



# Clergy Discipline Measure 2003

2003 No. 3

## *Composition of tribunal and Vicar-General's court*

### **21 Provincial panels**

- (1) It shall be the duty of the Clergy Discipline Commission to compile and maintain for each province, in accordance with the provisions of subsection (2) below, a list (hereinafter referred to as “the provincial panel”) of persons available for appointment under the following provisions of this Measure as members of a disciplinary tribunal or of the Vicar-General's court.
- (2) Each provincial panel shall contain the names of—
  - (a) two lay persons from each diocese nominated by the bishop of the diocese after consultation with the bishop's council, being persons who are resident in the diocese and are on the electoral roll of a parish in the diocese or on the community roll of a cathedral which is not a parish church;
  - (b) two persons in Holy Orders from each diocese nominated by the bishop of the diocese after consultation with the bishop's council, being persons who have served in Holy Orders for at least seven years and are resident in the diocese;
  - (c) ten persons nominated by the archbishop of the relevant province, being persons who have a seven year general qualification within the meaning of section 71 of the Courts and Legal Services Act 1990 (c. 41) or who have held or are holding high judicial office or the office of Circuit judge;
  - (d) such persons as may be nominated under subsection (3) below.
- (3) The archbishop of the relevant province may also nominate for inclusion on the provincial panel—
  - (a) not more than five persons who are resident in the province and are on the electoral roll of a parish in the province or on the community roll of a cathedral which is not a parish church; and
  - (b) not more than five persons who have served in Holy Orders for at least seven years and reside in the province.

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*Changes to legislation: There are currently no known outstanding effects for the Clergy Discipline Measure 2003, Cross Heading: Composition of tribunal and Vicar-General's court. (See end of Document for details)*

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- (4) [<sup>F1</sup>No lay person] who is not an actual communicant, within the meaning of [<sup>F2</sup>Rule 83(2)] of the Church Representation Rules (1969 No. 2 Sch. 3), shall be nominated to serve on the provincial panel.
- (5) Persons nominated to serve on the provincial panel shall so serve for a period of six years, and on retiring from the panel [<sup>F3</sup>, a person nominated under subsection (2)(a) or (b) or (3)] shall be eligible to be nominated to serve for not more than one further period of six years [<sup>F4</sup>, and a person nominated under subsection (2)(c) shall be eligible to be nominated to serve for one or more further periods of six years] :
- Provided that, of the persons nominated to serve on the provincial panel on the first occasion after the passing of this Measure, half of those nominated under paragraph (a) of subsection (2) above, half of those nominated under paragraph (b), half of those nominated under paragraph (c) and half of those nominated under subsection (3) above shall retire from the panel after serving for a period of three years, those retiring being determined by lot.
- (6) Where the period of service of a person nominated to serve on the provincial panel expires while he is a member of a disciplinary tribunal or of the Vicar-General's court to which proceedings under this Measure are referred, he shall continue to be a member of the tribunal or court until the completion of the proceedings.
- (7) Where a casual vacancy occurs on the provincial panel the Archbishop of the relevant province or the bishop of the relevant diocese, as the case may be, may nominate a person to fill the vacancy, and the provisions of subsections (2) and (4) above, relating to qualifications and consultations shall apply for the purposes of this subsection as they applied for the purposes of the nomination of the person whose place he takes on the panel.
- (8) Any person nominated to fill a casual vacancy shall serve only for the unexpired term of service of the person whose place he takes on the panel.

#### Textual Amendments

- F1** Words in s. 21(4) substituted (1.2.2014) by [Clergy Discipline \(Amendment\) Measure 2013 \(No. 2\)](#), s. 10(2), [Sch. para. 4](#); 2014 No. 1, art. 2
- F2** Words in s. 21(4) substituted (1.1.2020) by [Church Representation and Ministers Measure 2019 \(No. 1\)](#), s. 1(3), [Sch. 2 para. 28\(2\)](#); S.I. 2019/1460, art. 2
- F3** Words in s. 21(5) inserted (16.5.2016) by [Safeguarding and Clergy Discipline Measure 2016 \(No. 1\)](#), [ss. 11\(a\)](#), 12(3); S.I. 2016/552, art. 2
- F4** Words in s. 21(5) inserted (16.5.2016) by [Safeguarding and Clergy Discipline Measure 2016 \(No. 1\)](#), [ss. 11\(b\)](#), 12(3); S.I. 2016/552, art. 2

#### Commencement Information

- I1** S. 21 in force at 8.9.2005 by [S.I. 2005/5](#), Instrument made by Archbishops

## 22 Disciplinary tribunals

- (1) A disciplinary tribunal shall consist of five members as follows—
- (a) the chairman, who shall be the president of tribunals or such other person as he may appoint as chairman from those nominated under section 21(2)(c) above to serve on the relevant provincial panel;

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- (b) two lay persons appointed by the president of tribunals from those nominated under section 21(2)(a) or (3)(a) above otherwise than by the bishop of the diocese concerned to serve on the relevant provincial panel; and
  - (c) two persons in Holy Orders appointed by the president of tribunals from those nominated under section 21(2)(b) or (3)(b) above otherwise than by the bishop of the diocese concerned to serve on the relevant provincial panel.
- (2) The president of tribunals shall not appoint any person to be a member of a disciplinary tribunal unless he is satisfied that there is no reason to question the impartiality of that person, and before doing so he shall afford an opportunity to the respondent to make representations as to the suitability of that person to be appointed.

**Commencement Information**

**I2** S. 22 in force at 1.1.2006 by S.I. 2005/6, Instrument made by Archbishops

## 23 Vicar-General's court

- (1) The Vicar-General's court, when exercising its jurisdiction in disciplinary proceedings under this Measure against a bishop, shall consist of five members as follows—
- (a) the chairman, who shall be the Vicar-General of the relevant province unless he declares himself to be personally acquainted with the complainant or the respondent [<sup>F5</sup>or he is otherwise unable to act], in which case the president of tribunals shall appoint a person to be the chairman from those nominated under section 21(2)(c) above to serve on the [<sup>F5</sup>provincial panel of either province];
  - [<sup>F6</sup>(b) two persons in Holy Orders appointed by the president of tribunals, of whom one shall be in Episcopal Orders and the other shall be appointed from among those nominated to serve on the provincial panel of the province other than that in which the bishop serves;]
  - (c) two lay persons appointed by the president of tribunals from among those nominated under section 21(2)(a) or (3)(a) above to serve on the provincial panel of the province other than that in which the bishop serves.
- (2) The Vicar-General's court, when exercising its jurisdiction in disciplinary proceedings under this Measure against an archbishop of a province, shall consist of five members as follows—
- (a) the chairman, who shall be the Vicar-General of the other province unless he declares himself to be personally acquainted with the complainant or the respondent [<sup>F7</sup>or he is otherwise unable to act], in which case the president of tribunals shall appoint a person to be chairman from those nominated under section 21(2)(c) above to serve on the provincial panel of the other province;
  - [<sup>F8</sup>(b) two persons in Holy Orders appointed by the president of tribunals, of whom one shall be in Episcopal Orders and the other shall be appointed from among those nominated to serve on the provincial panel of the other province;]
  - (c) two lay persons appointed by the president of tribunals from among those nominated under section 21(2)(a) or 3(a) above to serve on the provincial panel of the other province.
- (3) The president of tribunals shall not appoint any person to be a member of the Vicar-General's court of a province unless he is satisfied that there is no reason to question

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the impartiality of that person, and before doing so he shall afford an opportunity to the respondent to make representations as to the suitability of that person to be appointed.

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#### **Textual Amendments**

- F5** Words in s. 23(1)(a) inserted and substituted (1.2.2014) by [Clergy Discipline \(Amendment\) Measure 2013 \(No. 2\), s. 10\(2\), Sch. para. 5\(a\)](#); 2014 No. 1, art. 2
- F6** S. 23(1)(b) substituted (1.2.2014) by [Clergy Discipline \(Amendment\) Measure 2013 \(No. 2\), s. 10\(2\), Sch. para. 5\(b\)](#); 2014 No. 1, art. 2
- F7** Words in s. 23(2)(a) inserted (1.2.2014) by [Clergy Discipline \(Amendment\) Measure 2013 \(No. 2\), s. 10\(2\), Sch. para. 5\(c\)](#); 2014 No. 1, art. 2
- F8** S. 23(2)(b) substituted (1.2.2014) by [Clergy Discipline \(Amendment\) Measure 2013 \(No. 2\), s. 10\(2\), Sch. para. 5\(d\)](#); 2014 No. 1, art. 2
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#### **Commencement Information**

- I3** S. 23 in force at 1.1.2006 by [S.I. 2005/6](#), Instrument made by Archbishops

**Changes to legislation:**

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