

SUSPENSION APPEALS (CHURCHWARDENS ETC.) RULES 2016

EXPLANATORY MEMORANDUM

Introduction

1. Sections 2 and 3 of the Safeguarding and Clergy Discipline Measure 2016 ('the 2016 Measure') enable the diocesan bishop to suspend churchwardens, and PCC members and officers, if the bishop is satisfied on information received from the police or local authority that the person concerned presents a significant risk towards children or vulnerable adults. The suspended person has a right to appeal to the President of Tribunals against the suspension.
2. Paragraphs 4 and 5 of Amending Canon No. 34 give the diocesan bishop similar powers in respect of licensed readers and lay workers. There is a similar right to appeal to the President of Tribunals against the suspension.
3. Section 4 of the 2016 Measure amends the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 so that the Rule Committee may make rules regulating the procedure for appeals in these cases.

Explanation of the Suspension Appeals (Churchwardens etc.) Rules 2016

4. The rules are in five parts. Part 1 is for appeals by churchwardens; part 2 for appeals by members, secretaries or treasurers of a PCC, and by members of a district council or synod; part 3 for appeals by licensed readers; part 4 for appeals by licensed lay workers; and part 5 contains miscellaneous provisions which apply to all four parts.
5. **Rule 1.1(1)** provides that an appeal by a churchwarden to the President of Tribunals shall be made in writing within 21 days of receipt of the notice of suspension.
6. **Rule 1.1(2)** requires a written appeal to set out the grounds of the appeal, and for a copy of the notice of suspension to be attached.
7. Under **rule 1.1(3)** a copy of the written appeal is to be given to the bishop by the appellant.
8. **Rule 1.1(4)** provides that the bishop may submit to the President written comments in answer to the appeal, and must give a copy of any such comments to the appellant.
9. **Rule 1.2** makes provision for the President's decision. Under **rule 1.2(1)** the President may either confirm or revoke a suspension within 28 days of the appeal being lodged. **Rule 1.2(2)** provides that the President's decision is to be in writing, and a copy is to be given to the appellant and to the bishop. Where the President revokes a suspension, **rule 1.2(3)** requires the bishop to notify in writing each person who was given written

notification of the suspension, and **rule 1.2(4)** provides for the diocesan registrar to file a copy of the written notice of revocation in the diocesan registry.

10. The rules in **parts 2, 3 and 4** make similar provision as above for appeals by PCC members etc, licensed readers and lay workers.
11. **Rule 5.1(1)** makes provision as to how documents are to be sent or delivered under these rules.
12. **Rule 5.2(2)** enables the President to extend any time limit specified under the rules, even if the time limit has already expired.
13. Under **rule 5.3** there is no stay of suspension pending the determination of an appeal.
14. **Rule 5.4** and **rule 5.5** contain provisions relating to interpretation, citation and commencement.

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