

CLERGY DISCIPLINE MEASURE 2003 PRACTICE DIRECTION

ATTENDANCE ON BEHALF OF A BISHOP AT A HEARING IN PRIVATE

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. Rule 47 of the Clergy Discipline Rules 2005 provides that where a 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.
3. Section 1 of the Measure reminds any body or person on whom disciplinary functions are conferred, to have due regard to the role of the bishop (or the archbishop, as the case may be) who by virtue of his office and consecration is required to administer discipline. Where the bishop is unable to attend a tribunal hearing personally, he will usually wish to nominate an observer to attend on his behalf.

The bishop's nominee

4. **Where permission is sought from the tribunal under rule 47(f) for a nominee of the bishop or archbishop (as the case may be) to attend the hearing, the tribunal should, in carrying out its duty under section 1 of the Measure to have due regard to the role of the bishop or archbishop in administering discipline, take account of the importance of the bishop or archbishop being kept informed about the conduct of the disciplinary proceedings against the respondent, and consequently should be prepared to give permission to the nominee to attend the hearing unless there is good reason not to do so.**