
STATUTORY INSTRUMENTS

2005 No. 2022

The Clergy Discipline Rules 2005

PART XVI

Miscellaneous

Sending or delivering documents

101.—(1) Any document required by these rules to be sent or delivered to any person shall be sent or delivered by any of the following means—

- (a) by first class post to the proper address of that person,
- (b) by leaving it at the proper address of that person,
- (c) by document exchange by leaving it addressed to that person's numbered box—
 - (i) at the DX of that person, or
 - (ii) at a DX which sends documents to that person's DX every business day,
- (d) in such other manner (including electronic means) as the President, Registrar of Tribunals or Chair may direct.

(2) The proper address shall be the usual or last known address of a person, except as follows—

- (a) where proceedings have been referred by the President to the tribunal, the proper address for the respondent, if legally represented, shall be the business address of any solicitor acting for the respondent in the proceedings,
- (b) the proper address for the President shall be care of The Legal Office of the National Institutions of the Church of England,
- (c) the proper address for the Dean of the Arches and Auditor shall be the address of the Provincial Registry of the province concerned,
- (d) the proper address for the Designated Officer shall be The Legal Office of the National Institutions of the Church of England.

Time

102.—(1) Save where these rules provide that the time for doing an act may be extended by another person, the President may extend any time limit specified under the rules for doing an act even if the time so specified has expired, unless an extension would be inconsistent with any provision of the Measure.

(2) Where proceedings have been referred by the President to the tribunal, the Registrar of Tribunals or the Chair may extend any time limit specified under these rules for doing an act even if the time so specified has expired, unless an extension would be inconsistent with the provisions of the Measure.

(3) Where an order or direction imposes a time limit for doing an act the last date for compliance shall wherever practicable be expressed as a calendar date and include the time by which the act must be done.

Irregularities

103. Where there has been an irregularity or error of procedure—

- (a) such irregularity or error does not invalidate any step taken in the proceedings unless the President, Registrar of Tribunals, Chair or tribunal so orders, or unless on appeal the Arches Court of Canterbury or the Chancery Court of York so holds,
- (b) the President, Registrar of Tribunals, Chair or tribunal may give directions to cure or waive the irregularity.

Revision of forms

104. Any forms in the Schedule may from time to time be revised or amended by direction of the Dean of the Arches and Auditor if deemed appropriate.

Contempt

105.—(1) If any person does or omits to do anything which is a contempt in connection with proceedings before, or in connection with an order made by, the Registrar of Tribunals, the Chair or the tribunal, the Chair may certify the act or omission as a contempt and refer the matter to the High Court under section 81(3) of the Ecclesiastical Jurisdiction Measure 1963(1).

(2) Failure to comply with an order shall not be deemed to be a contempt unless the order provides that the person to whom it is directed may be sent to prison, or fined, or both, if the order is not obeyed.

Interpretation

106. In these rules, unless the context otherwise requires—

“Schedule” means the Schedule to these rules;

“bishop” includes the suffragan or area bishop where disciplinary functions under the Measure have been delegated in a diocese or where there is a relevant area scheme covering disciplinary functions under section 10 & section 11 respectively of the Dioceses Measure 1978(2);

“Chair” means the chairman (within the meaning of section 22(1)(a), section 23(1)(a) and section 23(2)(a) of the Measure) of the tribunal or Vicar-General’s court which is hearing, or will in due course be hearing, the complaint;

“child” means a person under the age of 18 years old;

“complainant” means the person or persons making or intending to make a complaint under section 10 of the Measure, or the person duly nominated to do so whether under section 10, section 42 or rule 55 or the person authorised or determined to have a proper interest under section 42, or the person substituted as complainant under rules 55, 56 or 59, as the case may be;

“conciliator” includes joint-conciliators;

“Designated Officer” means the officer of the Legal Office of the National Institutions of the Church of England designated by the Archbishops’ Council for the purposes of the Measure, who conducts the case on behalf of the complainant when the complaint is referred to the

(1) 1963 No.1.

(2) 1978 No.1.

tribunal or the Vicar-General's court, and who acts independently from the complainant, the respondent, the bishop, the archbishop, or any other person or body;

“party” and “parties” refer to the complainant and the respondent, except in Parts VI, VII, and VIII where they refer to the Designated Officer and the respondent.

“President” means the President of Tribunals;

“provincial registrar” means the provincial registrar of the relevant province, or in the case of a complaint against an archbishop, the provincial registrar of the other province;

“registrar” means the diocesan registrar, or in the case of a complaint made against a bishop the provincial registrar, or in the case of a complaint made against an archbishop the provincial registrar of the other province;

“Registrar of Tribunals” means the registrar of tribunals for the relevant province;

“respondent” means the person in respect of whom disciplinary proceedings are instituted or intended to be instituted;

“the list” means the archbishops' list compiled and maintained by the archbishops under section 38 of the Measure;

“the Measure” means the Clergy Discipline Measure 2003;

“tribunal” means a bishop's disciplinary tribunal or a Vicar-General's Court exercising its jurisdiction in disciplinary proceedings, as the case may be.

Citation and commencement

107.—(1) These rules shall be known as the Clergy Discipline Rules 2005.

(2) These rules shall come into force on the day appointed under section 48(2) of the Measure for the coming into operation of section 8 of the Measure.