
STATUTORY INSTRUMENTS

2005 No. 2022

The Clergy Discipline Rules 2005

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.