

CLERGY DISCIPLINE MEASURE 2003 PRACTICE DIRECTION

ADDRESSING THE TRIBUNAL IN RELATION TO PENALTIES

Sir John Mummery, President of Tribunals, issued the following Practice Direction pursuant to section 4(2) of the Clergy Discipline Measure 2003:-

Introduction and Background

1. This Practice Direction is issued in accordance with the overriding objective to enable formal disciplinary proceedings brought under the Clergy Discipline Measure ('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. It applies to a bishop's disciplinary tribunal and to the court of the Vicar-General (in this Practice Direction referred to collectively as 'the tribunal').
2. In March 2006 the Clergy Discipline Commission published guidance on penalties, and emphasised that the administration of discipline involves considering both the position of the individual member of the clergy and also the wider picture. The Commission reiterated paragraph 4 of the Code of Practice that the wider picture requires the administration of discipline to (a) have regard to the interests of justice for all who may be affected by the faults or failings or shortcomings of the clergy, (b) support the collective good standing of all faithful men and women who are called to serve in the ordained ministry, and (c) ensure the clergy continue to be worthy of the great trust that is put in them as ordained ministers.
3. Where there has been misconduct the imposition of a penalty by the tribunal likewise involves considering both the position of the individual member of the clergy and the wider picture.

Submissions in relation to the imposition of a penalty

4. **Before imposing an appropriate penalty, the tribunal should hear submissions not just from or on behalf of the respondent, but also from the Designated Officer or other person duly authorised by the Designated Officer.**
5. This Practice Direction does not affect the exercise of the tribunal's discretion under section 19(2) of the Measure with regard to inviting the bishop or archbishop, as the case may be, to express in writing his views as to the appropriate penalty.