Death, serious illness or incapacity of complainant nominated by the Parochial Church Council
56. Death, serious illness or incapacity of complainant not nominated by the Parochial Church Council
57. President may direct withdrawal if no person is nominated or substituted
58. President's powers under section 18 of the Measure
59. Complainant wishes to withdraw

## PART X

### Suspension

60. Suspension of a priest or deacon during proceedings
61. Suspension of a priest following arrest
62. Contents of notice of suspension
63. Notification to others of suspension
64. Revocation of suspension
65. Notification of cessation of suspension
66. Appeals by priest or deacon against notice of suspension

## PART XI

### Penalties imposed under section 30 of the Measure

67. Certificate of conviction
68. Bishop proposes a penalty after sentence of imprisonment or matrimonial order
69. Bishop makes decision on imposition of penalty
70. Application to review decision to impose penalty
71. Bishop may respond to application for review
72. Archbishop reviews imposition of penalty
73. Imposition of penalty by bishop under section 30 of the Measure

## PART XII

### The Archbishops' list

74. Access to the list
75. Inclusion of name in list under section 38(1)(a) to (d) of the Measure
76. Inclusion of name in list under section 38(1)(e) of the Measure
77. Review of an entry in the list – (a),(b) & (c)
78. Review of an entry in the list – (d) & (e)

79. Bishop may request review of inclusion in the list
80. Person named in the list may request review of inclusion after 5 years

### PART XIII Proceedings against bishops and archbishops

81. Application of rules to bishops and archbishops
82. Institution of proceedings against bishops or archbishops
83. Conditional deferment of a complaint against a bishop or archbishop
84. Death or serious illness or incapacity of the complainant
85. Notice of suspension of a bishop or archbishop during proceedings
86. Notice of suspension of a bishop or archbishop following arrest
87. Notification to others of suspension of bishop
88. Notification to others of suspension of archbishop
89. Sentences of imprisonment & matrimonial orders: bishops & archbishops
90. Application by bishop or archbishop for review of penalty

### PART XIV Application of rules to special cases

91. Special cases under section 42 of the Measure
92. Clerk in holy orders serving in a cathedral church
93. Chaplains of prisons, hospitals, universities, schools and other institutions
94. Chaplain of the armed forces of the Crown
95. Ministers with a licence from the Archbishop of the province
96. Ministers with a licence from the University of Oxford or Cambridge

### PART XV Removal of prohibitions

97. Removal of prohibition for life and deposition: priests and deacons
98. Removal of limited prohibition: priests and deacons
99. Removal of prohibition for life and deposition: bishops and archbishops
100. Removal of limited prohibition: bishops and archbishops

### PART XVI Miscellaneous

101. Sending or delivering documents
102. Time
103. Irregularities
104. Revision of forms
105. Contempt
106. Interpretation
107. Citation and commencement

SCHEDULE — FORMS

In pursuance of sections 26(1) and (2) of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991(a) as amended by sections 45(1) and (2) of the Clergy Discipline Measure 2003(b), the Rule Committee constituted in accordance with section 25 of the said 1991 Measure as amended by section 45(3) of the said 2003 Measure makes the following rules —

## PART I

### Introductory

#### Overriding Objective

1. The overriding objective of these rules is to enable formal disciplinary proceedings brought under the Measure to be dealt with justly, in a way that is both fair to all relevant interested persons and proportionate to the nature and seriousness of the issues raised. The rules are, so far as is reasonably practicable, to be applied in accordance with the following principles —

- (a) The complainant and the respondent shall be treated on an equal footing procedurally.
- (b) The complainant and the respondent shall be kept informed of the procedural progress of the complaint.
- (c) Undue delay is to be avoided.
- (d) Undue expense is to be avoided.

#### Duty to co-operate

2.—(1) All parties shall co-operate with any person, tribunal or court exercising any function under the Measure in order to further the overriding objective.

(2) Any failure to co-operate by a party may result in adverse inferences being made against that party at any stage of the proceedings.

#### Application of rules

3. These rules apply to proceedings under the Clergy Discipline Measure 2003 alleging misconduct against a clerk in Holy Orders, other than in relation to matters involving doctrine, ritual or ceremonial.

## 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,

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(a) 1991 No.1.  
(b) 2003 No.3.

- (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.

## PART III

### Preliminary scrutiny

#### Receipt of complaint

9.—(1) On receipt of a complaint the bishop, or a person authorised by the bishop, shall send the complainant an acknowledgment of the complaint, which states—

- (a) the date when proceedings were instituted, which is the date the complaint was received, and
- (b) subject to paragraph (c), that the complaint together with the written evidence in support of the complaint, if any, will be referred to the registrar for a written report to be prepared setting out the registrar's views on—
  - (i) whether at the date when proceedings were instituted the complainant was entitled under section 10 of the Measure to make the complaint, and
  - (ii) whether there is sufficient substance in the complaint to justify proceeding with it in accordance with the provisions of the Measure.

Where a complaint alleges misconduct which might constitute a criminal offence, the acknowledgment shall state that resolution of the complaint under the Measure may be postponed to await the outcome of police or other investigations.

(2) The bishop, or a person authorised by the bishop, shall refer the complaint and written evidence in support of the complaint to the registrar within 7 days of receipt.

#### Notifying the respondent about the complaint

10.—(1) Subject to sub-rule (2), within 7 days of receiving the complaint from the bishop, the registrar shall notify the respondent in writing—

- (a) that a complaint has been made,
- (b) that the registrar's function is limited to scrutinising the complaint in order to produce a written report for the bishop setting out the registrar's views on—
  - (i) whether, at the date when proceedings were instituted, the complainant was entitled under section 10 of the Measure to make the complaint, and
  - (ii) whether there is sufficient substance in the complaint to justify proceeding with it,

- (c) that no formal response or detailed evidence is required from the respondent at this preliminary stage as the registrar's function is limited to the matters in paragraph (b) above,
  - (d) that the respondent will be requested by the bishop to respond to the complaint in detail with evidence in support if it proceeds beyond preliminary scrutiny,
  - (e) of the date when the registrar expects to submit the written report to the bishop.
- (2) For the protection of the interests of a child, the registrar may in exceptional circumstances delay notifying the respondent that a complaint has been made until no later than 42 days after receipt of the complaint.
- (3) When notifying the respondent under sub-rule (1), the registrar shall send the respondent a copy or, where sub-rule (4) applies, an edited transcript of the complaint and the written evidence in support.
- (4) The registrar may delete from the respondent's copy of the complaint form and written evidence in support any details which would or may reveal the identity of the complainant, a child or a witness, provided that—
- (a) the registrar is satisfied there are exceptional circumstances and that to do so would be in the interests of justice, and
  - (b) the bishop is immediately notified in writing with an explanation of the registrar's reasons.
- Thereafter, details which would or may reveal the identity of the complainant, a child or a witness as the case may be, shall be withheld from the respondent and shall be erased from any papers sent to the respondent unless and until the bishop has decided not to dismiss the complaint under section 11(3) of the Measure or the President has reversed such a dismissal under section 11(4).

### **Consulting the complainant for clarification**

**11.** During the course of the preliminary scrutiny of the complaint the registrar shall consult the complainant only for the purpose of clarification of any matter directly related to the complaint. Such consultation should be conducted in writing, but if oral, it shall be recorded by the registrar in written memoranda, and a copy of any correspondence and memoranda shall be sent by the registrar to the respondent and the complainant.

### **Registrar's written report**

**12.—(1)** Subject to rule 19(1), having scrutinised the complaint, within 28 days of receiving it or within any extended period under rule 13, the registrar shall send a written report to the bishop setting out the registrar's views as to—

- (a) whether at the date the proceedings were instituted, the complainant had a proper interest to make the complaint, and
- (b) whether there is sufficient substance in the complaint to justify proceeding with it under the Measure.

(2) When the report is sent to the bishop, the registrar shall attach to it the complaint and the evidence in support.

### **Registrar extends time for sending the written report**

**13.—(1)** Where the registrar proposes under section 11(2) of the Measure to extend the period of 28 days for the submission of the written report to the bishop, the registrar shall, not later than 21 days after receipt of the complaint, notify the complainant and the respondent of the reasons why an extension is required and the period of extension proposed, and shall invite their views about whether there should be an extension.

(2) Any comments by the complainant and the respondent shall be made within 7 days of notification by the registrar.

(3) If, having consulted the complainant and the respondent, the registrar decides to extend the period of 28 days, they and the bishop must be notified of the new date by which the written report is to be submitted to the bishop.

#### **Multiple complaints and the written report**

**14.**—(1) Where the complainant makes more than one complaint against the same respondent, the registrar may prepare one written report dealing with all the complaints referred to the registrar by the bishop.

(2) Where the complainant makes a complaint against two or more respondents, the registrar shall prepare separate written reports in respect of each respondent.

(3) Where two or more complainants make separate complaints against the same respondent in respect of the same alleged misconduct, the registrar may prepare one written report dealing with all the complaints.

#### **Dismissal of the complaint by the bishop under section 11(3) of the Measure**

**15.**—(1) If the bishop, after considering the registrar's report, dismisses a complaint under section 11(3) of the Measure, the bishop shall within 28 days of receiving the registrar's written report send to the complainant and the respondent written notice of dismissal together with reasons for the dismissal and a copy of the registrar's report.

(2) The written notice shall explain the complainant's right to request the President to review the dismissal.

#### **President's review of a dismissal**

**16.**—(1) A request by the complainant to the President for a review of the dismissal shall be made within 14 days of receipt of the notice of dismissal, and shall—

- (a) be in writing in form 4 in the Schedule, or in a document which is substantially to the like effect,
- (b) set out the reasons for seeking a review of the bishop's decision, and
- (c) be accompanied by a copy of the complaint and the written evidence in support, the registrar's report, and the bishop's notice of dismissal.

(2) No new or further evidence may be submitted by the complainant with the request for a review.

(3) The President shall notify the bishop and the respondent that the review has been requested.

(4) Within 28 days of receiving the complainant's request the President shall notify the complainant, the respondent and the bishop in writing as to whether the President is upholding the dismissal or reversing it, and directing the bishop to deal with the complaint in accordance with section 12 of the Measure.

## **PART IV**

### **Consideration of the courses available to the bishop**

#### **Respondent's answer**

**17.**—(1) If the complaint is not dismissed under section 11(3) of the Measure, or if the President reverses such a dismissal, the bishop shall—

- (a) notify the complainant and the respondent in writing that the complaint has not been dismissed,
- (b) provide the complainant and the respondent with a copy of the registrar's written report unless previously provided under rule 15(1),

- (c) send to the respondent a copy of form 2 in the Schedule, and
- (d) request the respondent to submit a written answer to the complaint within 21 days using form 2.

(2) The respondent's answer shall be in form 2 in the Schedule, or in a document which is substantially to the like effect containing the information required for completion of form 2, and shall—

- (a) provide the full name, contact address including postcode, and telephone number of the respondent,
- (b) state which, if any, matters are admitted and which are contested,
- (c) subject to sub-rule (5), be accompanied by any written evidence in support upon which the respondent wishes to rely, plus a copy of any such evidence,
- (d) where the respondent admits any misconduct, give details of any matters relied upon by way of mitigation,
- (e) contain a declaration that the respondent believes the facts of the answer to be true, and
- (f) be signed and dated by the respondent, and be sent or delivered to the bishop, together with a copy.

(3) The maker of any statement submitted as evidence in support of an answer 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.

(4) 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.

(5) The respondent may be granted a further 7 days by the bishop within which to submit any evidence in support.

(6) The bishop on receipt shall by way of notification send to the complainant a copy of the respondent's answer and evidence in support.

(7) Whether or not an answer is received in accordance with this rule the bishop may proceed to make a determination under section 12(1) of the Measure.

#### **Extension of period for bishop to consider complaint under section 12 of the Measure**

**18.**—(1) Where the bishop proposes to extend by such longer period as the bishop considers to be justified in the particular circumstances of the case the period of 28 days for determining which course under section 12 of the Measure to pursue, the bishop shall consult the complainant and the respondent, stating the reasons for the proposed extension and the period of time proposed.

(2) The bishop may from time to time extend the period for determining which course to pursue for such period as appears necessary in the interests of justice, provided the complainant and the respondent are consulted as required by sub-rule (1) each time the bishop proposes to extend the period.

(3) Where the bishop decides to extend the period for determining which course to pursue the bishop shall notify the complainant and the respondent promptly in writing of the extension.

#### **Other proceedings**

- 19.**—(1) Where a respondent against whom a complaint is made in accordance with rule 4—
- (a) is, or is likely to be, subject to disciplinary proceedings in respect of any alleged misconduct during the course of any employment, or
  - (b) serves in Her Majesty's armed forces and is, or is likely to be, subject to any proceedings in respect of any alleged misconduct during his or her service in the armed forces, or
  - (c) has been arrested on suspicion of committing a criminal offence, and is, or is likely to be, subject to criminal proceedings in connection with the arrest, or

- (d) is respondent to proceedings for divorce or judicial separation alleging adultery, behaviour such that the petitioner cannot reasonably be expected to live with the respondent, or desertion,

the registrar may, in accordance with rule 13, extend the period for submission of the written report until 28 days after being notified of the final outcome of those other proceedings or that such other proceedings will not be pursued.

(2) Where the registrar does not extend the period of 28 days under rule 13, the bishop may, in accordance with rule 18, extend the period for determining which course to pursue until 28 days after being notified of the final outcome of those other proceedings or that such other proceedings will not be pursued.

#### **No further action**

**20.** Where the bishop under section 13(1) of the Measure determines there is to be no further action, the determination shall be in writing, and the bishop shall—

- (a) state reasons for taking no further action,
- (b) notify the complainant and the respondent that the complainant may refer the complaint to the President for consideration of the bishop's determination,
- (c) send a copy of the determination to the complainant and the respondent.

#### **No further action: referral by complainant to the President**

**21.—(1)** The complainant may refer the complaint to the President within 14 days of receiving the bishop's determination that there is to be no further action.

(2) Any such referral by the complainant to the President shall—

- (a) be in writing in form 5 in the Schedule or in a document which is substantially to the like effect,
- (b) state the grounds for requesting the President to consider the bishop's determination, and
- (c) be accompanied by a copy of the complaint and of the respondent's answer with the written evidence in support of each, the registrar's report, and the bishop's determination.

(3) Within 7 days the President shall notify the bishop and the respondent that the written referral has been received and send each of them a copy.

(4) No new or further evidence may be submitted to the President for the purposes of consideration of the bishop's determination.

#### **No further action: President's decision**

**22.** Within 28 days of receipt of the complainant's referral, the President's decision shall be given in writing with reasons and sent to the complainant, the respondent and the bishop, and if the President decides that the bishop's determination was plainly wrong the President may direct the bishop to pursue such of the courses specified in section 12(1)(b) to (e) as the President considers appropriate.

#### **Consent to conditional deferment**

**23.** Consent by the respondent, given under section 14(1) of the Measure, to a conditional deferment of the complaint shall—

- (a) be in writing and be given in form 6 in the Schedule or in a document which is substantially to the like effect, and
- (b) be signed and dated by the respondent.

## **Written determination imposing conditional deferment**

**24.** The written determination to impose a conditional deferment shall contain the bishop's reasons and set out—

- (a) the period of deferment, and
- (b) that the complaint and the conditional deferment will be notified to the archbishop and remain on a record maintained by the diocesan registrar for the period of deferment, and
- (c) that, if during the period of deferment another complaint in accordance with rule 4 is made against the respondent and is dealt with by attempting to bring about conciliation, or by the imposition of a penalty by consent, or by means of a formal investigation, the recorded complaint may likewise be so dealt with together with the later complaint.

## **Record of conditional deferment**

**25.**—(1) Within 21 days of obtaining the respondent's written consent to a conditional deferment the bishop must send—

- (a) to the complainant and the respondent a copy of the bishop's written determination, and
- (b) to the archbishop a copy of the bishop's written determination, the complaint, and the respondent's answer, if any, whereupon the provincial registrar shall note the conditional deferment, and
- (c) to the diocesan registrar a copy of the bishop's written determination, the complaint with evidence in support, and the respondent's answer, if any, with evidence in support, and the diocesan registrar shall maintain a record of the conditional deferment for such period not exceeding five years as the bishop may determine.

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

## **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.

(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.

### **Penalty by consent**

**27.**—(1) A penalty by consent under section 16 of the Measure may only be imposed in respect of such misconduct alleged in the complaint as the respondent admits.

(2) In addition to resignation by consent under section 16 of the Measure, any of the penalties that may be imposed under section 24 of the Measure upon a finding of misconduct may be imposed by consent under section 16 of the Measure.

(3) Where the bishop considers that the imposition of a penalty might be appropriate, the bishop shall invite the complainant and the respondent to make written representations if they so wish upon the proposed penalty within 14 days.

(4) The respondent's consent to the proposed penalty must be given in writing in form 7 in the Schedule or in a document which is substantially to the like effect.

Subject to sub-rule (5) below, the bishop shall send the respondent written confirmation of the agreed penalty within 7 days of receiving the respondent's consent.

(5) Where the bishop and the respondent agree that prohibition for life or resignation is appropriate and agree upon a date for it to take effect—

- (a) The bishop shall give the respondent written notice that either of them may withdraw from the agreement by notifying the other in writing of the withdrawal within 7 days following the date of the agreement.
- (b) At the end of the 7 day period, if neither the bishop nor the respondent has given written notice withdrawing from the agreement the bishop shall send the respondent written confirmation of the penalty of prohibition for life or resignation, as the case may be.
- (c) In the case of resignation, no deed or letter of resignation from the respondent shall be required to implement the penalty.
- (d) The agreed date for the prohibition or resignation to take effect shall be not later than 3 months after the bishop's written confirmation.

(6) The bishop shall notify the complainant in writing of any penalty by consent within 14 days of sending the written confirmation to the respondent.

(7) The bishop shall notify the archbishop and the registrar of the diocese in writing of the penalty imposed by consent within 14 days of sending the written confirmation to the respondent.

(8) If the respondent does not consent to the imposition of a penalty or does not agree with the bishop as to the nature of the penalty, the bishop shall direct that the complaint is to be formally investigated in accordance with rule 28.

#### **Reference to the Designated Officer for formal investigation**

**28.**—(1) Where the bishop directs under section 12(1)(e) of the Measure that the complaint is to be formally investigated, the bishop shall refer it to the Designated Officer, and shall supply the Designated Officer with a copy of the complaint and the respondent's answer together with all written evidence in support of each of them, and the registrar's written report.

(2) Within 14 days of referring the complaint to the Designated Officer the bishop shall give written notice of the referral to the complainant and the respondent.

(3) The complainant and the respondent shall co-operate with the Designated Officer during the investigation, in particular by responding in writing within 14 days (or such extended period as the Designated Officer may allow) to any questions asked by the Designated Officer for the purpose of clarification of the complaint or the respondent's answer or of the evidence in support of each.

(4) If any new material information is disclosed to the Designated Officer by or on behalf of the complainant or the respondent in the course of the investigation, the Designated Officer shall pass it on to the party who did not disclose it and invite that party to comment within a stated period of time.

(5) The Designated Officer shall investigate the complaint and shall send or deliver a written report to the President within 3 months of the date of the receipt of the documents specified in sub-rule (1).

The time within which the Designated Officer is required to report to the President may be extended for such period as the President deems to be justified in the particular circumstances of the case. Any application for an extension of time shall be made by the Designated Officer in writing to the President.

## **PART V**

### **Referring the complaint to the tribunal**

#### **The President's decision**

**29.**—(1) Within 28 days of receipt of the Designated Officer's report the President shall decide if there is a case for the respondent to answer and shall send a written copy of the decision to the complainant, the respondent, the bishop and the Designated Officer.

(2) Where there is a case to answer, the President shall refer the case to the tribunal and shall specify in the written decision which allegation or allegations of misconduct are to be determined.

(3) If the President decides that there is no case for the respondent to answer then copies of the President's written decision with reasons shall be sent to the complainant, the respondent, the bishop and the Designated Officer, and thereafter no further action shall be taken with regard thereto.

## **PART VI**

### **Directions preparatory to a hearing before the tribunal**

#### **General**

**30.**—(1) Where a complaint is referred to a tribunal for adjudication, the Registrar of Tribunals—

- (a) may hold one or more preliminary hearings to identify the issues and give directions, and shall give notice to the parties of such hearings, and
- (b) shall give directions for the just disposal of the proceedings in accordance with the overriding objective.

(2) The Registrar of Tribunals may at any stage refer any matter of difficulty or dispute to the Chair.

(3) Directions may be given or varied at any stage—

- (a) at a hearing,
- (b) where sub-rule (6) below applies, during a telephone hearing, or
- (c) in writing.

(4) At any hearing or telephone hearing the respondent may be legally represented, and the complainant's case shall be conducted by the Designated Officer or someone duly authorised by the Designated Officer.

(5) Directions may be given or varied—

- (a) on the application of the Designated Officer or the respondent, or
- (b) on the initiative of the Registrar of Tribunals or the Chair without a hearing.

(6) Where a hearing for directions is likely to last no longer than 30 minutes the Registrar of Tribunals or the Chair, as the case may be, may direct that—

- (a) it be conducted by telephone, and
- (b) that the Designated Officer and the respondent send in advance of the hearing for directions a written summary of their respective submissions, and send or deliver copies of their submissions to each other.

(7) Any direction given by the Registrar of Tribunals or the Chair under this rule shall be given or confirmed in writing, and a copy sent or delivered to the Designated Officer and the respondent.

### **Form of application**

**31.**—(1) Applications by the respondent for directions on any matter shall be made in writing—

- (a) to the Registrar of Tribunals using form 8 in the Schedule, and
- (b) a copy shall be sent or delivered to the Designated Officer at the same time as it is sent or delivered to the Registrar of Tribunals.

(2) The respondent shall respond in writing using form 9 in the Schedule to any application made by the Designated Officer, and shall send such response to the Registrar of Tribunals and a copy of it to the Designated Officer.

(3) The Designated Officer shall adapt forms 8 and 9 as appropriate, and shall send or deliver a copy to the respondent at the same as the application or response, as the case may be, is sent or delivered to the Registrar of Tribunals.

### **Setting aside or varying directions given without a hearing**

**32.** Where an order has been made without a hearing giving or varying directions under rule 30(5) on the initiative of the Registrar of Tribunals or the Chair, a party may apply within 14 days to the Registrar of Tribunals or the Chair, as the case may be, to have it set aside or varied, and the order shall notify the parties that they may make such an application.

### **Matters which may be covered in directions**

**33.**—(1) Directions may be given in respect of all procedural matters and in particular—

- (a) for the exchange of witness statements (notwithstanding that the complainant and the respondent may already have respectively supplied statements in support of the complaint form and the respondent's answer),

- (b) for the exchange of copies of documents intended to be relied upon at the final hearing,
- (c) to direct the complainant and the respondent to disclose and produce at or before the hearing of the complaint any specified documents in their possession or control which may reasonably be required by another party,
- (d) to permit written questions to be put by one party to the other, and to require those questions to be answered by the other party,
- (e) in relation to any expert evidence, including the number of expert witnesses,
- (f) to exclude evidence that would be irrelevant or unnecessary, or which should otherwise be excluded in the interests of justice in accordance with the overriding objective,
- (g) to direct any party to prepare a written outline argument and to send or deliver a copy of it to the Registrar of Tribunals, the Chair, and to the other party, together with photocopies of any authorities relied upon,
- (h) to provide for the preparation of bundles of documents for a hearing, and for them to be sent or delivered to the tribunal and each party,
- (i) to require the attendance of any person at the hearing of the complaint for the purpose of—
  - (i) giving evidence, or
  - (ii) producing documents for inspection,
- (j) to order two or more complaints against the same respondent to be heard on the same occasion,
- (k) to order complaints against more than one respondent to be heard on the same occasion,
- (l) to order any part of any proceedings to be dealt with separately.

(2) A direction may be given that if a document has not been disclosed to the other party, that document may not be relied upon at the hearing of the complaint unless the Chair gives permission.

### **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.

## PART VII

### Evidence

#### **Witness statements for use at a hearing before a tribunal**

**35.**—(1) A witness statement is a written statement signed by a person and containing evidence which that person would be allowed to give orally.

(2) A witness statement must indicate—

- (a) which matters in it come from the witness's own knowledge, and which are matters of information or belief, and
- (b) the source of any matters of information or belief.

(3) A witness statement intended for use before a tribunal must contain at the end a declaration of truth in the following form—

“I believe that the contents of this witness statement are true”,  
and shall be dated and signed by the witness.

(4) A party wishing to rely on a witness statement at the hearing of the complaint shall call the witness to give oral evidence unless—

- (a) the parties agree that the witness statement may be put in evidence, or
- (b) the witness has died, is too ill to attend or is overseas, or
- (c) the Registrar of Tribunals or the Chair directs otherwise.

(5) Where a witness is called to give oral evidence the witness statement of the witness shall stand as the witness's evidence in chief unless the Chair directs otherwise.

(6) A witness giving oral evidence at a hearing may with the permission of the Chair—

- (a) amplify the witness statement, and
- (b) give evidence in relation to new matters which have arisen since the witness statement was made.

(7) Any witness who gives oral evidence may be cross-examined.

(8) If a party exchanges a witness statement with another party but does not—

- (a) call the witness to give evidence at the hearing, or
- (b) put the statement in evidence without calling the witness,

the other party may put the witness statement in evidence without calling the witness to give oral evidence.

## **Expert evidence**

**36.**—(1) No party may rely upon expert evidence without the permission of the Registrar of Tribunals or the Chair.

(2) If permission is given for expert evidence to be relied upon,

- (a) the permission must be in respect of a named expert or a specific subject, and
- (b) the evidence must be reasonably required for the purposes of the proceedings.

(3) An expert witness must be independent from the complainant and respondent, and at all times is under an overriding duty to help the tribunal on the matters within that person's expertise.

(4) Expert evidence is to be set out in a written report, and the report shall contain—

- (a) details of the expert's qualifications and experience,
- (b) details of the information provided and the questions asked of the expert for the preparation of the report,
- (c) where there is a range of opinion on the matter dealt with in the report,
  - (i) a summary of the range of opinion,
  - (ii) reasons for the expert's own opinion,
- (d) a statement that the expert understands his or her duty to the tribunal, and has complied with that duty.

(5) Expert evidence cannot be relied upon without permission from the Chair, unless a copy of the report has been sent or delivered to the other party in accordance with directions given under rule 33.

(6) Where both parties wish to submit expert evidence on a particular issue, the Registrar of Tribunals or the Chair shall, save in exceptional circumstances, direct that the evidence on that issue is to be given by a single joint expert only.

(7) If the parties cannot agree who should be the single joint expert, the Registrar of Tribunals or the Chair may—

- (a) nominate the expert from a list presented by the parties, or
- (b) direct that the expert be nominated in another specified manner.

(8) Where a single joint expert is to be used, the parties should try to agree joint instructions, failing which each party may give instructions to the expert provided that at the same time a copy of those instructions is sent to the other party.

(9) A party may put written questions to any expert for the purpose of clarifying the expert's report.

An expert's answers to written questions are to be treated as part of the expert's report.

Where an expert does not answer a written question the Registrar of Tribunals or the Chair may direct that part or all of the expert's evidence may not be relied upon.

(10) An expert may not give oral evidence at a hearing unless permission has previously been given by the Registrar of Tribunals or the Chair.

## **PART VIII**

### **The tribunal**

#### **Appointment of members of the tribunal**

**37.**—(1) Within 14 days of being notified under section 22(2) of the Measure of their identity, the respondent may make written representations to the President about the suitability of any of the proposed members of the tribunal which will hear the complaint, and the President shall not appoint any of the members until such representations, if any, have been received and considered.

(2) If the President is not satisfied that a proposed appointee is impartial, the President shall propose an alternative person, and shall afford an opportunity to the respondent to make representations about that person within 14 days of being notified of that person's identity.

#### **Fixing the date and place of the hearing of the complaint**

**38.**—(1) The Registrar of Tribunals may direct the parties to provide time estimates of the likely length of the hearing of the complaint.

(2) Thereafter, as soon as may be expedient, in consultation with the Chair and with due regard being paid to the convenience of the complainant, the respondent, the Designated Officer and the witnesses, the Registrar of Tribunals shall fix the date, time and place for the hearing of the complaint, and shall give not less than 14 days written notice of the same to the complainant, the respondent and the Designated Officer.

(3) The Registrar of Tribunals or the Chair may vary the date, time and place of any hearing, and written notice of the variation shall be given by the Registrar of Tribunals to the complainant, the respondent and the Designated Officer.

#### **The tribunal and the overriding objective**

**39.** The tribunal shall in accordance with the overriding objective in rule 1—

- (a) conduct the hearing in the manner it considers most appropriate to the issues before it and to the just handling of the complaint generally,
- (b) set a suitable timetable for the hearing.

#### **Tribunal hearing normally to be in private**

**40.** The hearing shall be in private except where—

- (a) the tribunal is satisfied that it is in the interests of justice to have a hearing in public, or
- (b) the respondent so requests,

in which case the tribunal shall direct that the hearing shall be in public, but during any part of the proceedings the tribunal may exclude such person or persons as it may determine.

#### **Power to adjourn**

**41.** The hearing may be adjourned from time to time if necessary.

#### **Absence from a hearing**

**42.** The Registrar of Tribunals or the Chair may proceed with a hearing notwithstanding the absence of the complainant or the respondent, provided the Registrar of Tribunals or the Chair is satisfied that the absent person has had notice of the hearing.

#### **Admissions by the respondent**

**43.** If, after referral of the complaint under rule 29, the respondent makes an admission before or at the hearing, the tribunal may make a finding of misconduct on the basis of that admission without considering any or any further evidence, and the tribunal may then proceed under section 19 of the Measure.

#### **Entitlement to call evidence**

**44.** At the hearing, subject to rules 35, 36 and 39, the complainant and the respondent are entitled to give evidence, and the Designated Officer and the respondent are entitled to call witnesses, to question any witnesses who give oral evidence, and to address the tribunal on evidence, the law and on the issues generally.

## **Oral evidence**

**45.** Oral evidence shall be given on oath or solemn affirmation, and shall be recorded.

## **Tribunal may require personal attendance of witness**

**46.** The tribunal may at any stage of the proceedings require the personal attendance at the hearing of the author of a witness statement or an expert who has produced a report.

## **Attendance at a hearing in private**

**47.** Where the hearing is held in private, in addition to members and staff of the tribunal, the following may attend—

- (a) the complainant and the respondent,
- (b) the legal representatives of the respondent,
- (c) the Designated Officer, any supporting staff, and any person authorised by the Designated Officer to conduct the case for the complainant,
- (d) the bishop,
- (e) the relevant archdeacon,
- (f) any other person with the tribunal's permission.

## **Power to exclude from hearing**

**48.** The tribunal may exclude from the hearing any person who threatens to disrupt or has disrupted the hearing or has otherwise interfered with the administration of justice.

## **Tribunal may order identity not to be published**

**49.** The tribunal may order that the name and any other identifying details of any person involved or referred to in the proceedings must not be published or otherwise made public, if satisfied that such an order—

- (a) is desirable to protect the private life of any person, or
- (b) is desirable to protect the interests of any child, or
- (c) is otherwise in the interests of the administration of justice.

## **Pronouncement of the tribunal's determination of the complaint**

**50.—(1)** The determination of the complaint shall be according to the opinion of the majority of the members of the tribunal.

(2) The Chair shall pronounce the tribunal's determination of the complaint in public—

- (a) at the end of the hearing, or
- (b) at a later date when the Chair may sit alone for that purpose.

(3) The tribunal's determination shall be recorded in writing with reasons, and shall set out the opinion of the majority of its members together with the minority opinions if any, and shall be signed by each member.

(4) The tribunal may omit from the written determination the name and any other identifying details of any person, if satisfied that such an order—

- (a) is desirable to protect the private life of that person, or
- (b) is desirable to protect the interests of any child, or
- (c) is otherwise in the interests of the administration of justice.

(5) A copy of the tribunal's written determination shall be sent to the complainant, the respondent, the Designated Officer, the bishop, the registrar, and the provincial registrar.

### **Tribunal may invite the bishop to give views about the penalty**

**51.** Before imposing a penalty the tribunal may invite the bishop of the diocese concerned to express in writing the bishop's views as to the appropriate penalty, save where the bishop has given evidence to the tribunal. If the tribunal decides to do so—

- (a) the bishop shall be invited to express any views in writing to the tribunal within 14 days of being requested to do so, and
- (b) a copy of the bishop's views shall be provided by the tribunal to the respondent and to the Designated Officer.

### **Pronouncement of penalty**

**52.**—(1) The Chair shall pronounce in public the penalty or penalties imposed by the tribunal and may sit alone for that purpose.

(2) The pronouncement of the penalty or penalties may be on the same occasion as the pronouncement of the determination under rule 50, or at a later date.

(3) The decision to impose a penalty or penalties shall be recorded in writing, and a copy of the written decision shall be sent to the respondent, the Designated Officer, the bishop, the registrar and the provincial registrar.

### **Record of conditional discharges**

**53.**—(1) The provincial registrar shall maintain a record of conditional discharges.

(2) The record shall not be open to public inspection but shall be made available to diocesan bishops and registrars.

(3) A conditional discharge shall be removed from the record at the end of the period specified in the order of the tribunal which imposed it.

## **PART IX**

### **Termination, substitution, and withdrawal**

#### **Death of the respondent**

**54.** Any disciplinary proceedings are automatically terminated on the death of the respondent.

#### **Death, serious illness or incapacity of complainant nominated by the Parochial Church Council**

**55.**—(1) In the event of the death or serious illness or incapacity of the complainant who has been nominated by the parochial church council, that council may, on its own initiative or at the invitation of the bishop, nominate another person as complainant in the proceedings, and shall send or deliver notice in writing of any such nomination to—

- (a) the bishop,
- (b) the respondent, and
- (c) where the complaint has been referred by the bishop under section 17 of the Measure for a formal investigation, the Registrar of Tribunals and the Designated Officer.

(2) If the parochial church council does not nominate another person within 28 days of being invited by the bishop to do so, any person claiming to have a proper interest in making the complaint may apply in writing to be substituted as the complainant. The application shall set out the grounds for the claim, and shall be made to the bishop unless the complaint has already been referred to the Designated Officer for a formal investigation, in which case it shall be made to the President.

## **Death, serious illness or incapacity of complainant not nominated by the Parochial Church Council**

**56.**—(1) In the event of the death, serious illness or incapacity of the complainant other than a person nominated by a parochial church council, any other person claiming to have a proper interest in making the complaint may apply in writing to be substituted as the complainant. The application shall set out the grounds for the claim, and shall be made to the bishop unless the complaint has already been referred to the Designated Officer for a formal investigation, in which case it shall be made to the President.

(2) Where an application to be substituted as the complainant is made to the bishop, the bishop may seek advice from the registrar as to whether the applicant has a proper interest in the complaint.

(3) The bishop or the President, as the case may be, may substitute an applicant as the complainant if satisfied that the applicant has a proper interest in the complaint, and that it is in the interests of justice to do so, and shall notify the respondent accordingly.

## **President may direct withdrawal if no person is nominated or substituted**

**57.** In the event of the death, serious illness or incapacity of the complainant, if no other person is duly nominated or substituted as complainant in the proceedings, the President may direct under rule 58 that the complaint is to be withdrawn, whereupon no further action shall be taken in the proceedings.

## **President's powers under section 18 of the Measure**

**58.**—(1) At any stage of proceedings after the bishop has directed they are to be formally investigated, the President may—

- (a) on the President's own initiative, or
- (b) on application by letter by the respondent or the Designated Officer setting out the reasons why the relevant direction should be made,

direct that a complaint is to be withdrawn (whereupon no further action shall be taken in the proceedings) or that an attempt or further attempt is to be made to bring about conciliation.

(2) The President's direction shall be made in writing and a copy shall be given to the complainant, the respondent, the Designated Officer, the bishop, the Registrar of Tribunals and the diocesan registrar.

## **Complainant wishes to withdraw**

**59.**—(1) Where a complainant wishes to withdraw a complaint at any stage before the bishop determines which course to pursue under section 12 of the Measure, the bishop, after consulting the respondent in writing, shall direct—

- (a) that the complaint shall be withdrawn, whereupon no further action shall be taken upon it, or
- (b) that the complaint shall proceed, and a nominated person with a proper interest, who has agreed to act as the complainant, shall be substituted in place of the complainant who wishes to withdraw.

(2) The bishop may seek advice from the registrar as to whether the person to be substituted as complainant has a proper interest in making the complaint.

(3) The bishop's direction shall be made in writing and a copy shall be given to the respondent, the complainant, the person to be substituted as complainant, and the registrar.

(4) Where a complainant wishes to withdraw a complaint after the bishop has directed that it is to be formally investigated, the President, after consulting the respondent, the bishop, and the Designated Officer in writing, may direct that—

- (a) the complaint shall proceed, and
  - (b) a nominated person with a proper interest, who has agreed to act as the complainant, shall be substituted in place of the complainant who wishes to withdraw.
- (5) The President's direction shall be made in writing and a copy shall be given to the respondent, the complainant, the person to be substituted as complainant, the Designated Officer, the bishop, the Registrar of Tribunals and the registrar.

## PART X

### Suspension

#### **Suspension of a priest or deacon during proceedings**

**60.**—(1) Where a complaint against a priest or deacon falls to be considered under section 12(1) of the Measure, the bishop may suspend the priest or deacon from exercising or performing without leave of the bishop any right or duty of or incidental to the office of priest or deacon, as the case may be.

(2) A notice suspending a priest or deacon under sub-rule (1) shall be in form 12a in the Schedule or in a form which is substantially to the like effect and may specify any rights or duties which by leave of the bishop are not suspended.

#### **Suspension of a priest following arrest**

**61.**—(1) Where a priest or deacon holding any preferment in a diocese is arrested on suspicion of committing a criminal offence the bishop may suspend the priest or deacon from exercising or performing without the leave of the bishop any right or duty of or incidental to the office of priest or deacon, as the case may be.

(2) A notice suspending a priest or deacon under sub-rule (1) shall be in form 13a in the Schedule or in a form which is substantially to the like effect, and may specify any rights or duties which by leave of the bishop are not suspended.

#### **Contents of notice of suspension**

**62.** A notice of suspension given under rule 60(2) or 61(2) shall be signed by the bishop and shall—

- (a) state the date from when the suspension takes effect,
- (b) explain that the suspension, unless revoked by the bishop, will continue until the expiry of the period of 3 months following the date of service of the notice on the priest or deacon, or until—
  - (i) the proceedings under the Measure have been concluded, or
  - (ii) the proceedings for the criminal offence have been concluded,  
whichever is the earlier in either case,
- (c) explain—
  - (i) that where the proceedings under the Measure have not been concluded, or the proceedings for the criminal offence have not been concluded before the expiry of the period of three months from the date of service of the notice of suspension, as the case may be, then the bishop may cause a further notice of suspension to be served on the priest or deacon, and that this will continue for the same period as is specified in paragraph (b), and
  - (ii) that a further notice or notices of suspension, which may be in different terms from any previous notice, may be served on the priest or deacon if the circumstances in

- paragraph (i) of this sub-rule apply, until the proceedings under the Measure or the proceedings for the criminal offence have been concluded, as the case may be;
- (d) state that the effect of the suspension is that the priest or deacon is forbidden to exercise or perform without the leave of the bishop any right or duty of or incidental to the office of priest or deacon, as the case may be,
  - (e) explain that within a period of 14 days from the date when the suspension takes effect the priest or deacon may appeal against the suspension to the President, who may within 28 days following the lodging of the appeal either confirm or revoke the suspension.

#### **Notification to others of suspension**

**63.** A copy of the notice of suspension of a priest or deacon under rule 60(2) or 61(2) shall be sent or delivered by the bishop to—

- (a) the archdeacon of the archdeaconry in which the priest or deacon holds office,
- (b) the rural dean or area dean of the deanery in which the priest or deacon holds office,
- (c) other clergy who hold office in the parish or parishes where the priest or deacon holds office,
- (d) the churchwardens for each parish where the priest or deacon holds office,
- (e) the registrar.

#### **Revocation of suspension**

**64.**—(1) The bishop may at any time during any period of suspension under rule 60 or rule 61 revoke a notice of suspension, and on so doing the bishop shall serve a notice in writing on the priest or deacon concerned stating that the notice of suspension has been revoked and that the period of suspension has been terminated.

(2) A copy of any notice revoking a notice of suspension shall be sent or delivered by the bishop to the persons specified in rule 63.

#### **Notification of cessation of suspension**

**65.** Where—

- (a) a suspension expires and no further notice of suspension is given by the bishop to the priest or deacon, or
- (b) the proceedings under the Measure, or the proceedings for the criminal offence, are concluded without the imposition of any penalty of prohibition or removal from office or revocation of licence,

the bishop shall notify in writing the priest or deacon concerned and the persons specified in rule 63 that the suspension has ended.

#### **Appeals by priest or deacon against notice of suspension**

**66.**—(1) An appeal to the President by a priest or deacon shall be made in writing within 14 days of receipt of the notice of suspension, and—

- (a) a copy of the notice of suspension shall be attached to the written appeal,
- (b) the written appeal shall set out the grounds of the appeal,
- (c) a copy of the written appeal shall be sent or delivered to the bishop by the appellant at the same time as the appeal is sent or delivered to the President.

(2) Within 14 days of the date of the lodging of the appeal with the President the bishop may send or deliver to the President written comments in answer to the appeal against suspension, and a copy of those comments shall be sent or delivered by the bishop to the appellant at the same time as they are sent or delivered to the President.

(3) The President may confirm or revoke the suspension and shall do so in writing within 28 days of the appeal being lodged, and a copy of the confirmation or revocation shall be sent or delivered to the appellant and the bishop.

(4) Where the suspension is revoked by the President on appeal, the bishop shall notify the persons specified in rule 63 that the suspension has been revoked.

(5) There shall be no stay of the suspension pending the determination of an appeal to the President against the suspension.

## PART XI

### Penalties imposed under section 30 of the Measure

#### Certificate of conviction

**67.** Where a priest or deacon is liable to a penalty of prohibition or removal from office, or both, by virtue of section 30(1)(a) of the Measure, the bishop shall not propose to impose any penalty until the conviction has become conclusive under section 40(1) of the Measure and the court has sent to the bishop the certificate of conviction in the form used by the court for that purpose.

#### Bishop proposes a penalty after sentence of imprisonment or matrimonial order

**68.** Where the bishop proposes to impose a penalty of prohibition or removal from office, or both, upon a priest or deacon falling within section 30(1)(a) or (b) of the Measure, the bishop, after consultation with the President, shall—

- (a) inform the priest or deacon in writing of the details of the proposed penalty, and
- (b) invite the priest or deacon to send to the bishop any representations in writing about the proposal within 28 days of the date of that invitation.

#### Bishop makes decision on imposition of penalty

**69.** After expiry of the 28 days specified in rule 68 the bishop shall decide whether or not to impose the proposed penalty under section 30 of the Measure and shall—

- (a) give the priest or deacon written notification of the decision, and
- (b) if the decision is to impose the penalty, inform the priest or deacon that an application may be made to the archbishop of the relevant province to review the decision, and that the penalty will not be imposed unless and until the time for making an application for a review has expired or the bishop's decision has been upheld by the archbishop following a review.

#### Application to review decision to impose penalty

**70.—(1)** An application by a priest or deacon for the review of a bishop's decision under section 30(2) of the Measure shall—

- (a) be sent or delivered in writing to the archbishop of the relevant province within 21 days from the date of the bishop's decision, and
- (b) contain details of the facts and matters which the priest or deacon wishes the archbishop to consider in conducting the review,

and the archbishop shall arrange for it to be copied and sent or delivered to the bishop who made the decision.

(2) The priest or deacon shall send or deliver to the archbishop with the application under sub-rule (1) a copy of—

- (a) the notification of the bishop's intention to impose the penalty,

- (b) the representations made by the priest or deacon to the bishop, and
- (c) the bishop's notification of the decision to impose the penalty.

#### **Bishop may respond to application for review**

**71.** Within 21 days of receiving from the archbishop a copy of the application for a review under rule 70, the bishop may send or deliver to the archbishop written comments in response to the application, together with copies of any documents taken into account by the bishop when deciding to impose the penalty, and a copy of the comments and any such documents shall be sent or delivered by the bishop to the priest or deacon.

#### **Archbishop reviews imposition of penalty**

**72.—(1)** The archbishop shall conduct the review with or without a hearing and, after considering the application and the documents supplied under rules 70(2) and 71 and all the circumstances, the archbishop shall decide whether to uphold or reverse the bishop's decision to impose the penalty and shall put that decision in writing and send or deliver copies to the priest or deacon and to the bishop.

**(2)** Where the review is conducted without a hearing the archbishop shall send or deliver the written decision within 3 months of receiving the application for review. Where a hearing is held for the purposes of the review the archbishop shall send or deliver the written decision within 28 days after the hearing.

#### **Imposition of penalty by bishop under section 30 of the Measure**

**73.** When the time for making an application for review under rule 70 has expired, or the archbishop has decided following a review to uphold the bishop's decision, then the bishop shall impose the penalty in accordance with section 30(4) and section 30(5) of the Measure.

## **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(a) 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.

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(a) 24 & 25 Geo 5 No.1.

## 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.

## PART XIV

### Application of rules to special cases

#### **Special cases under section 42 of the Measure**

**91.** In the application of these rules to—

- (a) Cathedral clergy,
- (b) Chaplains of prisons, hospitals, universities, schools and institutions in an extra-parochial place,
- (c) Chaplains of the armed forces of the Crown,
- (d) Ministers who have a licence from the archbishop of a province to preach throughout the province,
- (e) Ministers who have a licence from the University of Oxford or Cambridge to preach throughout England,

the rules shall apply and be read with the following adaptations.

#### **Clerk in holy orders serving in a cathedral church**

**92.** In the case of a clerk in holy orders serving in a cathedral church—

- (a) No disciplinary proceedings under section 10 of the Measure may be instituted except by way of a written complaint made in form 1d in the Schedule, or in a document which is substantially to the like effect containing the information required for completion of form 1d.
- (b) A person shall be duly nominated to institute proceedings for the purposes of section 42(2)(a) of the Measure if there has been a duly convened meeting of the council of the cathedral church, at which not less than two-thirds of the lay members of the council are present, and not less than two-thirds of the lay members present and voting pass a resolution to the effect that proceedings be instituted.
- (c) An application to the bishop for a determination that a person has a proper interest in making a complaint under section 42(2) of the Measure shall be made in writing and shall set out the grounds for making the application.

The bishop may seek advice from the registrar as to whether the applicant has a proper interest in making the complaint.

The bishop's determination that a person has a proper interest in making a complaint shall be in writing signed by the bishop, and the bishop shall send or deliver it to that person and provide a copy for the registrar.

- (d) A complaint in writing shall have attached to it either a certified copy of the resolutions in favour of the institution of proceedings and of the nomination of the complainant, or the bishop's written determination under paragraph (c) above, as the case may be.
- (e) Rules 55 and 56 shall be read as if the words “the parochial church council” wherever they appear read as “the council of the cathedral church”.
- (f) For the purposes of rule 63 a copy of a notice of suspension shall be sent or delivered by the bishop to—
  - (i) other clergy who serve in the relevant cathedral church,
  - (ii) the secretary of the relevant cathedral council,
  - (iii) the registrar,

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

### **Chaplains of prisons, hospitals, universities, schools and other institutions**

- 93.** In the case of a chaplain of a prison, hospital, university, school or other institution—
- (a) No disciplinary proceedings under section 10 of the Measure may be instituted except by way of a written complaint made in form 1e in the Schedule, or in a document which is substantially to the like effect containing the information required for completion of form 1e.
  - (b) A request to the bishop for authorisation to institute disciplinary proceedings under the Measure shall be made in writing and shall set out the grounds for making the request.  
The bishop's authorisation to institute proceedings shall be in writing signed by the bishop, and the bishop shall send or deliver it to the person who is to act as complainant, and shall send or deliver a copy to the registrar.
  - (c) A complaint in writing shall have attached to it the bishop's written authorisation under paragraph (b) above.
  - (d) For the purposes of rule 63 a copy of a notice of suspension shall be sent or delivered by the bishop—
    - (i) to the employer of the chaplain,
    - (ii) where the chaplain also holds office in a parish, to each person referred to in paragraphs (a) to (d) of rule 63, and
    - (iii) to the registrar,  
and rules 64(2), 65 and 66(4) shall be construed accordingly.

### **Chaplain of the armed forces of the Crown**

- 94.** In the case of a chaplain of one of the armed forces of the Crown—
- (a) No disciplinary proceedings under section 10 of the Measure may be instituted except by way of a written complaint made in form 1f in the Schedule, or in a document which is substantially to the like effect containing the information required for completion of form 1f.
  - (b) An application to the Archbishop of Canterbury for a determination that a person has a proper interest in making a complaint under the Measure shall be made in writing and shall set out the grounds for making the application.  
The Archbishop of Canterbury may seek advice from the provincial registrar as to whether the applicant has a proper interest in making the complaint.  
The Archbishop of Canterbury's determination that a person has a proper interest in making a complaint shall be in writing signed by the Archbishop, and the Archbishop shall send or deliver it to that person and provide a copy for the provincial registrar.
  - (c) A complaint in writing shall have attached to it the Archbishop of Canterbury's written determination under paragraph (b) above.
  - (d) Any reference in these rules to the bishop shall be construed as references to the Archbishop of Canterbury, and any reference to the registrar shall be construed as references to the provincial registrar.
  - (e) Where the respondent has consented in writing to a conditional deferment the Archbishop of Canterbury shall within 21 days send—
    - (i) to the complainant and the respondent a copy of the determination to impose a conditional deferment, and
    - (ii) to the provincial registrar 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 may determine;

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

- (f) For the purposes of rule 27(7) any penalty by consent is to be notified by the Archbishop of Canterbury to the provincial registrar.
- (g) For the purposes of rule 63 a copy of a notice of suspension shall be sent or delivered by the Archbishop—
  - (i) to the Secretary of State for Defence,
  - (ii) to the provincial registrar,and rules 64(2), 65 and 66(4) shall be construed accordingly.
- (h) An application for a review of a decision of the Archbishop of Canterbury under section 30(2) of the Measure shall be made to the Archbishop of York, and rules 70 to 73 shall be construed accordingly.
- (i) An application for a prohibition for life or deposition to be nullified under section 26(1) of the Measure shall be made to the Archbishop of York and rule 97 shall be construed accordingly.
- (j) For the purposes of an application for the removal of a limited prohibition, reference in section 27 of the Measure to the archbishop of the province concerned shall be construed as meaning the Archbishop of Canterbury.

#### **Ministers with a licence from the Archbishop of the province**

**95.** In the case of a minister who has a licence from the archbishop of a province to preach throughout the province—

- (a) No disciplinary proceedings under section 10 of the Measure may be instituted except by way of a written complaint made in form 1g in the Schedule, or in a document which is substantially to the like effect containing the information required for completion of form 1g.
- (b) A request to the archbishop of the province for authorisation to institute disciplinary proceedings under the Measure shall be made in writing and shall set out the grounds for making the request.

The authorisation by the archbishop of the province for the institution of proceedings shall be in writing signed by the archbishop, and the archbishop shall send or deliver it to the person who is to act as complainant and provide a copy for the provincial registrar.
- (c) A complaint in writing shall have attached to it the written authorisation of the archbishop of the province under paragraph (b) above.
- (d) Any reference in these rules to the bishop shall be construed as references to the archbishop of the province, and any reference to the registrar shall be construed as references to the provincial registrar.
- (e) Where the respondent has consented in writing to a conditional deferment the archbishop of the province shall within 21 days send—
  - (i) to the complainant and the respondent a copy of the determination to impose a conditional deferment, and
  - (ii) to the provincial registrar 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 may determine;and form 6 and rule 24(b) shall be adapted accordingly by omitting reference to notification to the archbishop.
- (f) For the purposes of rule 27(7) any penalty by consent is to be notified by the archbishop of the province to the provincial registrar.

- (g) For the purposes of rule 63 a copy of a notice of suspension shall be sent or delivered by the archbishop of the province—
  - (i) to the employer, if any, of the minister,
  - (ii) to the provincial registrar, and
  - (iii) to such other persons as the archbishop deems appropriate,  
and rules 64(2), 65 and 66(4) shall be construed accordingly.
- (h) An application for a review of a decision of the archbishop of a province under section 30(2) of the Measure shall be made to the other archbishop, and rules 70 to 73 shall be construed accordingly.
- (i) An application for a prohibition for life or deposition to be nullified under section 26(1) of the Measure shall be made to the other archbishop and rule 97 shall be construed accordingly.

#### **Ministers with a licence from the University of Oxford or Cambridge**

- 96.** In the case of a minister who has a licence from the University of Oxford or Cambridge—
- (a) No disciplinary proceedings under section 10 of the Measure may be instituted except by way of a written complaint made in form 1g in the Schedule, or in a document which is substantially to the like effect containing the information required for completion of form 1g.
  - (b) A request to the Archbishop of Canterbury for authorisation to institute disciplinary proceedings under the Measure shall be made in writing and shall set out the grounds for making the request.  
The authorisation by the Archbishop of Canterbury for the institution of proceedings shall be in writing signed by the Archbishop, and the Archbishop shall send or deliver it to the prospective complainant and provide a copy for the provincial registrar.
  - (c) A complaint in writing shall have attached to it the written authorisation of the Archbishop of Canterbury under paragraph (b) above.
  - (d) Any reference in these rules to the bishop shall be construed as references to the Archbishop of Canterbury, and any reference to the registrar shall be construed as references to the provincial registrar.
  - (e) Where the respondent has consented in writing to a conditional deferment the Archbishop of Canterbury shall within 21 days send—
    - (i) to the complainant and the respondent a copy of the determination to impose a conditional deferment, and
    - (ii) to the provincial registrar 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 may determine;
 and form 6 and rule 24(b) shall be adapted accordingly by omitting reference to notification to the archbishop.
  - (f) For the purposes of rule 27(7) any penalty by consent is to be notified by the Archbishop of Canterbury to the provincial registrar.
  - (g) For the purposes of rule 63 a copy of a notice of suspension shall be sent or delivered by the Archbishop of Canterbury—
    - (i) to the employer, if any, of the minister,
    - (ii) to the provincial registrar, and
    - (iii) to such other persons as the Archbishop deems appropriate,  
and rules 64(2), 65 and 66(4) shall be construed accordingly.

- (h) An application for a review of a decision of the Archbishop of Canterbury under section 30(2) of the Measure shall be made to the Archbishop of York, and rules 70 to 73 shall be construed accordingly.
- (i) An application for a prohibition for life or deposition to be nullified under section 26(1) of the Measure shall be made to the Archbishop of York and rule 97 shall be construed accordingly.
- (j) For the purposes of an application for the removal of a limited prohibition, reference in section 27 of the Measure to the archbishop of the province concerned shall be construed as meaning the Archbishop of Canterbury.

## PART XV

### Removal of prohibitions

#### **Removal of prohibition for life and deposition: priests and deacons**

- 97.**—(1) An application for a prohibition for life or deposition to be nullified shall—
- (a) be made in writing,
  - (b) set out the reasons upon which it is made,
  - (c) be accompanied by any written evidence upon which the applicant seeks to rely.
- (2) The archbishop may invite any person involved in the proceedings leading to the prohibition or deposition to make written representations within 21 days of being invited to do so, and a copy of any such representations shall be sent or delivered by the archbishop to the applicant.
- (3) The archbishop shall consider the application with or without a hearing.
- (4) Having considered the application and after consultation with the Dean of the Arches and Auditor, the archbishop shall declare in writing whether the prohibition for life or deposition was justified, and a copy of the declaration shall be sent or delivered to the applicant and the provincial registrar. Where the application is considered without a hearing the archbishop shall send or deliver the written decision within 3 months of receiving the application. Where a hearing is held for the purposes of the application the archbishop shall send or deliver the written decision within 28 days after the hearing.

#### **Removal of limited prohibition: priests and deacons**

- 98.**—(1) An application for the removal of a limited prohibition shall—
- (a) be made in writing jointly by the bishop and the priest or deacon,
  - (b) set out the grounds upon which it is made,
  - (c) be accompanied by any written evidence upon which the joint applicants seek to rely.
- (2) The Dean of the Arches and Auditor and the two Vicars-General shall consider the application with or without a hearing.
- (3) The Dean of the Arches and Auditor and the two Vicars-General shall make their order in writing and a copy shall be sent or delivered to the joint applicants and the provincial registrar. Where the application is considered without a hearing the order shall be sent or delivered within 3 months of receiving the application. Where a hearing is held for the purposes of the application the order shall be sent or delivered within 28 days after the hearing.

#### **Removal of prohibition for life and deposition: bishops and archbishops**

- 99.** For the purposes of rule 97 an application for a prohibition or deposition to be nullified under section 26(3) of the Measure shall be made—
- (a) by a bishop to the archbishop of the other province,

- (b) by an archbishop to the Dean of the Arches and Auditor,

and in the case of an application by an archbishop rule 97(4) shall be read as if reference to any consultation were omitted.

#### **Removal of limited prohibition: bishops and archbishops**

**100.** For the purposes of rule 98 an application to the Dean of the Arches and Auditor sitting with the two Vicars-General for the removal of a limited prohibition under section 27 of the Measure shall be made—

- (a) by a bishop jointly with the archbishop of the relevant province,
- (b) by an archbishop jointly with the other archbishop.

## **PART XVI**

### **Miscellaneous**

#### **Sending or delivering documents**

**101.—(1)** Any document required by these rules to be sent or delivered to any person shall be sent or delivered by any of the following means—

- (a) by first class post to the proper address of that person,
  - (b) by leaving it at the proper address of that person,
  - (c) by document exchange by leaving it addressed to that person's numbered box—
    - (i) at the DX of that person, or
    - (ii) at a DX which sends documents to that person's DX every business day,
  - (d) in such other manner (including electronic means) as the President, Registrar of Tribunals or Chair may direct.
- (2) The proper address shall be the usual or last known address of a person, except as follows—
- (a) where proceedings have been referred by the President to the tribunal, the proper address for the respondent, if legally represented, shall be the business address of any solicitor acting for the respondent in the proceedings,
  - (b) the proper address for the President shall be care of The Legal Office of the National Institutions of the Church of England,
  - (c) the proper address for the Dean of the Arches and Auditor shall be the address of the Provincial Registry of the province concerned,
  - (d) the proper address for the Designated Officer shall be The Legal Office of the National Institutions of the Church of England.

#### **Time**

**102.—(1)** Save where these rules provide that the time for doing an act may be extended by another person, the President may extend any time limit specified under the rules for doing an act even if the time so specified has expired, unless an extension would be inconsistent with any provision of the Measure.

(2) Where proceedings have been referred by the President to the tribunal, the Registrar of Tribunals or the Chair may extend any time limit specified under these rules for doing an act even if the time so specified has expired, unless an extension would be inconsistent with the provisions of the Measure.

(3) Where an order or direction imposes a time limit for doing an act the last date for compliance shall wherever practicable be expressed as a calendar date and include the time by which the act must be done.

## **Irregularities**

**103.** Where there has been an irregularity or error of procedure—

- (a) such irregularity or error does not invalidate any step taken in the proceedings unless the President, Registrar of Tribunals, Chair or tribunal so orders, or unless on appeal the Arches Court of Canterbury or the Chancery Court of York so holds,
- (b) the President, Registrar of Tribunals, Chair or tribunal may give directions to cure or waive the irregularity.

## **Revision of forms**

**104.** Any forms in the Schedule may from time to time be revised or amended by direction of the Dean of the Arches and Auditor if deemed appropriate.

## **Contempt**

**105.—(1)** If any person does or omits to do anything which is a contempt in connection with proceedings before, or in connection with an order made by, the Registrar of Tribunals, the Chair or the tribunal, the Chair may certify the act or omission as a contempt and refer the matter to the High Court under section 81(3) of the Ecclesiastical Jurisdiction Measure 1963(a).

(2) Failure to comply with an order shall not be deemed to be a contempt unless the order provides that the person to whom it is directed may be sent to prison, or fined, or both, if the order is not obeyed.

## **Interpretation**

**106.** In these rules, unless the context otherwise requires—

“Schedule” means the Schedule to these rules;

“bishop” includes the suffragan or area bishop where disciplinary functions under the Measure have been delegated in a diocese or where there is a relevant area scheme covering disciplinary functions under section 10 & section 11 respectively of the Dioceses Measure 1978(b);

“Chair” means the chairman (within the meaning of section 22(1)(a), section 23(1)(a) and section 23(2)(a) of the Measure) of the tribunal or Vicar-General’s court which is hearing, or will in due course be hearing, the complaint;

“child” means a person under the age of 18 years old;

“complainant” means the person or persons making or intending to make a complaint under section 10 of the Measure, or the person duly nominated to do so whether under section 10, section 42 or rule 55 or the person authorised or determined to have a proper interest under section 42, or the person substituted as complainant under rules 55, 56 or 59, as the case may be;

“conciliator” includes joint-conciliators;

“Designated Officer” means the officer of the Legal Office of the National Institutions of the Church of England designated by the Archbishops’ Council for the purposes of the Measure, who conducts the case on behalf of the complainant when the complaint is referred to the tribunal or the Vicar-General’s court, and who acts independently from the complainant, the respondent, the bishop, the archbishop, or any other person or body;

“party” and “parties” refer to the complainant and the respondent, except in Parts VI, VII, and VIII where they refer to the Designated Officer and the respondent.

“President” means the President of Tribunals;

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(a) 1963 No.1.

(b) 1978 No.1.

“provincial registrar” means the provincial registrar of the relevant province, or in the case of a complaint against an archbishop, the provincial registrar of the other province;

“registrar” means the diocesan registrar, or in the case of a complaint made against a bishop the provincial registrar, or in the case of a complaint made against an archbishop the provincial registrar of the other province;

“Registrar of Tribunals” means the registrar of tribunals for the relevant province;

“respondent” means the person in respect of whom disciplinary proceedings are instituted or intended to be instituted;

“the list” means the archbishops’ list compiled and maintained by the archbishops under section 38 of the Measure;

“the Measure” means the Clergy Discipline Measure 2003;

“tribunal” means a bishop’s disciplinary tribunal or a Vicar-General’s Court exercising its jurisdiction in disciplinary proceedings, as the case may be.

### Citation and commencement

**107.**—(1) These rules shall be known as the Clergy Discipline Rules 2005.

(2) These rules shall come into force on the day appointed under section 48(2) of the Measure for the coming into operation of section 8 of the Measure.

*S M C Cameron  
R M Baker  
T Briden  
W Hawkes  
J L Humphreys  
L P M Lennox  
J W S Litten  
+I Petriburg:  
V J H Rees  
J Rodgers  
+G Southwell:  
J D Tetley  
G H Webster*

Church House, London  
Approved by the General Synod on  
9th July 2005

*David Williams  
Clerk to the Synod*

## SCHEDULE

### FORMS

#### FORM 1a (Rule 4)

##### Clergy Discipline Measure 2003

##### Complaint under the Clergy Discipline Measure 2003 about a priest or deacon

*When your complaint is received by the bishop your name and address will be disclosed to the person you complain about ("the respondent") unless there are exceptional circumstances; if you believe there are very good reasons why your identity should not at this stage be revealed to the respondent, state below what those reasons are.*

*\*\*Telephone & e-mail details are optional, but it could be helpful to the registrar and bishop to have them.*

*Important Note: If the bishop does not dismiss your complaint the bishop will send it to the respondent for a response. At that stage your identity will be disclosed to the respondent.*

**To the Bishop of .....**

My full name is: .....

My contact address, including postcode, is: .....

\*\*My contact telephone number is: .....

\*\*My e-mail address is: .....

**I request the registrar to consider not disclosing my identity to the respondent at this stage, for the following exceptional reasons:**

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.....

##### **I wish to make a complaint of misconduct against:**

*State the name of the person you wish to complain about, and the position held by that person at the relevant time.*

Name: .....

Position held: .....

*State how you are entitled to make the complaint – fill in the gaps where appropriate, & tick one box only. If you have been nominated by the PCC you MUST attach a certified copy of the resolutions required under section 10(1)(a)(i) of the Clergy Discipline Measure.*

**I am entitled to make this complaint because:**

I have been nominated by the Parochial Church Council of ..... which has a proper interest in making the complaint, and I attach a certified copy of the resolution passed by the Parochial Church Council under section 10(1)(a)(i) of the Clergy Discipline Measure

*or*

I am a churchwarden of the parish of ..... which has a proper interest in making the complaint

*or*

I have a proper interest in making the complaint because:

*For example, you would have a proper interest, if you have personally observed or experienced the alleged misconduct.*

*By law no complaint can be made unless the misconduct occurred within the last 12 months. If there is good reason why you did not make a complaint within that time limit, you can apply to the President of Tribunals using form 1c for permission to extend it.*

**The misconduct about which I complain took place on the following date(s):**

.....  
.....  
.....  
.....  
.....

**The misconduct about which I complain is as follows:**

**Please note:**

*If your complaint concerns serious criminal conduct then you should report it to the police or other relevant body. If you do not, the bishop may be under a duty to do so.*

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*The matters about which you may complain are set out in section 8 of the Clergy Discipline Measure 2003.*

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*Summarise the facts of your complaint; include the names if known of anybody you refer to.*

**I attach written evidence in support of my complaint, consisting of the following statements and other documents:**

*You must provide evidence in support and send it with the complaint unless the bishop gives permission to send the evidence later. This evidence could be your own signed statement, which can be set out in this form or be in a separate document attached to it. You can also attach signed statements from witnesses. All witness statements should be in form 3 of the Clergy Discipline Rules. Letters or other material such as photographs may be submitted if relevant.*

1. ....
2. ....
3. ....
4. ....
5. ....
6. ....
7. ....
8. ....

*(Continue on a separate sheet if necessary)*

**I believe that the facts of my complaint are true**

*Unless you sign, the complaint cannot be considered.*

**Signed:**

**Dated:**

## FORM 1b (Rule 82)

## **Clergy Discipline Measure 2003**

## **Complaint under the Clergy Discipline Measure 2003 about a bishop or archbishop**

*When your complaint is received by the bishop your name and address will be disclosed to the person you complain about ("the respondent") unless there are exceptional circumstances; if you believe there are very good reasons why your identity should not at this stage be revealed to the respondent, state below what those reasons are.*

*\*\*Telephone & e-mail details are optional, but it could be helpful to the registrar and Archbishop to have them.*

*Important Note: If the Archbishop does not dismiss your complaint the Archbishop will send it to the respondent for a response. At that stage your identity will be disclosed to the respondent.*

To the Archbishop of .....

My full name is: .....

My contact address, including postcode, is:.....

\*\*My contact telephone number is:.....

\*\*My e-mail address is:.....

**I request the registrar to consider not disclosing my identity to the respondent at this stage, for the following exceptional reasons:**

I wish to make a complaint of misconduct against:

*State whom you wish to complain about.* Name: .....

The Bishop/ Archbishop of:.....

*State how you are entitled to make the complaint – fill in the gaps where appropriate, & tick one box only.*

*If you have been nominated by the Bishop's Council or the Archbishop's Council you MUST attach a certified copy of the resolutions required under section 10(1) of the Clergy Discipline Measure.*

*\*Delete where appropriate.*

*For example, you would have a proper interest, if you have personally observed or experienced the alleged misconduct.*

*By law no complaint can be made unless the misconduct occurred within the last 12 months. If there is good reason why you did not make a complaint within that time limit, you can apply to the President of Tribunals using form 1c for permission to extend it.*

**Please note:**  
*If your complaint concerns serious criminal conduct then you should report it to the police or other relevant body. If you do not, the Archbishop may be under a duty to do so.*

**I am entitled to make this complaint because:**

I have been nominated by the Bishop's Council of the Diocese of ..... , and I attach a certified copy of the resolution passed by the Council under s.10(1)(b)(i) of the Clergy Discipline Measure

or  
I have been nominated by the Archbishop's Council of the Diocese of \*Canterbury or \*York, and I attach a certified copy of the resolution passed by the Council under section 10(1)(c)(i) of the Clergy Discipline Measure

or

I have a proper interest in making the complaint because:

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**The misconduct about which I complain took place on the following date(s):**

.....  
.....

**The misconduct about which I complain is as follows:**

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*The matters about which you may complain are set out in section 8 of the Clergy Discipline Measure 2003.*

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*Summarise the facts of your complaint; include the names if known of anybody you refer to.*

**I attach written evidence in support of my complaint, consisting of the following statements and other documents:**

*You must provide evidence in support and send it with the complaint unless the Archbishop gives permission to send the evidence later. This evidence could be your own signed statement, which can be set out in this form or be in a separate document attached to it. You can also attach signed statements from witnesses. All witness statements should be in form 3 of the Clergy Discipline Rules. Letters or other material such as photographs may be submitted if relevant.*

1. ....
2. ....
3. ....
4. ....
5. ....
6. ....
7. ....
8. ....

*(Continue on a separate sheet if necessary)*

**I believe that the facts of my complaint are true**

*Unless you sign, the complaint cannot be considered.*

**Signed:**

**Dated:**

## FORM 1c (Rule 8)

### Clergy Discipline Measure 2003

#### Application for permission to make out of time a complaint of misconduct under the Clergy Discipline Measure 2003

##### To the President of Tribunals

My full name is:.....

My contact address, including postcode, is:.....  
.....  
.....

*\*\*Telephone & e-mail details are optional, but it could be helpful to the President to have them.*

\*\*My contact telephone number is:.....

\*\*My e-mail address is:.....

#### I wish to apply for permission to make out of time a complaint of misconduct against:

*State the name of the person you wish to complain about, and the position held by that person.*

Name:.....

Position held:.....

#### I am entitled to make this complaint because:

*State how you are entitled to make the complaint – fill in the gaps where appropriate, & tick one box only.*

I have been nominated by the Parochial Church Council of ..... which has a proper interest in making the complaint

*or*

I have been nominated by the \*Bishop's Council / \*Archbishop's Council of the diocese of .....

*or*

I am a churchwarden of the parish of ..... which has a proper interest in making the complaint

*or*

I have a proper interest in making the complaint because: .....

*For example, you would have a proper interest, if you have personally observed or experienced the alleged misconduct.*

**The misconduct about which I wish to complain took place on the following date(s):**

*Summarise the facts of your complaint.*

**Please note:**

*If your complaint concerns serious criminal conduct then you should report it to the police or other relevant body. If you do not, the President may be under a duty to do so.*

*The matters about which you may complain are set out in section 8 of the Clergy Discipline Measure 2003.*

**A summary of the misconduct about which I wish to complain is as follows:**

**The reasons why I have not made the complaint within one year are:**

*Explain why you did not complain **within the period of one year** after the alleged misconduct or, if applicable, within one year after the last instance of misconduct in the case of a series of acts or omissions.*

**I believe that the facts of my application and the complaint which I wish to make are true**

*Unless you sign, the application cannot be considered.*

Signed:

Dated:

## FORM 1d (Rule 92)

## **Clergy Discipline Measure 2003**

## **Complaint under the Clergy Discipline Measure 2003 about a clerk in holy orders serving in a cathedral church**

*When your complaint is received by the bishop your name and address will be disclosed to the person you complain about ("the respondent") unless there are exceptional circumstances; if you believe there are very good reasons why your identity should not at this stage be revealed to the respondent, state below what those reasons are.*

To the Bishop of .....

My full name is: .....

My contact address, including postcode, is:.....

*\*\*Telephone & e-mail details are optional, but it could be helpful to the registrar and bishop to have them.*

**\*\*My contact telephone number is:** .....

**\*\*My e-mail address is:** .....

**I request the registrar to consider not disclosing my identity to the respondent at this stage, for the following exceptional reasons:**

*Important Note: If the bishop does not dismiss your complaint the bishop will send it to the respondent for a response. At that stage your identity will be disclosed to the respondent.*

**I wish to make a complaint of misconduct against:**

*State the name of the person you wish to complain about, and the cathedral church where that person served at the relevant time.*

Name: .....

Cathedral:.....

*State how you are entitled to make the complaint – fill in the gaps where appropriate, & tick one box only.*

*If you have been nominated by the Cathedral Council you MUST attach a certified copy of the relevant resolutions.*

*If the bishop has determined that you have a proper interest in making the complaint you MUST attach the bishop's written determination.*

*By law no complaint can be made unless the misconduct occurred within the last 12 months. If there is good reason why you did not make a complaint within that time limit, you can apply to the President of Tribunals using form 1c for permission to extend it.*

**I am entitled to make this complaint because:**

1

I have been nominated by the Council of the Cathedral Church of ..... and I attach a certified copy of the resolution passed by the Council under Rule 92 of the Clergy Discipline Rules 2005

1

The bishop has determined that I have a proper interest in making the complaint. I attach the bishop's signed written determination

**The misconduct about which I complain took place on the following date(s):**

**The misconduct about which I complain is as follows:**

*Please note:*

*If your complaint concerns serious criminal conduct then you should report it to the police or other relevant body. If you do not, the bishop may be under a duty to do so.*

*The matters about which you may complain are set out in section 8 of the Clergy Discipline Measure 2003.*

*Summarise the facts of your complaint; include the names if known of anybody you refer to.*

**I attach written evidence in support of my complaint, consisting of the following statements and other documents:**

*You must provide evidence in support and send it with the complaint unless the bishop gives permission to send the evidence later. This evidence could be your own signed statement, which can be set out in this form or be in a separate document attached to it. You can also attach signed statements from witnesses. All witness statements should be in form 3 of the Clergy Discipline Rules. Letters or other material such as photographs may be submitted if relevant.*

1. ....
2. ....
3. ....
4. ....
5. ....
6. ....
7. ....
8. ....

*(Continue on a separate sheet if necessary)*

**I believe that the facts of my complaint are true**

*Unless you sign, the complaint cannot be considered.*

**Signed:**

**Dated:**

## FORM 1e (Rule 93)

## **Clergy Discipline Measure 2003**

## **Complaint under the Clergy Discipline Measure 2003 about a chaplain of a prison, hospital, university, school or other institution**

*When your complaint is received by the bishop your name and address will be disclosed to the person you complain about ("the respondent") unless there are exceptional circumstances; if you believe there are very good reasons why your identity should not at this stage be revealed to the respondent, state below what those reasons are.*

To the Bishop of .....

My full name is: .....

My contact address, including postcode, is: .....

*\*\*Telephone & e-mail details are optional, but it could be helpful to the registrar and bishop to have them.*

**\*\*My contact telephone number is:** \_\_\_\_\_

**\*\*My e-mail address is:** .....

**I request the registrar to consider not disclosing my identity to the respondent at this stage, for the following exceptional reasons:**

*Important Note: If the bishop does not dismiss your complaint the bishop will send it to the respondent for a response. At that stage your identity will be disclosed to the respondent.*

**I wish to make a complaint of misconduct against:**

*State the name of the person you wish to complain about, and the position held by that person at the relevant time.*

Name: .....

Position held:

*You **MUST** attach the written authorisation from the bishop.*

*By law no complaint can be made unless the misconduct occurred within the last 12 months. If there is good reason why you did not make a complaint within that time limit, you can apply to the President of Tribunals using form 1c for permission to extend it.*

**I am entitled to make this complaint because I have been authorised in writing by the Bishop to institute these proceedings, and I attach the signed written authorisation**

**The misconduct about which I complain took place on the following date(s):**

The misconduct about which I complain is as follows:

*The matters about which you may complain are set out in section 8 of the Clergy Discipline Measure 2003.*

*Summarise the facts of your complaint; include the names if known of anybody you refer to.*

**I attach written evidence in support of my complaint, consisting of the following statements and other documents:**

*You must provide evidence in support and send it with the complaint unless the bishop gives permission to send the evidence later. This evidence could be your own signed statement, which can be set out in this form or be in a separate document attached to it. You can also attach signed statements from witnesses. All witness statements should be in form 3 of the Clergy Discipline Rules. Letters or other material such as photographs may be submitted if relevant.*

1. ....
2. ....
3. ....
4. ....
5. ....
6. ....
7. ....
8. ....

*(Continue on a separate sheet if necessary)*

**I believe that the facts of my complaint are true**

*Unless you sign, the complaint cannot be considered.*

**Signed:**

**Dated:**

## FORM 1f (Rule 94)

### Clergy Discipline Measure 2003

#### Complaint under the Clergy Discipline Measure 2003 about a chaplain of one of the armed forces of the Crown

*When your complaint is received by the bishop your name and address will be disclosed to the person you complain about ("the respondent") unless there are exceptional circumstances; if you believe there are very good reasons why your identity should not at this stage be revealed to the respondent, state below what those reasons are.*

*\*\*Telephone & e-mail details are optional, but it could be helpful to the registrar and the Archbishop to have them.*

*Important Note: If the Archbishop does not dismiss your complaint the Archbishop will send it to the respondent for a response. At that stage your identity will be disclosed to the respondent.*

#### To the Archbishop of Canterbury

My full name is: .....

My contact address, including postcode, is:  
.....  
.....  
.....

\*\*My contact telephone number is: .....

\*\*My e-mail address is: .....

**I request the registrar to consider not disclosing my identity to the respondent at this stage, for the following exceptional reasons:**

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#### I wish to make a complaint of misconduct against:

*State the name of the person you wish to complain about, and the position held by that person at the relevant time.*

Name: .....

Position held: .....

*You **MUST** attach the written determination from the Archbishop.*

**I am entitled to make this complaint because the Archbishop of Canterbury has determined that I have a proper interest in doing so, and I attach the signed written determination**

*By law no complaint can be made unless the misconduct occurred within the last 12 months. If there is good reason why you did not make a complaint within that time limit, you can apply to the President of Tribunals using form Jc for permission to extend it.*

**The misconduct about which I complain took place on the following date(s):**

**Please note:**  
*If your complaint concerns serious criminal conduct then you should report it to the police or other relevant body. If you do not, the Archbishop may be under a duty to do so.*

**The misconduct about which I complain is as follows:**

*The matters about which you may complain are set out in section 8 of the Clergy Discipline Measure 2003.*

*Summarise the facts of your complaint; include the names if known of anybody you refer to.*

**I attach written evidence in support of my complaint, consisting of the following statements and other documents:**

*You must provide evidence in support and send it with the complaint unless the Archbishop gives permission to send the evidence later. This evidence could be your own signed statement, which can be set out in this form or be in a separate document attached to it. You can also attach signed statements from witnesses. All witness statements should be in form 3 of the Clergy Discipline Rules. Letters or other material such as photographs may be submitted if relevant.*

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2. ....
3. ....
4. ....
5. ....
6. ....
7. ....
8. ....

*(Continue on a separate sheet if necessary)*

**I believe that the facts of my complaint are true**

*Unless you sign, the complaint cannot be considered.*

**Signed:**

**Dated:**

## FORM 1g (Rules 95 and 96)

### Clergy Discipline Measure 2003

#### Complaint under the Clergy Discipline Measure 2003 about a minister who has an archbishop's licence to preach throughout the province, or a minister who has a licence from the University of Oxford or Cambridge

*When your complaint is received by the bishop your name and address will be disclosed to the person you complain about ("the respondent") unless there are exceptional circumstances; if you believe there are very good reasons why your identity should not at this stage be revealed to the respondent, state below what those reasons are.*

*\*\*Telephone & e-mail details are optional, but it could be helpful to the registrar and the Archbishop to have them.*

**Important Note:** If the Archbishop does not dismiss your complaint the Archbishop will send it to the respondent for a response. At that stage your identity will be disclosed to the respondent.

**To the Archbishop of** .....

My full name is: .....

My contact address, including postcode, is: .....

\*\*My contact telephone number is: .....

\*\*My e-mail address is: .....

**I request the registrar to consider not disclosing my identity to the respondent at this stage, for the following exceptional reasons:**

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#### **I wish to make a complaint of misconduct against:**

*State the name of the person you wish to complain about, and the position held by that person at the relevant time.*

Name: .....

Position held: .....

*You **MUST** attach the written authorisation from the Archbishop.*

*By law no complaint can be made unless the misconduct occurred within the last 12 months. If there is good reason why you did not make a complaint within that time limit, you can apply to the President of Tribunals using form 1c for permission to extend it.*

**I am entitled to make this complaint because I have been authorised in writing by the Archbishop to institute these proceedings, and I attach the signed written authorisation**

**The misconduct about which I complain took place on the following date(s):**

The misconduct about which I complain is as follows:

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*The matters about which you may complain are set out in section 8 of the Clergy Discipline Measure 2003.*

*Summarise the facts of your complaint; include the names if known of anybody you refer to.*

**I attach written evidence in support of my complaint, consisting of the following statements and other documents:**

*You must provide evidence in support and send it with the complaint unless the Archbishop gives permission to send the evidence later. This evidence could be your own signed statement, which can be set out in this form or be in a separate document attached to it. You can also attach signed statements from witnesses. All witness statements should be in form 3 of the Clergy Discipline Rules. Letters or other material such as photographs may be submitted if relevant*

1. ....
2. ....
3. ....
4. ....
5. ....
6. ....
7. ....
8. ....

*(Continue on a separate sheet if necessary)*

**I believe that the facts of my complaint are true**

*Unless you sign, the complaint cannot be considered.*

**Signed:**

**Dated:**

## FORM 2 (Rule 17)

### Clergy Discipline Measure 2003 Respondent's answer to a Complaint

**IMPORTANT NOTICE: IF THIS ANSWER IS NOT RETURNED WITHIN 21 DAYS THE BISHOP /ARCHBISHOP MAY NONETHELESS PROCEED TO DETERMINE WHICH COURSE TO PURSUE UNDER THE MEASURE IN RESPECT OF THE COMPLAINT**

*\*Delete as appropriate.*    **To the \*Bishop/\*Archbishop of.....**

My full name is:.....

My contact address, including postcode, is:.....

My telephone number is:.....

*\*\*E-mail address is optional.*    **\*\*My e-mail address is:.....**

My place of ministry is:.....

*Enter the name of the complainant and the date the complaint was made.*  
I have read the complaint of:.....  
dated:.....

*Please tick one box only, and enter reasons where appropriate.*

**I admit the misconduct alleged in the complaint**

*or*

**I admit the following misconduct alleged in the complaint:**

.....  
.....  
.....

**but deny the other alleged misconduct because:**

.....  
.....  
.....

*or*

**I deny the misconduct alleged in the complaint because:**

.....  
.....  
.....

*Briefly summarise your reasons for denying the other alleged misconduct.*

*Briefly summarise your reasons for denying the alleged misconduct.*

**A summary of my version of events is as follows:**

*Briefly summarise the facts of your case. The evidence which you send in support of your answer (see below) should go into greater detail.*

**In mitigation for the misconduct which I admit, I wish to say:**

*If you admit the misconduct, or some of the alleged misconduct, then state here any factors you wish the bishop to bear in mind when deciding on the appropriate course of action.*

**The written evidence in support of my answer is attached, and consists of the following statements and other documents:**

*You may provide evidence in support of your answer. This evidence could be your own signed statement, which can be set out in this form or be in a separate document attached to it. You can also attach signed statements from witnesses. All witness statements should be in form 3 of the Clergy Discipline Rules. Letters or other material such as photographs may be submitted if relevant.*

1. ....
2. ....
3. ....
4. ....
5. ....
6. ....
7. ....
8. ....

*(Continue on a separate sheet if necessary)*

**I believe that the facts of my answer are true**

*You must sign your answer.*

**Signed:**

**Dated:**

### FORM 3 (Rules 6 and 17)

## **Clergy Discipline Measure 2003**

## **Statement in support of a Complaint, or in support of an Answer to a Complaint**

*Box for use only  
by the Registrar of  
Tribunals*      *Statement submitted by:  
Name of maker of statement:*

## **In the matter of the complaint**

*Enter the name of the complainant.* made by.....

*Enter the name of the member of the clergy about whom a complaint is made.* against.....

My full name is:.....

My contact address, including postcode, is: .....

*\*\*Telephone & e-mail details are optional, but it could be helpful to the registrar and bishop to have them.*

\*\*My telephone number is:.....

**\*\*My e-mail address is:** \_\_\_\_\_

**The matters in this statement to which I refer are all within my own knowledge, except where I indicate otherwise. If anything is not within my own knowledge then I set out the source of any matters of information and belief:**

*You must explain in your statement how you know about each of the matters you describe, unless you know about them because you have personally seen or observed them.*

(Continue on a separate sheet or sheets if necessary. State here how many additional sheets you are attaching: ..... Please number all such additional sheets)

**I believe the facts in my statement to be true. I am aware that the contents of this statement may be made public**

*You must sign and date this statement.*

**Signed:**

**Dated:**

#### FORM 4 (Rule 16)

## **Clergy Discipline Measure 2003**

## **Request by a complainant to the President of Tribunals to review the dismissal of a complaint under section 11**

## To the President of Tribunals

*Enter the full name of  
the member of clergy  
about whom you  
complain.*

**In the matter of my complaint against.....**

My full name is:.....

My contact address, including postcode, is:.....

*\*\*Telephone & e-mail details are optional, but it could be helpful to the President to have them.*

\*\*My telephone number is: .....

\*\*My e-mail address is:.....

*\*Delete as appropriate, identify the bishop or archbishop who dismissed your complaint, and state the date of the notice of dismissal.*

*\*Delete as applicable.*

**Under section 11(4) of the Measure I request a review of the decision  
of the \*bishop/\*archbishop of .....**  
**dated .....** **dismissing my complaint.**

**dated**.....**dismissing my complaint.**

**The reasons why I believe the \*bishop/\*archbishop was wrong to dismiss my complaint are as follows:**

You must send copies of  
these documents to the  
President with your  
request for a review.

**I attach copies of the following documents:**

- (i) the complaint
- (ii) the written evidence which was submitted to the bishop in support of the complaint
- (iii) the registrar's report
- (iv) the bishop's notice of dismissal

You must sign and date  
this request.

**Signed:**

**Dated:**

## FORM 5 (Rule 21)

## **Clergy Discipline Measure 2003**

### **Referral by a complainant to the President of Tribunals to consider a determination that there is to be no further action**

## To the President of Tribunals

*Enter the full name of  
the member of clergy  
about whom you  
complain.*

**In the matter of my complaint against .....**

My full name is:.....

My contact address, including postcode, is:.....

*\*\*Telephone & e-mail details are optional, but it could be helpful to the President to have them.*

\*\*My telephone number is: .....

**\*\*My e-mail address is:.....**

*\*Delete as appropriate,  
identify the bishop or  
archbishop who dealt  
with your complaint,  
and state the date of the  
determination*

**Under section 13(3) of the Measure I refer to you for consideration the determination of the \*bishop/\*archbishop of .....**  
**dated ..... that there is to be no further action.**

*\*Delete as applicable.*

**The reasons why I believe the \*bishop / \*archbishop was wrong to determine that there is to be no further action in respect of my complaint are as follows:**

*You must send copies of these documents to the President with your request for a review.*

**I attach copies of the following documents:**

- (i) the complaint
- (ii) the respondent's response
- (iii) the written evidence in support of each
- (iv) the registrar's report
- (v) the bishop's determination

*You must sign and date this request.*

**Signed:**

**Dated:**

## FORM 6 (Rule 23)

### Clergy Discipline Measure 2003 Respondent's consent to a conditional deferment

\*Delete as appropriate. **To the \*Bishop/\*Archbishop of .....**

*Enter the name of the complainant) and the date the complaint was made.*

**In the matter of the complaint made by.....**  
**and dated.....**

*Insert full name.* **I,.....**

*Insert full home address.* **of.....**  
.....

**confirm as follows:**

- (i) I have read and understood the complaint made against me, and**
- (ii) I understand that the complaint and the conditional deferment will be notified to the archbishop and the registrar and will remain on record for ..... years from the date of this consent**
- (iii) I also understand that, if another complaint is made against me during that time, this complaint and that other complaint may be dealt with together under section 12(1)(c), (d) or (e) of the Clergy Discipline Measure 2003, and that penalties including prohibition may be imposed in respect of this complaint, and**
- (iv) I consent to the conditional deferment of the complaint**

*You must sign and date this form of consent.*

**Signed:**  
**Dated:**

## FORM 7 (Rule 27)

### Clergy Discipline Measure 2003 Respondent's consent to a penalty

*\*The bishop or archbishop is to complete this section before sending it to the respondent, including the name of the complainant.*

*The respondent must complete this section entering full name and full home address.*

To the \*Bishop/\*Archbishop of .....

In the matter of the complaint made by .....

and dated .....

I,.....  
of.....  
.....

accept and confirm as follows:

I have read and understood the complaint made against me, and

*The respondent should tick one box only as appropriate.*

I admit the misconduct as set out in the complaint

or

I admit the following misconduct referred to in the complaint:

.....  
.....  
.....

In respect of the misconduct which I admit

*\*BEFORE this form is sent to the respondent to be signed, the bishop or archbishop MUST delete and complete this section as appropriate, including entering the date the penalty is to start or the resignation is to take effect.*

*\*\* The bishop or archbishop should delete this unless the penalty is prohibition for life or resignation. The respondent must sign and date this form of consent.*

\*I consent to a penalty of .....  
starting on .....

or

\*I agree to resign with effect from .....  
as discussed and agreed with the \*Bishop/ \*Archbishop

\*\*I have been advised that I may withdraw my consent by notifying the bishop in writing within 7 days of today

Signed:

Dated:

## FORM 8 (Rule 31)

# **Clergy Discipline Measure 2003**

## **Notice of Application to the Registrar of Tribunals**

*Box for use only by the Registrar of Tribunals*      *Complaint number:*  
*Application by:*

## To the Registrar of Tribunals

## **In the matter of the complaint**

*Enter the  
complainant's name.* made by .....

*Enter the respondent's name.* against.....

*\*Delete if inapplicable.* I, \*[on behalf of] the respondent, wish to apply for an order that:

*State the order or directions that you seek; you may attach a draft of the order or directions.*

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**for the following reasons:**

*State your reasons for applying.* .....

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I would prefer the application to be dealt with:

- \*  at a hearing, or
- \*  by telephone hearing, or
- \*  in writing

*You must send a copy to the Designated Officer.*

**I am sending a copy of this application notice to the Designated Officer.**

*Enter your own address and postcode.*

My address including postcode is:

.....  
.....

*Enter your details here as applicable.*

My telephone no. is.....

My DX no. is.....

*Providing an e-mail address is optional.*

My e-mail address is.....

*The application must be signed by the respondent or the representative of the respondent - state whether you are the respondent, or the representative of the respondent.*

**Signed:**

**Dated:**

**Capacity:**

## FORM 9 (Rule 31)

## **Clergy Discipline Measure 2003**

### **Response to an Application to the Registrar of Tribunals**

*Box for use only by the Registrar of Tribunals*      *Complaint number:*  
*Application by:*

## To the Registrar of Tribunals

## **In the matter of the complaint**

*Enter the complainant's name.* made by.....

*Enter the respondent's name.* against.....

**In response to an application dated.....**

**made by**.....

*\*Delete if inapplicable.* I, \*[on behalf of] the respondent

\*\*  **consent to the application**

\*\* [redacted] wish to oppose all of the application

\*\*  wish to oppose part of the application

**for the following reasons:**

*Give your reasons in brief for your response above, and if you oppose only part of the application, state which part.*

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I would prefer the application to be dealt with:

- \*  at a hearing, or
- \*  by telephone hearing, or
- \*  in writing

\*Tick **one** box only.

**You must send a copy to the Designated Officer.**

**I am sending a copy of this response to the Designated Officer.**

My address including postcode is:

Enter your own address and postcode.

.....  
.....

Enter your details here as applicable.

My telephone no. is.....

My DX no. is.....

Providing an e-mail address is optional.

My e-mail address is.....

The application must be signed by the respondent or the representative of the respondent - state whether you are the respondent, or the representative of the respondent.

**Signed:**

**Dated:**

**Capacity:**

## FORM 10 (Rule 34)

### Clergy Discipline Measure 2003 Notice in respect of the production of documents

\*Delete as appropriate. From the \*Registrar of Tribunals/ Chair of the Bishop's Disciplinary Tribunal/ \*Vicar-General

Enter the name and address of the person who has the possession or control of the required documents.

To: .....

Of: .....

#### A complaint has been made under the Clergy Discipline Measure 2003

Enter the complainant's name.

by .....

Enter the respondent's name.

against .....

\*Delete as appropriate. and has been referred to \*the bishop's disciplinary tribunal / \* the court of the Vicar-General for determination.

**It appears that you are in possession or control of the documents specified or described in the appendix overleaf. It is necessary for those documents to be produced for the complaint to be dealt with fairly.**

Enter the date and place of the appointment, and state whether it is before the Registrar of Tribunals, the Chair of the tribunal or the Vicar-General.

You are requested to attend an appointment on .....

at .....

before .....

to give reasons as to why you should not be ordered to produce the documents specified or described in the appendix

**You need not attend the appointment if you do not object to producing the documents or if you send not less than ..... days before the appointment written objections explaining why you should not be ordered to produce the documents. Any objections must be sent to:**

Enter to whom and where any written objections are to be sent.

.....

at .....

.....

**If you do not attend the appointment, and do not send any written objections, an order may be made requiring you to produce the documents.**

PLEASE TURN OVER

*Specify or describe the  
relevant documents.*

## **APPENDIX**

**Signed:**

**Office held:**

**Dated:**

## FORM 11 (Rule 34)

### Clergy Discipline Measure 2003 Order to produce documents

\*Delete as appropriate. **From the \*Registrar of Tribunals/ Chair of the Bishop's Disciplinary Tribunal/ \*Vicar-General**

*Enter the name and address of the person who is being ordered to produce the documents.*

**To:** .....

**Of:** .....

#### A complaint has been made under the Clergy Discipline Measure 2003

*Enter the complainant's name.*

by.....

*Enter the respondent's name.*

against.....

\*Delete as appropriate. and has been referred to \*the bishop's disciplinary tribunal / \* the court of the Vicar-General for determination

**It appears that you are in possession or control of the documents specified or described in the appendix overleaf. It is necessary for those documents to be produced for the complaint to be dealt with fairly.**

*State the date the order was made, and who made it.*

**An order was made on ..... by .....  
requiring you to produce those documents for inspection by:**

*Enter the name of the person(s) who may inspect the documents, and the time and date by when the documents must be produced.*

.....

**on or before:** .....

and to allow copies of those documents to be taken for the purposes of these proceedings under the Clergy Discipline Measure 2003

**IMPORTANT NOTICE:  
YOU MUST OBEY THIS ORDER. IF YOU DO NOT OBEY IT YOU WILL BE IN CONTEMPT OF THE \*TRIBUNAL /\* COURT, AND MAY BE SENT TO PRISON OR FINED, OR BOTH**

\*Delete as appropriate.

PLEASE TURN OVER

## **APPENDIX**

*Specify or describe the documents which are to be produced.*

**You are required to produce the following documents:**

**Signed:**

**Office held:**

**Dated:**

FORM 12a (Rule 60)

**Clergy Discipline Measure 2003**

**Notice of suspension under section 36(1)(a) of the Measure to a priest or deacon**

*Insert the name of the person to be suspended.*

*Enter the name of the complainant.*

**To:** .....

**A complaint has been made by** .....

*dated:* .....

*Enter the date from when the suspension takes effect.*

**SUSPENSION DOES NOT MEAN ANY VIEW HAS BEEN FORMED AS TO WHETHER THE COMPLAINT OF MISCONDUCT IS TRUE OR LIKELY TO BE TRUE**

**AS A RESULT OF BEING SUSPENDED, YOU WILL NOT BE PREJUDICED IN THE STEPS WHICH WILL NOW BE TAKEN UNDER THE CLERGY DISCIPLINE MEASURE 2003 IN RESPECT OF THE COMPLAINT**

**ANY RIGHT TO A STIPEND AND HOUSING WILL NOT BE AFFECTED DURING ANY PERIOD OF SUSPENSION**

Unless revoked the suspension will continue until the expiry of the period of three months following the date of service of this notice on you or until the complaint has been heard and determined, whichever occurs earlier. If the complaint has not been heard and determined before the expiry of that period, further successive notices of suspension, which may be in different terms from any previous notice, may be served on you for similar periods until the complaint has been heard and determined.

**The effect of the suspension is that you are forbidden to exercise or perform without my permission any right or duty of or incidental to the office of \*priest or \*deacon EXCEPT the following rights or duties:**

*\*Delete as appropriate.*

*Enter here the rights and duties which the suspended person MAY exercise or perform WITHOUT having to seek permission first.*

**You may appeal against this suspension to the President of Tribunals. Any appeal must be in writing setting out the grounds of appeal, and must be received by the President, c/o The Legal Office of the National Institutions of the Church of England, within 14 days from when the suspension takes effect. The President may within 28 days after receipt of your written appeal either confirm or revoke the suspension.**

If you need further clarification about this notice of suspension you should contact the registrar. You may also wish to contact your own legal advisor.

*The notice must be signed and dated.*

**Signed** .....

**Bishop of** .....

**Dated** .....

## FORM 12b (Rule 85)

### Clergy Discipline Measure 2003

#### Notice of suspension under section 37(1)(a) of the Measure to a bishop or archbishop

*Insert the name of the person to be suspended.*

**To:** .....

*Enter the name of the complainant.*

**A complaint has been made by** .....

*dated:* .....

*Enter the date from when the suspension takes effect.*

**You are now suspended with effect from** .....

**SUSPENSION DOES NOT MEAN ANY VIEW HAS BEEN FORMED AS TO WHETHER THE COMPLAINT OF MISCONDUCT IS TRUE OR LIKELY TO BE TRUE**

**AS A RESULT OF BEING SUSPENDED, YOU WILL NOT BE PREJUDICED IN THE STEPS WHICH WILL NOW BE TAKEN UNDER THE CLERGY DISCIPLINE MEASURE 2003 IN RESPECT OF THE COMPLAINT**

**ANY RIGHT TO A STIPEND AND HOUSING WILL NOT BE AFFECTED DURING ANY PERIOD OF SUSPENSION**

Unless revoked the suspension will continue until the expiry of the period of three months following the date of service of this notice on you or until the complaint has been heard and determined, whichever occurs earlier. If the complaint has not been heard and determined before the expiry of that period, further successive notices of suspension, which may be in different terms from any previous notice, may be served on you for similar periods until the complaint has been heard and determined.

**The effect of the suspension is that you are forbidden to exercise or perform without my permission any right or duty of or incidental to the office of \*bishop or \*archbishop EXCEPT the following rights or duties:**

*\*Delete as appropriate.*

*Enter here the rights and duties which the suspended person MAY exercise or perform WITHOUT having to seek permission first.*

**You may appeal against this suspension to the President of Tribunals. Any appeal must be in writing setting out the grounds of appeal, and must be received by the President, c/o The Legal Office of the National Institutions of the Church of England, within 14 days from when the suspension takes effect. The President may within 28 days after receipt of your written appeal either confirm or revoke the suspension.**

If you need further clarification about this notice of suspension you should contact the registrar. You may also wish to contact your own legal advisor.

*The notice must be signed and dated.*

**Signed** .....

**Archbishop of** .....

**Dated** .....

**Countersigned** .....

**Bishop of** .....

**Dated** .....

**Countersigned** .....

**Bishop of** .....

**Dated** .....

*This notice must be countersigned by the two most senior diocesan bishops of the province of the archbishop giving the notice, to signify their consent.*

## FORM 13a (Rule 61)

### Clergy Discipline Measure 2003

#### Notice of suspension under section 36(1)(b) of the Measure to a priest or deacon

*Insert the name of the person to be suspended.* **To:** .....

*Insert the suspected offence.* You have been arrested on suspicion of committing a criminal offence namely:.....

*Enter the date from when the suspension takes effect.* **You are now suspended with effect from** .....

**SUSPENSION DOES NOT MEAN ANY VIEW HAS BEEN FORMED AS TO WHETHER THE ALLEGATION OF CRIMINAL CONDUCT IS TRUE OR LIKELY TO BE TRUE**

**I WILL AWAIT THE OUTCOME OF THE CRIMINAL PROCEEDINGS BEFORE DECIDING WHETHER DISCIPLINARY ACTION IS APPROPRIATE UNDER THE CLERGY DISCIPLINE MEASURE 2003**

**ANY RIGHT TO A STIPEND AND HOUSING WILL NOT BE AFFECTED DURING ANY PERIOD OF SUSPENSION**

Unless revoked the suspension will continue until the expiry of the period of three months following the date of service of this notice on you or until the proceedings for the criminal offence have been concluded, whichever occurs earlier. If the criminal proceedings have not been concluded before the expiry of that period, further successive notices of suspension, which may be in different terms from any previous notice, may be served on you for similar periods until the conclusion of the criminal proceedings.

**The effect of the suspension is that you are forbidden to exercise or perform without my permission any right or duty of or incidental to the office of \*priest or \*deacon EXCEPT the following rights or duties:**

*\*Delete as appropriate.*

*Enter here the rights and duties which the suspended person MAY exercise or perform WITHOUT having to seek permission first.*

**You may appeal against this suspension to the President of Tribunals. Any appeal must be in writing setting out the grounds of appeal, and must be received by the President, c/o The Legal Office of the National Institutions of the Church of England, within 14 days from when the suspension takes effect. The President may within 28 days after receipt of your written appeal either confirm or revoke the suspension.**

If you need further clarification about this notice of suspension you should contact the registrar. You may also wish to contact your own legal advisor.

*The notice must be signed and dated.*

**Signed** .....

**Bishop of** .....

**Dated** .....

## FORM 13b (Rule 86)

### Clergy Discipline Measure 2003

#### Notice of suspension under section 37(1)(b) of the Measure to a bishop or archbishop

*Insert the name of the person to be suspended.* **To:** .....

*Insert the suspected offence.* You have been arrested on suspicion of committing a criminal offence namely: .....

*Enter the date from when the suspension takes effect.* **You are now suspended with effect from** .....

**SUSPENSION DOES NOT MEAN ANY VIEW HAS BEEN FORMED AS TO WHETHER THE ALLEGATION OF CRIMINAL CONDUCT IS TRUE OR LIKELY TO BE TRUE**

**I WILL AWAIT THE OUTCOME OF THE CRIMINAL PROCEEDINGS BEFORE DECIDING WHETHER DISCIPLINARY ACTION IS APPROPRIATE UNDER THE CLERGY DISCIPLINE MEASURE 2003**

**ANY RIGHT TO A STIPEND AND HOUSING WILL NOT BE AFFECTED DURING ANY PERIOD OF SUSPENSION**

Unless revoked the suspension will continue until the expiry of the period of three months following the date of service of this notice on you or until the proceedings for the criminal offence have been concluded, whichever occurs earlier. If the criminal proceedings have not been concluded before the expiry of that period, further successive notices of suspension, which may be in different terms from any previous notice, may be served on you for similar periods until the conclusion of the criminal proceedings.

*\*Delete as appropriate.*

**The effect of the suspension is that you are forbidden to exercise or perform without my permission any right or duty of or incidental to the office of \*bishop or \*archbishop EXCEPT the following rights or duties:**

*Enter here the rights and duties which the suspended person MAY exercise or perform WITHOUT having to seek permission first.*

**You may appeal against this suspension to the President of Tribunals. Any appeal must be in writing setting out the grounds of appeal, and must be received by the President, c/o The Legal Office of the National Institutions of the Church of England, within 14 days from when the suspension takes effect. The President may within 28 days after receipt of your written appeal either confirm or revoke the suspension.**

If you need further clarification about this notice of suspension you should contact the registrar. You may also wish to contact your own legal advisor.

*The notice must be signed and dated.*

**Signed** .....

**Archbishop of** .....

**Dated** .....

**Countersigned** .....

**Bishop of** .....

**Dated** .....

**Countersigned** .....

**Bishop of** .....

**Dated** .....

*This notice must be countersigned by the two most senior diocesan bishops of the province of the archbishop giving the notice, to signify their consent.*

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

These rules are made pursuant to section 45 of the Clergy Discipline Measure 2003 for the purposes of carrying into effect the provisions of the Measure. They provide a code of procedure for the determination under the Measure of formal complaints alleging misconduct against a clerk in Holy Orders other than in relation to matters involving doctrine, ritual or ceremonial.