

**GENERAL SYNOD**

**DRAFT CODE OF PRACTICE  
UNDER SECTION 39 OF THE  
CLERGY DISCIPLINE MEASURE 2003**

**AND**

**DRAFT CLERGY DISCIPLINE RULES**

**Explanatory Memorandum**

**Introduction**

1. The Clergy Discipline Measure (“the Measure”) received Royal Assent in July 2003. It provides a new structure for dealing efficiently and fairly with formal complaints of misconduct against members of the clergy (except in relation to matters involving doctrine, ritual or ceremonial, which will continue to be governed by the Ecclesiastical Jurisdiction Measure 1963). Before the Measure comes fully into force detailed procedural rules, required by section 45 of the Measure, have to be made by the Rule Committee, approved by the General Synod and laid before Parliament as a statutory instrument. Furthermore, the Clergy Discipline Commission, set up under section 3, has a duty under section 39 to promulgate guidance for the purposes of the Measure in a Code of Practice, made with the approval of the Dean of the Arches and Auditor and the General Synod.
2. The Rules and the Code will have different functions. The Rules, as a statutory instrument, will have the force of law. Their purpose is to carry into effect the provisions of the Measure, and they deal with detailed and technical procedural matters. The Code, on the other hand, whilst not having the force of law, gives general guidance for the purposes of the Measure and the procedures under it.
3. Because the Rules and the Code must be consistent with the Measure and cannot override it, both the Rule Committee and the Clergy Discipline Commission have had to work within the framework of the Measure. Consequently, the Rules and the Code

are only concerned with formal disciplinary proceedings where misconduct under the Measure is alleged.

### **A brief guide to the Clergy Discipline Measure 2003**

4. All admitted to Holy Orders of the Church of England are covered by the Measure, whether deacon, priest, bishop, or archbishop, and whether or not in active ministry. Where the formal complaint concerns priests or deacons, the disciplinary structure is centred on the bishop, because in each diocese it is the bishop who is responsible for administering discipline. Where the formal complaint concerns the bishop, the structure is centred on the relevant archbishop.
5. The new procedures were first envisaged in *Under Authority*, GS 1217, published in 1996 by a working party set up on behalf of the General Synod to review clergy discipline and the working of the ecclesiastical courts. *Under Authority* examined the system at that time, outlined its perceived strengths and weaknesses, and made recommendations for a comprehensive change in the way that clergy discipline was to be handled. Those recommendations were discussed by the Synod in November 1996. An implementation group was set up to start the legislative process, which led in due course to the Final Approval of the Measure by the Synod in November 2000.
6. The new procedures under the Measure are not designed to deal with minor complaints (see *Under Authority* at C.3: “...in the case of many minor complaints an apology or an informal rebuke may be all that is required and the full complaints process would not need to come into play”).
7. Under section 8 of the Measure there are four grounds under the Measure for alleging misconduct against a member of the clergy (“the respondent”), namely: acting in breach of ecclesiastical law, failing to do something which should have been done under ecclesiastical law, neglecting to perform or being inefficient in performing the duties of office, and engaging in conduct that is unbecoming or inappropriate to the office and work of the clergy.
8. Under section 10 of the Measure, the disciplinary process is started by a formal written complaint, which is made to the bishop. The complaint must be made within one year of the misconduct in question, or within one year of the last occasion of misconduct where there is a series of acts or omissions amounting to misconduct (section 9). This period of one year can be extended by the President

of Tribunals (a new office created by section 4 of the Measure). The person making the complaint (“the complainant”) must produce written evidence in support of the complaint (section 10(3)). The complaint and the evidence in support is referred in the first instance to the diocesan registrar for a preliminary scrutiny (section 11). The registrar checks to see if the complainant has the right to complain, and whether the allegations would amount to misconduct under the Measure if proved; the registrar makes a report on these matters for the bishop. On receipt of the registrar’s report the bishop may dismiss the complaint if he decides that the complainant is not entitled to complain or if the issues raised do not justify further serious consideration as a disciplinary matter (section 11(3)).

9. If the bishop determines that the complaint is to be dealt with as a disciplinary matter he will, within four weeks of receiving the registrar’s report, decide which course to take; the bishop can extend this four-week period if necessary. There are five courses available to the bishop under section 12 of the Measure:
  - (a) He can decide to take no further action;
  - (b) With the respondent’s consent, the bishop can leave the complaint on the record for up to 5 years (known as a ‘conditional deferment’); if during that time another complaint of misconduct is made against the respondent then this first matter may be dealt with at the same time and in the same way as the later complaint;
  - (c) The bishop can appoint a conciliator with the agreement of the complainant and the respondent to attempt to bring about a conciliation; this may be particularly useful where there has been a pastoral breakdown in relationships between the parties;
  - (d) Where a respondent admits misconduct the bishop may impose an appropriate penalty with the respondent’s consent; and
  - (e) Where there is no admission of misconduct, or no agreement over the appropriate penalty, or an attempt at conciliation fails, the bishop may refer the complaint to a formal investigation. A report is prepared by the legally qualified Designated Officer and is submitted to the President of Tribunals who decides if there is a case to answer.
10. If, following the formal investigation, there is no case to answer, no further steps are taken under the Measure. If there is a case to answer then the President refers the complaint to the bishop’s

disciplinary tribunal (section 17). This will consist of five people (two laity, two clergy, and a legally qualified chair) selected by the President of Tribunals from the relevant provincial panel. The two provincial panels will be appointed by the Clergy Discipline Commission (section 21). A tribunal will replace the Consistory Court as the forum for hearing contested disciplinary cases. Under the Measure a tribunal will determine the complaint on a majority verdict using the civil standard of proof (section 18).

11. Complaints against bishops are subject to similar procedures. The main differences are that the complaints are made to the relevant archbishop, the preliminary scrutiny is conducted by the provincial registrar, and the Vicar-General's court, rather than the bishop's disciplinary tribunal, hears any case to be answered.
12. Under section 24 various penalties can be imposed under the Measure for misconduct. These can be imposed by the bishop with the consent of the respondent, or by the bishop's disciplinary tribunal. The penalties range from a life-long prohibition from exercising any functions, to a rebuke.
13. If a penalty is imposed under the Measure, either by the bishop or by the bishop's disciplinary tribunal, it will be recorded in the Archbishops' list (section 38) to be kept at Lambeth Palace. A copy of the list will be kept at Bishopthorpe. Under the Measure, the respondent will be informed of the particulars to be recorded, and may request the President of Tribunals to review the entry. The President will be able to direct, if appropriate, that the entry on the list should be amended, or removed.
14. The Measure also provides a separate procedure whereby a member of the clergy, who commits a criminal offence and receives a sentence of imprisonment, may be liable to a penalty of removal from office, or prohibition from exercising any functions (sections 30 and 31). A similar procedure is available if a respondent has had a decree of divorce or an order of judicial separation made against him or her and has committed adultery, behaved unreasonably or deserted the former spouse.

### **Consultation**

15. During the course of 2004 the Clergy Discipline Commission and the Rule Committee met separately to work on the Code and the Rules respectively, but each body regularly updated the other on its own work. After a joint meeting in early January of this year, and having provisionally completed the Code and the Rules, they jointly

agreed that it would be beneficial to undertake a wide consultative process on the drafts so far. The consultation was with many different groups and individuals, both within and outside the Church (involving over 100 consultees).

16. The consultation period lasted from January until after Easter. Certain general questions were put to consultees, such as whether the Rules and the Code were just and fair, and whether they covered everything they needed to cover. More specific questions were put to consultees about particular issues, such as how a formal complaint under the Measure should be distinguished from a grievance or a concern not intended to invoke formal proceedings. They were also asked to consider what degree of anonymity should be permitted for those involved in making a complaint, and what the role of the bishop should be before a formal complaint is made. Another important issue raised for consultees to consider was how complaints should be dealt with when there is an overlap with other proceedings (both criminal and civil). Other specific issues were also brought to the attention of consultees for their comments.
17. The Rule Committee and the Commission are grateful to those who responded to the consultation, and they have revised the Rules and the Code to take account of the representations made.

## **THE CODE OF PRACTICE (GS 1585)**

### **What the Code is:**

18. The Commission's task under section 39 of the Measure in producing a Code of Practice is to provide guidance for the purposes of the Measure generally. The Code is therefore intended to be a relatively simple guide, to point users in the right direction, and to draw their attention through notes in the margin to the relevant provisions of the Measure and the Rules. It concentrates on complaints against parochial clergy, who form the majority of those who are in active ministry.

### **What the Code is not:**

19. Because the Code is a general guide, it does not go into great detail on all aspects of the complaint procedures, such as those relating to non-parochial clergy or complaints against bishops or archbishops, which are dealt with in the Measure and the Rules.
20. The Commission has no power to define authoritatively terms that are used in the Measure, so as to bind the bodies who will administer discipline under its provisions (such as bishops and tribunals). The Code is not therefore intended to be a definitive text on the meaning and effect of the Measure, including the precise meaning and scope of terms such as "*neglect or inefficiency in the performance of the duties*" of office, or "*conduct unbecoming or inappropriate to the office and work of a clerk in Holy Orders*" (which are to be found in section 8 of the Measure as part of the definition of misconduct). The Code can only give general indications. The meaning of such terms will emerge in due course, however, through experience and decisions in individual cases.
21. A number of those responding to the consultation process asked for clarification of the relationship between disciplinary proceedings and capability procedures proposed in the Reports of the Review of Clergy Terms of Service. However, until legislation introducing capability procedures has been approved by the Synod, the Commission cannot give any helpful guidance on this in the Code.
22. Under section 3 of the Measure the Commission is also empowered to issue codes of practice and general policy guidance to persons exercising functions in connection with clergy discipline. In addition, the Commission will be issuing advice under section 3 as to the penalties which are appropriate in particular circumstances.

## The introduction to the Code

23. The Code opens with a **flow-chart** to show the various steps in formal disciplinary proceedings. It is a summary in diagrammatic form, and is a useful starting point for understanding the procedures under the Measure.
24. The Code's introductory section is in **paragraphs 1 to 8**. It explains the purpose of the Code of Practice, and the make-up of the Commission, before dealing with the purpose of discipline. Three different stages for complaints are identified: first, the period before any formal proceedings are started ("Stage 1"); second, the stage from when a formal complaint is made up to when the bishop makes a decision on how to deal with it ("Stage 2"); and third, the stage which occurs if the bishop directs that there should be a formal investigation ("Stage 3").

### Stage 1

25. The Code only deals briefly with Stage 1, in **paragraphs 9 to 13** (because Stage 1 arises before the formal procedures under the Measure are invoked, whereas the Code, by virtue of section 39, is for the purposes of providing guidance under the Measure after proceedings have started).
26. **Paragraph 9** explains that minor complaints should not be the subject matter of formal disciplinary proceedings, but should be dealt with informally. The Code then explores what should happen if serious matters of misconduct come to light, but no formal complaint has been made – in those circumstances the bishop will wish to find out more, but should be cautious about becoming directly involved; instead, the bishop should consider asking a senior colleague to look into it.

### Stage 2

27. The Code deals at length with Stage 2, in **paragraphs 14 to 170**. **Paragraph 14** begins by setting out the overriding objective in clergy disciplinary procedures, which is to deal with complaints justly; it then explains what that means.
28. The Code explores in **paragraphs 17 to 52** who can be disciplined under the Measure and on what grounds, who is entitled to make a complaint, and to whom a complaint is made. It explains in **paragraphs 41 to 48** how a complaint is made in writing, and what information and evidence need to be supplied by a complainant in

support of a complaint. The Code recognises that some complainants may have difficulty in making written complaints, and advises dioceses in **paragraphs 37 to 40** to designate a person to ensure appropriate help is available for those who need it, especially complainants with a disability.

29. **Paragraphs 53 to 57** consider the time limit of one year under the Measure, within which a complaint must be made, and guidance is given on the circumstances in which the President may extend the time limit. The Code recognises, in particular, that an extension of time may be appropriate for complaints involving vulnerable people (including children).
30. Clergy who are respondents to complaints may also be involved in related proceedings in criminal or matrimonial courts, or if employed (such as chaplains) in proceedings connected with their employment. **Paragraphs 58 to 63** deal with what should normally happen in these circumstances.
31. **Paragraphs 64 to 89** relate to the preliminary scrutiny and the registrar's role. It explains how, in particular, the registrar, who acts as an advisor to the bishop, is required to give a view on two aspects of the complaint, namely, whether the complainant is entitled in law to complain, and whether the complaint is of sufficient substance to justify disciplinary proceedings. The decision on these matters, however, rests with the bishop. In **paragraph 70** the Code warns that a registrar should not advise anyone else in relation to the merits of a complaint, because otherwise conflicts of interest will arise.
32. **Paragraphs 90 to 170** deal with the bishop's role. The Code reaffirms the important principle set out in section 1 of the Measure, that the bishop is responsible for administering discipline over clergy. It recognises that there may be occasions when the bishop may have a conflict of interest, and gives guidance in **paragraphs 91 to 93** on how the bishop should deal with that, including the use of powers of delegation.
33. The bishop, as well as having a disciplinary role, is also under Canon Law the chief pastor for all within the diocese, both clergy and laity. This could give rise to a tension between the two roles. Because it is vitally important that the bishop's impartiality must not be compromised, the Code advises in **paragraph 97** that the bishop must avoid personal involvement in the giving of care and support where formal disciplinary proceedings have been commenced; the bishop should ensure instead that care and support is provided for



those who need it by other experienced clergy. This was an issue which attracted many representations in the course of the consultation, and the final draft of the Code has been amended to take them into account.

34. **Paragraphs 101 to 157** of the Code deal with the bishop's options once he has received the registrar's report, and give guidance on the procedures to be followed. **Paragraphs 101 to 106** look at dismissal of the complaint where the complainant does not have a proper interest to make the complaint, or where the complaint is not of sufficient substance to justify being dealt with under the Measure. The complainant may request the President of Tribunals to review the bishop's decision, but under the Measure, the bishop's decision will only be overturned if it is plainly wrong.
35. If the complaint is not dismissed, the bishop will invite the respondent to put in a written answer to the complaint with evidence in support. The five courses which the bishop can take, referred to above in relation to **paragraph 9**, are considered in **paragraphs 113 to 157**. One of those courses is to attempt a conciliation. (Both parties have to agree to this course.) The Commission views the introduction of conciliation procedures as an important innovation. Although there will be many cases where conciliation is not suitable, the Commission wishes to encourage the use of conciliation where appropriate. Dioceses will need to co-operate with each other to build up a network of suitable conciliators, and the Commission is monitoring progress on this.
36. Where a penalty by consent is imposed, the Code makes it clear that no pressure should be put upon a respondent to agree to the penalty, and there must be no 'plea-bargaining' (i.e. the bishop should not accept an admission by the respondent to a lesser allegation on condition that a more serious complaint is not proceeded with). Bishops are reminded in **paragraph 142** that respondents may feel in a weakened and vulnerable position and liable to agree to matters which may be regretted after considered reflection; the Code, in conjunction with the Rules, ensures that a respondent is given proper time for consideration.
37. **Paragraphs 158 to 163** consider the position when related criminal proceedings take place. Generally, any disciplinary proceedings should await the conclusion of the criminal trial. What happens next will then depend on the outcome of the trial.

38. Divorce proceedings are considered in **paragraphs 164 to 167**. **Paragraphs 168 to 170** explain the duties upon clergy to report to the bishop if arrested or convicted of an offence, or if divorce or separation orders are made in relation to their marriages.

### **Stage 3**

39. Stage 3 of disciplinary proceedings, i.e. the formal investigation and hearing before the bishop's disciplinary tribunal, is dealt with in **paragraphs 171 to 203**. They explain what a formal investigation is, and looks at how proceedings are conducted before the tribunal. The penalties that a tribunal may impose are described in **paragraphs 196 to 203**.

### **Other matters dealt with in the Code**

40. The last part of the Code deals with various different matters. It considers what happens if one of the parties dies. It also looks at the powers of a bishop to suspend during proceedings, and advises that a suspension should only be imposed if necessary. There is a section on the Archbishops' list describing the procedures involved in putting a name on the list, and in reviewing the names once they are on the list. Appeals, proceedings against bishops and archbishops, removal of prohibitions, legal aid, and media relations are also looked at in this part of the Code.

## THE CLERGY DISCIPLINE RULES (GS 1586)

41. The Rules are arranged in 16 parts, plus a schedule of forms for use in proceedings. So far as practical, the Rules and the Code follow the same pattern.

### Part I - Introductory: rules 1 to 3

42. This sets out the overriding objective, and imposes a duty on parties to co-operate to further the overriding objective. Failure to co-operate may result in adverse inferences being drawn against that person.

### Part II - Institution of proceedings: rules 4 to 8

43. These rules prescribe how a formal complaint under the Measure is to be made, including the information and evidence that is to be supplied with a complaint. A special form, **form 1a**, is provided in the schedule which may be used to make a complaint. The use of the form is preferable although not compulsory, but if it is not used, the complaint in writing must contain the same information as if the form had been used. The Rule Committee is in favour of providing forms because it believes it will help complainants to supply the required information. Also, if such a form is used, it will make it clearer for the bishop to know that the complainant intends to pursue a formal complaint under the Measure, rather than just writing a letter to draw attention to a matter of concern. Forms for complaints against bishops and archbishops, and clergy in special cases (such as chaplains and cathedral clergy), are also provided in the schedule (**forms 1b, and 1d to 1g**).
44. Complaints out of time under the Measure are dealt with in **rule 8**, with a form in the schedule, **form 1c**, for making an application to the President for an extension of time.

### Part III - Preliminary scrutiny: rules 9 to 16

45. The registrar's role in the preliminary scrutiny is provided for in these rules, together with the bishop's decision to dismiss on receipt of the report, and the complainant's right to request the President of Tribunals to review that decision.
46. These rules provide for the complaint to be acknowledged, and for the respondent to be notified about the complaint (in exceptional circumstances for the protection of the interests of a child, the

registrar may delay notifying the respondent for up to 6 weeks after receipt of a complaint). The registrar may, in exceptional circumstances only, withhold from the respondent the identity of the complainant, a witness or a child, if satisfied that it would be in the interests of justice to do so. At this time, no response to the complaint is required from the respondent, but if the complaint is not dismissed at the preliminary scrutiny stage, then the respondent is informed of the identity of anyone not previously disclosed – otherwise it would be impossible for the respondent to be able to answer a complaint fully, and therefore unfair.

47. The registrar's written report to the bishop under **rule 12** is limited to advising the bishop on the registrar's views as to whether the complainant had a proper interest to make the complaint and whether there is sufficient substance to the complaint to justify proceeding with it under the Measure. If necessary the registrar may extend the time of 28 days within which to send the report to the bishop.

#### **Part IV - Consideration of the courses available to the bishop: rules 17 to 28**

48. **Rule 17** is an important provision because it provides for the respondent to be able to put in a written answer to the complaint if it is not dismissed at the preliminary scrutiny stage. **Form 2** in the schedule may be used by clergy to respond to a complaint. As with the forms for use by complainants, it is preferable, although not compulsory, to use it, but if used, it will help clergy to put down all the required information.
49. The bishop has 28 days from receipt of the registrar's report to make a decision on how to deal with the complaint, but can extend this time if necessary more than once (having consulted the parties).
50. **Rules 20 to 22** are concerned with the bishop's decision to take no further action, having received the respondent's response, and include the right of the complainant to ask the President to review the decision.
51. Conditional deferments are dealt with in **rules 23 to 25**.
52. The procedure for attempts at conciliation is set out in **rule 26**. Joint conciliators can be appointed, so, for instance, a lay conciliator and a clerical conciliator could be appointed to work together to resolve a complaint made by a layperson against a priest.

53. **Rule 27** deals with penalties by consent, and ensures that clergy have adequate time for proper consideration and reflection before consenting. There is also a further 7 day ‘cooling off’ period once consent has been given in the case of a penalty of prohibition for life or resignation.
54. Formal investigations by the Designated Officer are the subject matter of **rule 28**. The rule provides that if new information is obtained from a party in the course of the investigation, the other party must be told about it.

#### **Part V - Referring the complaint to the tribunal: rule 29**

55. This relates to the President’s decision as to whether or not there is a case to answer in the light of the report of the Designated Officer following the formal investigation. If there is a case to answer, the President refers the complaint to a bishop’s disciplinary tribunal, and specifies which allegations of misconduct are to be determined by the tribunal. If the President decides there is no case to answer, then no further action is taken on the complaint.

#### **Part VI - Directions preparatory to a hearing before the tribunal: rules 30 to 34**

56. Directions for case management will normally be provided by the Registrar of Tribunals (a new office created under section 5 of the Measure), but any matters of difficulty may be referred to the person who will be chairing the tribunal hearing. Directions will be given to ensure that the parties are ready for trial. In appropriate cases, to save time and money, preliminary directions hearings lasting no more than about half-an-hour may be conducted over the telephone.
57. **Rule 34** deals with a tribunal’s power to require people who are not party to the proceedings to produce documents that are relevant and necessary for dealing fairly with the complaint.

#### **Part VII - Evidence: rules 35 to 36**

58. This part prescribes how evidence from witnesses is to be given. Written statements will be required from all witnesses, and they will have to declare their belief that the contents are true. Witness statements will be exchanged in advance with the other side, so that each party knows the other’s case. To limit the length of hearings, the written statement of a witness will normally stand as evidence in chief, and then that witness will be cross-examined by the other side (the usual practice in civil courts).

59. Restrictions are placed on the use of expert evidence. It is not expected that expert evidence will be required in many cases, but if it is, the Registrar of Tribunals will be able to control its use, and keep costs down. For instance, the parties would normally have to use a joint expert, instead of each party instructing his or her own expert, and expert evidence will normally be given in a written report without the need for the expert to attend the hearing.

### **Part VIII - The tribunal: rules 37 to 53**

60. The appointment of the members of the tribunal by the President is dealt with in **rule 37**. A respondent may make written representations about the suitability of any of the proposed members, and if the President, having received those representations, is not satisfied that a proposed member is impartial, then a replacement must be appointed.
61. A tribunal may conduct a hearing in the manner it considers most appropriate to the issues before it and to the just handling of the complaint generally, in accordance with the overriding objective. Hearings are normally to be held in private, unless it is in the interests of justice to have a public hearing or the respondent so requests (as provided for in section 18(3) of the Measure).
62. To protect the private life of any person, or to protect the interests of a child, or if otherwise in the interests of justice, a tribunal may under **rule 49** order that the name and other identifying details of any person must not be published or made public.
63. **Rule 50** reflects the provisions of the Measure by stipulating that the tribunal's determination of the complaint is to be according to the opinion of the majority, although any minority opinions are also to be included in the written determination.
64. Under **rule 51** the bishop may be invited by the tribunal to give views about the appropriate penalty, and if he does so a copy of any such views is to be given to the respondent and to the Designated Officer.

### **Part IX - Termination, substitution and withdrawal: rules 54 to 59**

65. This part of the Rules deals with what happens in the event of death, serious illness or incapacity at any stage of a complaint, or if a complainant wishes to withdraw. It enables a complainant to be replaced or substituted where appropriate so that a complaint can proceed.

66. The President's powers under section 18 of the Measure to direct the withdrawal of a complaint are dealt with in **rule 58**, together with the power to direct an attempt, or further attempt, at conciliation.

### **Part X - Suspension: rules 60 to 66**

67. Suspensions of clergy are regulated by **rules 60 to 66**. Suspensions pending the consideration of a complaint are dealt with in **rule 60**, and suspensions following arrest on suspicion of committing a criminal offence are dealt with in **rule 61**. The Rules prescribe particular forms, found in the schedule to the Rules, which are to be used when giving notice of suspension to the person being suspended, and to the people specified in **rule 63**. The forms set out the necessary information relating to the suspension and the terms of the suspension. They also make it clear that no view has been formed about whether the allegations in the complaint or in the criminal proceedings are true.
68. **Rule 66** is concerned with the right of appeal against a notice of suspension. The appeal is made to the President, as provided by section 36(6) of the Measure.

### **Part XI - Penalties imposed under s30 of the Measure: rules 67 to 73**

69. Where a member of the clergy is liable to a penalty having received a sentence of imprisonment or following a matrimonial breakdown caused by his or her adultery, unreasonable behaviour or desertion of the former spouse, the procedures for imposing a penalty in accordance with section 30 of the Measure are dealt with in **rules 67 to 73**.
70. This part of the Rules, consistent with the Measure, provides that a penalty can be imposed by the bishop only after consultation with the President, and the respondent is then to be given an opportunity to make written representations on the proposal. If a penalty is imposed, the respondent may ask the archbishop of the relevant province to review the bishop's decision.

### **Part XII - Archbishops' list: rules 74 to 80**

71. The list will contain the names of clergy entered under section 38 of the Measure, and the reasons for their being entered.
72. **Rule 74** provides that the list is not to be made public. The only people who will have access to it are diocesan bishops and registrars

who will need to consult it for the purposes of appointments, and also the President.

73. **Rules 75 and 76** set out the procedures to be followed when a name is included on the list, including the right of the respondent to request the President to review the entry and the particulars. **Rules 77 to 80** deal with the review of entries once they are on the list.

### **Part XIII - Proceedings against bishops and archbishops: rules 81 to 90**

74. This part is concerned with proceedings against bishops and archbishops. It applies to these proceedings the same rules which govern complaints against priests and deacons, subject to certain necessary modifications. The main modifications in accordance with the provisions of the Measure are that complaints are made to the archbishop of the relevant province (or to the other archbishop if the complaint is about an archbishop), the preliminary scrutiny is carried out by the provincial registrar, not the diocesan registrar, and a complaint would be referred by the President to the Vicar-Generals' court instead of a bishop's disciplinary tribunal.

### **Part XIV - Application of rules to special cases: rules 91 to 96**

75. Under section 42 of the Measure, slightly modified provisions apply for complaints against cathedral clergy, chaplains, ministers with licences to preach throughout a province, and ministers with a licence from the universities of Oxford and Cambridge. **Rules 91 to 96** cover these modifications to the procedures which are mainly concerned with who is entitled to make a complaint, and to whom the complaint must be made.

### **Part XV - Removal of prohibitions: rules 97 to 100**

76. The Measure makes provision for applications to be made in certain circumstances for the removal of prohibitions for life and limited prohibitions. **Rules 97 to 100** set out the procedures to be followed.

### **Part XVI - Miscellaneous: rules 101 to 108**

77. This part contains rules relating to sending documents, extending time for complying with rules generally, irregularities, the revision of forms, contempt, interpretation of the Rules, and the date for the Rules to come into force.



## **Appeals**

78. The Rules do not cover appeals from decisions made by the bishop's disciplinary tribunal or the Vicar-General's court. The Rule Committee is preparing separate Clergy Discipline Appeal Rules, which it aims to put before the Synod for approval in November.

**On behalf of the Commission**

**John Mummery**

**Chair**

**On behalf of the Rule Committee**

**Sheila Cameron**

**Chair**

**June 2005**