



# Clergy Discipline Measure 2003

2003 No. 3

## *Penalties*

### **26 Removal of prohibition for life and deposition**

- (1) Where by virtue of anything done under this Measure or the 1963 Measure a priest or deacon is prohibited for life or deposed he may make an application to the archbishop concerned for the prohibition or deposition to be nullified on the grounds—
  - (a) that new evidence has come to light affecting the facts on which the prohibition or deposition was based; or
  - (b) that the proper legal procedure leading to the prohibition or deposition was not followed.
- (2) If the archbishop, on an application made in accordance with subsection (1) above, considers that the prohibition or deposition was not justified he may, after consultation with the Dean of the Arches and Auditor, declare that the prohibition or deposition be nullified, whereupon it shall be treated for all purposes in law as never having been imposed.
- (3) This section shall apply to archbishops and bishops who are prohibited for life or deposed as it applies to priests and deacons who are prohibited for life or deposed, with the following adaptations—
  - (a) in the case of an archbishop, the references to the archbishop concerned shall be read as references to the Dean of the Arches and Auditor and the reference to consultation with him shall be omitted;
  - (b) in the case of a bishop, the references to the archbishop concerned shall be read as references to the archbishop of the other province.

#### **Commencement Information**

**II** S. 26 in force at 1.1.2006 by S.I. 2005/6, Instrument made by Archbishops

**Changes to legislation:**

There are currently no known outstanding effects for the Clergy Discipline Measure 2003, Section 26.