
STATUTORY INSTRUMENTS

2005 No. 2022

The Clergy Discipline Rules 2005

PART IX

Termination, substitution, and withdrawal

Death of the respondent

54. Any disciplinary proceedings are automatically terminated on the death of the respondent.

Death, serious illness or incapacity of complainant nominated by the Parochial Church Council

55.—(1) In the event of the death or serious illness or incapacity of the complainant who has been nominated by the parochial church council, that council may, on its own initiative or at the invitation of the bishop, nominate another person as complainant in the proceedings, and shall send or deliver notice in writing of any such nomination to—

- (a) the bishop,
- (b) the respondent, and
- (c) where the complaint has been referred by the bishop under section 17 of the Measure for a formal investigation, the Registrar of Tribunals and the Designated Officer.

(2) If the parochial church council does not nominate another person within 28 days of being invited by the bishop to do so, any person claiming to have a proper interest in making the complaint may apply in writing to be substituted as the complainant. The application shall set out the grounds for the claim, and shall be made to the bishop unless the complaint has already been referred to the Designated Officer for a formal investigation, in which case it shall be made to the President.

Death, serious illness or incapacity of complainant not nominated by the Parochial Church Council

56.—(1) In the event of the death, serious illness or incapacity of the complainant other than a person nominated by a parochial church council, any other person claiming to have a proper interest in making the complaint may apply in writing to be substituted as the complainant. The application shall set out the grounds for the claim, and shall be made to the bishop unless the complaint has already been referred to the Designated Officer for a formal investigation, in which case it shall be made to the President.

(2) Where an application to be substituted as the complainant is made to the bishop, the bishop may seek advice from the registrar as to whether the applicant has a proper interest in the complaint.

(3) The bishop or the President, as the case may be, may substitute an applicant as the complainant if satisfied that the applicant has a proper interest in the complaint, and that it is in the interests of justice to do so, and shall notify the respondent accordingly.

President may direct withdrawal if no person is nominated or substituted

57. In the event of the death, serious illness or incapacity of the complainant, if no other person is duly nominated or substituted as complainant in the proceedings, the President may direct under rule 58 that the complaint is to be withdrawn, whereupon no further action shall be taken in the proceedings.

President's powers under section 18 of the Measure

58.—(1) At any stage of proceedings after the bishop has directed they are to be formally investigated, the President may—

- (a) on the President's own initiative, or
- (b) on application by letter by the respondent or the Designated Officer setting out the reasons why the relevant direction should be made,

direct that a complaint is to be withdrawn (whereupon no further action shall be taken in the proceedings) or that an attempt or further attempt is to be made to bring about conciliation.

(2) The President's direction shall be made in writing and a copy shall be given to the complainant, the respondent, the Designated Officer, the bishop, the Registrar of Tribunals and the diocesan registrar.

Complainant wishes to withdraw

59.—(1) Where a complainant wishes to withdraw a complaint at any stage before the bishop determines which course to pursue under section 12 of the Measure, the bishop, after consulting the respondent in writing, shall direct—

- (a) that the complaint shall be withdrawn, whereupon no further action shall be taken upon it, or
- (b) that the complaint shall proceed, and a nominated person with a proper interest, who has agreed to act as the complainant, shall be substituted in place of the complainant who wishes to withdraw.

(2) The bishop may seek advice from the registrar as to whether the person to be substituted as complainant has a proper interest in making the complaint.

(3) The bishop's direction shall be made in writing and a copy shall be given to the respondent, the complainant, the person to be substituted as complainant, and the registrar.

(4) Where a complainant wishes to withdraw a complaint after the bishop has directed that it is to be formally investigated, the President, after consulting the respondent, the bishop, and the Designated Officer in writing, may direct that—

- (a) the complaint shall proceed, and
- (b) a nominated person with a proper interest, who has agreed to act as the complainant, shall be substituted in place of the complainant who wishes to withdraw.

(5) The President's direction shall be made in writing and a copy shall be given to the respondent, the complainant, the person to be substituted as complainant, the Designated Officer, the bishop, the Registrar of Tribunals and the registrar.