
STATUTORY INSTRUMENTS

2005 No. 2022

The Clergy Discipline Rules 2005

PART IV

Consideration of the courses available to the bishop

Penalty by consent

27.—(1) A penalty by consent under section 16 of the Measure may only be imposed in respect of such misconduct alleged in the complaint as the respondent admits.

(2) In addition to resignation by consent under section 16 of the Measure, any of the penalties that may be imposed under section 24 of the Measure upon a finding of misconduct may be imposed by consent under section 16 of the Measure.

(3) Where the bishop considers that the imposition of a penalty might be appropriate, the bishop shall invite the complainant and the respondent to make written representations if they so wish upon the proposed penalty within 14 days.

(4) The respondent's consent to the proposed penalty must be given in writing in form 7 in the Schedule or in a document which is substantially to the like effect. Subject to sub-rule (5) below, the bishop shall send the respondent written confirmation of the agreed penalty within 7 days of receiving the respondent's consent.

(5) Where the bishop and the respondent agree that prohibition for life or resignation is appropriate and agree upon a date for it to take effect—

- (a) The bishop shall give the respondent written notice that either of them may withdraw from the agreement by notifying the other in writing of the withdrawal within 7 days following the date of the agreement.
- (b) At the end of the 7 day period, if neither the bishop nor the respondent has given written notice withdrawing from the agreement the bishop shall send the respondent written confirmation of the penalty of prohibition for life or resignation, as the case may be.
- (c) In the case of resignation, no deed or letter of resignation from the respondent shall be required to implement the penalty.
- (d) The agreed date for the prohibition or resignation to take effect shall be not later than 3 months after the bishop's written confirmation.

(6) The bishop shall notify the complainant in writing of any penalty by consent within 14 days of sending the written confirmation to the respondent.

(7) The bishop shall notify the archbishop and the registrar of the diocese in writing of the penalty imposed by consent within 14 days of sending the written confirmation to the respondent.

(8) If the respondent does not consent to the imposition of a penalty or does not agree with the bishop as to the nature of the penalty, the bishop shall direct that the complaint is to be formally investigated in accordance with rule 28.