

Clergy Conduct Measure 2026

No. 1

A Measure under the Church of England Assembly (Powers) Act 1919

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Clergy Conduct Measure 2026

2026 NO. 1

A Measure of the General Synod of the Church of England to amend the law on regulation of the conduct of clergy. [8th July 2026]

Introductory

1 Duty to have regard to purpose of disciplinary system etc.

Every person exercising a function for the purposes of this Measure must have due regard to—

(a) the purpose of the system provided by this Measure, which is to maintain the collective good standing of clergy and to hold to account those clergy who fall below the standards required of them, and

(b) the role of bishops and archbishops in administering discipline.

Jurisdiction

2 Jurisdiction on clergy conduct

(1) This Measure confers the jurisdiction on regulating the conduct of a priest, deacon, bishop or archbishop; but that is subject to subsection (2).

(2) The Ecclesiastical Jurisdiction Measure 1963 (referred to in this Measure as "the EJM") continues to confer the jurisdiction on regulating the conduct of a priest, deacon, bishop or archbishop in cases which involve a question of doctrine, ritual or ceremonial.

3 Meaning of "misconduct"

(1) The following conduct is "misconduct" for the purposes of this Measure—

(a) a breach of ecclesiastical law;

(b) a failure to comply with a requirement imposed by the code under section 5A of the Safeguarding and Clergy Discipline Measure 2016;

(c) neglect or inefficiency in the performance of a duty of an ecclesiastical office held by a clerk in Holy Orders;

(d) conduct which fails to meet the standards required of a clerk in Holy Orders.

(2) The standards referred to in subsection (1)(d) include, in particular, the standards required of clergy that are set out in the Ordinal or the Canons; and, in assessing whether conduct fails to meet those standards, regard may be had to guidance published by the Convocations of Canterbury and York on what is desirable in the professional conduct of clergy.

(3) The House of Bishops may make a written declaration that the constitution, policies, objectives, activities or public statements of a political party or organisation specified in the declaration are incompatible with the Church of England's teaching on the equality of persons or groups of different races.

(4) Membership of, or promoting or expressing or soliciting support for, a political party or organisation specified in a declaration under subsection (3) is misconduct under subsection (1)(d).

(5) But subsection (1)(d) does not otherwise apply to holding lawful political opinions or undertaking lawful political activities.

(6) The reference in subsection (3) to "races" is to be read with section 9 of the Equality Act 2010.

(7) A declaration which, immediately before the commencement of this section, was in operation under section 8(4) of the Clergy Discipline Measure 2003 (referred to in this Measure as "the CDM") continues in operation; and subsection (4) of this section accordingly applies to that declaration as if it were a declaration under subsection (3) of this section.

System structure

4 President and Deputy President of Tribunals: continuation

(1) The office of President of Tribunals and the office of Deputy President of Tribunals each continue to be established.

(2) The appointment to each office is made by the Appointments Committee on the recommendation of the Dean of the Arches and Auditor.

(3) A person may be appointed to either office only if that person—

(a) holds or has held high judicial office, or

(b) holds or has held the office of circuit judge or has the qualifications required for holding that office.

5 President and Deputy President of Tribunals: functions

(1) The President of Tribunals has such functions as are conferred by or under this or any other Measure.

(2) The President is entitled to act as Chair of a bishop's disciplinary tribunal.

(3) The President must issue practice guidance.

(4) If the President is unable or unwilling to act, the Deputy President of Tribunals must act instead, subject to subsection (5).

(5) The President of Tribunals and the Deputy President may each select a person to act instead when the President or Deputy President (as the case may be) is unable or unwilling to act; but a person may be selected only if eligible for appointment as Chair of a bishop's disciplinary tribunal.

6 Registrar of tribunals: continuation

(1) The office of the registrar of tribunals for Canterbury and the office of the registrar of tribunals for York each continue to be established.

(2) The registrar of tribunals for each province is appointed by the archbishop of that province after consultation with the President of Tribunals.

(3) A person is eligible for appointment as the registrar of tribunals for a province if the person has a general qualification within the meaning given by section 71(3) of the Courts and Legal Services Act 1990.

(4) The term of a person's appointment as the registrar of tribunals for a province ends with the day on which the person reaches—

(a) the age of 70, or

(b) if a lower age is specified in regulations under section 32(1) of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018, that lower age.

(5) The registrar of tribunals for a province may resign the office by instrument signed by the registrar and addressed to and served on the archbishop of the province.

(6) An instrument under subsection (5) must specify the date on which the resignation is to take effect; and that date must be—

(a) at least twelve months after the service of the instrument, or

(b) such earlier date as the archbishop may allow.

(7) The archbishop of a province may, after consultation with the President of Tribunals, terminate the appointment of a person as the registrar of tribunals for that province; and that power is exercisable by instrument signed by the archbishop and addressed to and served on that person.

(8) An instrument under subsection (7) must specify the date on which the termination is to take effect; and that date must be at least twelve months after the service of the instrument.

7 Registrar of tribunals: functions

(1) The registrar of tribunals for each province has such functions as are conferred by the rules.

(2) If the registrar of tribunals for a province is unable or unwilling to act, the functions of the registrar must be carried out by—

(a) the registrar of tribunals for the other province, or

(b) if a person has been selected under subsection (3), that person.

(3) The registrar of tribunals for a province—

(a) may select a person to act as mentioned in subsection (2), but

(b) may not do so unless the registrar has obtained the written approval of the President of Tribunals.

8 Clergy Conduct Commission: continuation

(1) The body known as the Clergy Discipline Commission—

(a) continues to be established, but

(b) is to be known as "the Clergy Conduct Commission".

(2) The Commission consists of no more than twelve members.

(3) The President of Tribunals and the Deputy President of Tribunals are each members of the Commission by virtue of their office.

(4) The other members of the Commission are appointed by the Appointments Committee.

(5) The membership of the Commission must include at least one member of each House of the General Synod.

(6) The Appointments Committee must appoint one of the members of the Commission as Chair.

(7) The Commission may, subject to provision made by or under this Measure, regulate its own procedure.

9 Clergy Conduct Commission: functions

(1) The Clergy Conduct Commission must—

(a) give general advice to bishop's disciplinary tribunals and each Vicar-General's court, and to bishops and each archbishop, on penalties or other types of order which would be appropriate in particular circumstances;

(b) oversee the training and professional standards of persons exercising functions for the purpose of this Measure;

(c) make an annual report on the exercise of its functions during the previous year to the General Synod through the House of Bishops.

(2) The Commission must issue in the form of a Code of Practice guidance on the operation of the system provided by this Measure.

(3) The Commission must also issue general policy guidance for the purposes of this Measure.

(4) The Commission may amend or replace guidance issued under this section and, if it does so, must issue the guidance in its amended or replacement form.

(5) Before issuing guidance under this section, the Commission must obtain the approval of the Dean of the Arches and Auditor and the President of Tribunals.

(6) The Commission has such other functions as are conferred by or under this or any other Measure.

10 Provincial panel: composition

(1) For each province, the Clergy Conduct Commission must continue to maintain a list, known as "the provincial panel", of persons suitable for appointment as—

(a) a member of a bishop's disciplinary tribunal in the province,

(b) a member of the Vicar-General's court of the province, or

(c) a member of the Arches Court of Canterbury or the Chancery Court of York.

(2) The provincial panel for each province must include the following—

(a) the chancellor of each diocese in the province;

(b) for each diocese in the province, two lay persons nominated by the bishop of the diocese, each of whom—

(i) is resident in the diocese, and

(ii) is on the electoral roll of a parish in the diocese or the community roll of the cathedral of the diocese;

(c) for each diocese in the province, two persons in Holy Orders nominated by the bishop, each of whom—

(i) is resident in the diocese, and

(ii) has served in Holy Orders for at least seven years;

(d) two or more persons nominated by the archbishop of the province, each of whom—

(i) satisfies the judicial-appointment eligibility condition on a 7-year basis, or

(ii) holds or has held high judicial office or the office of circuit judge;

(e) any persons nominated by the archbishop of the province under subsection (3).

(3) The archbishop of each province may nominate for inclusion on the provincial panel for that province—

(a) no more than five persons, each of whom—

(i) is resident in the province, and

(ii) is on the electoral roll of a parish in the province or on the community roll of the cathedral of a diocese in the province, and

(b) no more than five persons, each of whom—

(i) is resident in the province, and

(ii) has served in Holy Orders for at least seven years.

(4) A lay person may be nominated for inclusion on a provincial panel only if the person is an actual communicant.

(5) A nomination by a bishop under subsection (2)(b) or (c) may be made only after consultation with the bishop's council.

(6) Subsection (2)(d) is treated as a statutory provision for the purposes of section 50 of the Tribunals, Courts and Enforcement Act 2007 (which defines "judicial-appointment eligibility condition").

11 Provincial panel: period of inclusion

(1) Each person nominated for inclusion on a provincial panel is included for such period not exceeding six years as is specified in the nomination.

(2) A person nominated under section 10(2)(b) or (c) or (3) is, on the expiry of the period under subsection (1) of this section, eligible to be nominated on one occasion only for such further period not exceeding six years as is specified in the nomination (and that further period need not immediately follow the preceding period).

(3) A person nominated under section 10(2)(d) is, on the expiry of the period under subsection (1) of this section or a further period under this subsection, eligible to be nominated on any number of occasions for such further period not exceeding six years as is specified in the nomination (and none of those further periods need immediately follow the preceding period).

(4) If the period of a person's inclusion on a provincial panel would otherwise expire while that person remains a member of a court or tribunal which has before it a complaint under this Measure or the CDM, the person continues as a member of the court or tribunal until the complaint has been concluded.

(5) Where a casual vacancy occurs among those included on a provincial panel under section 10(2)(b) to (d), the nomination of a person to fill the vacancy must be made—

(a) by the bishop or archbishop who made the nomination in respect of which the vacancy has occurred, and

(b) subject to the same conditions as that nomination was.

(6) A person nominated to fill a casual vacancy on a provincial panel is included on that provincial panel for such period not exceeding six years as is specified in the nomination.

12 Panel of assessors: composition

(1) The Clergy Conduct Commission must compile and maintain a list, known as the "panel of assessors", of persons suitable for appointment as a case assessor under this Measure.

(2) The panel of assessors consists of persons nominated by the Clergy Conduct Commission in such numbers as it thinks appropriate, with one or more of them being nominated as a "lead assessor" for the purposes of this Measure.

(3) But the nomination of a person as a lead assessor may be made only on the recommendation of the Dean of the Arches and Auditor.

(4) A lead assessor may delegate functions to another person included on the panel of assessors.

(5) The lead assessor (or, if there is more than one, each of them acting jointly) must make an annual report on the exercise of the lead assessor's functions during the previous year to the General Synod through the House of Bishops.

(6) A person is eligible for inclusion on the panel of assessors if that person—

(a) is a clerk in Holy Orders and has been for the preceding five years, or

(b) is a lay person who is an actual communicant and is on the electoral roll of a parish or the community roll of a cathedral.

(7) It is for the Clergy Conduct Commission to decide the terms on which a person nominated for inclusion on the panel of assessors is so included.

(8) In deciding how many persons to nominate under subsection (2), which persons to nominate or the terms on which to include a person on the panel of assessors, the Clergy Conduct Commission must have due regard to such advice as the House of Bishops may issue on the principles to apply.

(9) In section 86 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (fees orders), in subsection (8) (meaning of "legal officer"), after paragraph (d) (but before the following "or") insert—

"(da) a person included on the panel of assessors under the Clergy Conduct Measure 2026,".

13 Panel of assessors: period for inclusion

(1) Each person nominated for inclusion on the panel of assessors is included for such period not exceeding six years as is specified in the nomination.

(2) On the expiry of the period under subsection (1), the person is eligible to be nominated for inclusion on the panel on one occasion only for such further period not exceeding six years as is specified in the nomination (and that further period need not immediately follow the preceding period).

(3) If the period of a person's inclusion on the panel of assessors would otherwise expire while the person is investigating a complaint, the person continues to be included on the panel until the investigation is complete.

(4) If the period of a person's inclusion on the panel of assessors as a lead assessor would otherwise expire while a decision by the person is pending under section 21 on what action to take on a complaint, the person continues as a lead assessor until the decision is taken.

(5) Where a casual vacancy occurs among those included on the panel of assessors, the nomination of a person to fill the vacancy must be made by the Clergy Conduct Commission subject to the same conditions as the nomination in respect of which the vacancy has occurred.

(6) The rules may provide—

(a) that a person's inclusion on the panel of assessors depends on the completion of specified training;

(b) that the Clergy Conduct Commission may on specified grounds remove a person from the panel of assessors before the date on which the person's period of inclusion on the panel would otherwise expire.

14 Investigation and Tribunals Team

(1) The Chief Legal Adviser to the Archbishops' Council and the General Synod must designate one or more members of the Legal Office of the National Church Institutions as the members of a group known as "the Investigation and Tribunals Team".

(2) The Investigation and Tribunals Team must—

(a) oversee and administer the investigation of complaints of serious misconduct;

(b) conduct proceedings under this Measure before a court or tribunal;

(c) provide advice and guidance on such matters relating to the operation of this Measure and to such persons as the Investigation and Tribunals Team considers necessary;

(d) assist the Clergy Conduct Commission generally in the exercise of functions conferred by or under this Measure.

(3) Any function conferred by or under this Measure which is expressed to be exercisable by the Investigation and Tribunals Team has effect as a function of the Chief Legal Adviser that is exercisable through the Team.

Making a complaint

15 Complaint: proper interest

(1) A person may make a complaint against a priest, deacon, bishop or archbishop only if that person has a proper interest in the complaint.

(2) Each of the following has a proper interest in a complaint against a priest or deacon—

(a) if the priest or deacon holds office in a parish—

(i) a churchwarden of the parish, or

(ii) a person nominated by the PCC at a duly convened meeting where at least two-thirds of the lay members are present and at least two-thirds of the lay members present vote for the complaint to be made;

(b) if the priest or deacon holds a form of authority to exercise ministry in a single archdeaconry, the archdeacon of that archdeaconry (see also subsection (6));

(c) if the priest or deacon holds a form of authority to exercise ministry in more than one archdeaconry, any archdeacon in the diocese (see also subsection (6));

(d) if the priest or deacon does not hold a form of authority that operates by reference to an archdeaconry, the archdeacon of the archdeaconry in which the priest or deacon is resident (see also subsection (6));

(e) the diocesan safeguarding officer of the diocese in which the priest or deacon either holds a form of authority to exercise ministry or, if not holding authority to do so, is resident;

(f) the national director of safeguarding or a member of the national safeguarding team nominated by the national director;

(g) a person who experienced or witnessed the conduct alleged in the complaint.

(3) Each of the following has a proper interest in a complaint against a clerk in Holy Orders who serves in a cathedral—

(a) a person nominated by the Chapter of the cathedral;

(b) the cathedral safeguarding officer;

(c) the diocesan safeguarding officer of the diocese for which that cathedral is the cathedral church;

(d) the national director of safeguarding or a member of the national safeguarding team nominated by the national director;

(e) a person who experienced or witnessed the conduct alleged in the complaint.

(4) Each of the following has a proper interest in a complaint against a bishop—

(a) in the case of a diocesan or suffragan or other bishop with authority to exercise ministry in a diocese, a person nominated by the bishop's council at a duly convened meeting where—

(i) at least two-thirds of the members are present, and

(ii) at least two-thirds of the members present vote for the complaint to be made;

(b) the diocesan safeguarding officer of the diocese in which the bishop either holds a form of authority to exercise ministry or, if not holding authority to do so, is resident;

(c) the national director of safeguarding or a member of the national safeguarding team nominated by the national director;

(d) a person who experienced or witnessed the conduct alleged in the complaint;

(e) a person nominated by the archbishop of the province which includes the diocese referred to in paragraph (b).

(5) Each of the following has a proper interest in a complaint against an archbishop—

(a) a person nominated by the bishop's council of the diocese of that archbishop at a duly convened meeting where—

(i) at least two-thirds of the members are present, and

(ii) at least two-thirds of the members present vote for the complaint to be made;

(b) the diocesan safeguarding officer for the archbishop's diocese;

(c) the national director of safeguarding or a member of the national safeguarding team nominated by the national director;

(d) a person who experienced or witnessed the conduct alleged in the complaint;

(e) a person nominated by the other archbishop.

(6) Where an archdeacon has a proper interest under subsection (2)(b) to (d) in a complaint but is unable or unwilling to make the complaint, the archdeacon may nominate another archdeacon (whether from that diocese or another one); and an archdeacon so nominated has a proper interest in the complaint, by virtue of that nomination.

(7) An archdeacon, having made a nomination under subsection (6), must record the nomination in writing and send a copy of the written record to—

(a) the diocesan registry, and

(b) if the nomination is of an archdeacon from another diocese, the registry of that other diocese.

(8) The "cathedral safeguarding officer", in relation to a cathedral, is the person appointed by the Chapter of the cathedral to advise the Chapter on, or to have responsibility for managing, matters relating to the safeguarding of children and vulnerable adults.

(9) A reference to the national director of safeguarding is a reference to the official of the National Church Institutions who has responsibility for—

(a) leadership of the national safeguarding team, and

(b) strategic leadership on matters relating to the safeguarding of children and vulnerable adults.

(10) A reference to the national safeguarding team is a reference to the staff of the National Church Institutions who assist the national director of safeguarding.

16 Complaint: procedure

(1) A complaint must be made—

(a) in the form specified in the rules, and

(b) by following the procedure set out in the rules.

(2) A complaint against a priest or deacon must—

(a) if the complaint alleges that the priest or deacon officiated as a minister without authority, be made to the bishop of the diocese in which the priest or deacon is alleged to have done so, or

(b) in any other case, be made to the bishop of the diocese in which, at the time that the conduct alleged in the complaint occurred, the priest or deacon—

(i) held a form of authority to exercise ministry, or

(ii) if not at that time holding a form of authority to exercise ministry, was resident.

(3) A complaint against a bishop (other than an archbishop) must—

(a) if the complaint alleges that the bishop officiated as a minister without authority, be made to the archbishop of the province in which the bishop is alleged to have done so, or

(b) in any other case, be made to the archbishop of the province in which, at the time that the conduct alleged in the complaint occurred, the bishop—

(i) held a form of authority to exercise ministry, or

(ii) if not at that time holding a form of authority to exercise ministry, was resident.

(4) A complaint against an archbishop must be made to the President of Tribunals; and the President, having received the complaint, must notify the other archbishop.

(5) A complaint against a chaplain of one of the armed forces of the Crown must be made to the Archbishop of Canterbury.

(6) A complaint against a minister who has a licence to preach from an archbishop must be made to the archbishop to whom the complaint would be made under subsection (3) if the references in paragraphs (a) and (b) of that subsection to the bishop were references to the licensed minister.

(7) A complaint against a minister who has a licence to preach from the University of Oxford or the University of Cambridge must be made to the Archbishop of Canterbury.

(8) A complaint against a clerk in Holy Orders who holds office in a Royal Peculiar may be made in so far as the rules may provide; and for that purpose, the rules may apply provisions of this Measure with modifications.

(9) Subsections (2) to (4) apply subject to subsections (5) to (8).

(10) A complaint may not be made about the exercise of a function conferred by or under this Measure unless the permission of the President of Tribunals has been obtained.

(11) In the case of a minister licensed to serve in a diocese by the bishop, the licence may not be terminated because of misconduct otherwise than as a result of a complaint being made.

(12) The bishop or archbishop to whom a complaint is required to be made is referred to in this Measure as "the responsible bishop".

17 Protected parties

(1) A complaint in which a child has a proper interest may not be made by the child but may instead be made by—

(a) a person with parental responsibility for the child, or

(b) a person appointed as a litigation friend for the child.

(2) Where a person who has a proper interest in a complaint lacks capacity to make the complaint or has a disability, the complaint may be made by a person appointed as a litigation friend for that person.

(3) Where the person who is the respondent to a complaint lacks capacity to act as such or has a disability, a person appointed as a litigation friend for that person may act as respondent to the complaint.

(4) Subsections (2) and (3) do not affect the powers of a person authorised under the Mental Capacity Act 2005 to act for the person concerned.

(5) The power to appoint a person as a litigation friend is exercisable at any time in accordance with the rules (except under subsection (1), where it is exercisable only before the complaint is made); and the power is exercisable—

(a) by the President of Tribunals, or

(b) if a tribunal or court is already convened, by the Chair of the tribunal or court.

(6) It is the duty of a person appointed as a litigation friend for a person to act in that person's best interests in relation to the complaint.

(7) A person who is authorised by this section to make a complaint is to be treated for the purposes of section 15(1) as having a proper interest in the complaint.

(8) A reference to having a proper interest in a complaint is a reference to having a proper interest in it by virtue of section 15(2)(g), (3)(e), (4)(d) or (5)(d).

(9) "Parental responsibility" has the meaning given in the Children Act 1989.

(10) A reference to lacking capacity is to be read with the Mental Capacity Act 2005.

(11) "Disability" has the meaning given in section 6 of the Equality Act 2010.

18 Self-referral by cleric

(1) A priest, deacon, bishop or archbishop (a "cleric") may make a complaint under this Measure against that cleric in respect of the cleric's own conduct, except in so far as the conduct in question is already the subject of a complaint under this Measure or the CDM.

(2) A complaint by virtue of subsection (1) against a cleric must be made to the person to whom it would be made if it were made by any other person against that cleric.

19 Limitation periods

(1) A complaint of serious misconduct may be made at any time, regardless of when the conduct alleged in the complaint occurred.

(2) A complaint of misconduct (other than serious misconduct) or a complaint which is a grievance may be made only if the conduct alleged in the complaint, or the last instance of it in a course of conduct, occurred within the period of twelve months ending with the date on which the complaint is made.

(3) A complaint may be made in respect of conduct occurring before the commencement of this section, subject to the limitations imposed by this section.

(4) Subsection (2) does not apply in the case of a complaint by virtue of section 18(1) (self-referral by cleric).

Complaint handling

20 Referral of complaint

(1) The responsible bishop or, in the case of a complaint against an archbishop, the President of Tribunals, having received a complaint, must refer it to—

(a) a lead assessor, and

(b) if the case comes within subsection (2) or (3), also to the persons to whom it is required to be given by that subsection.

(2) If conduct alleged in the complaint would, if proved, amount to the commission of an offence, the complaint must, in so far as it relates to that alleged conduct, be referred to the police unless the alleged conduct has already been referred to the police.

(3) If conduct alleged in the complaint involves a child or vulnerable adult but the complaint was not made by the diocesan safeguarding officer or the national director of safeguarding and the alleged conduct has not already been referred to that officer or the national director, the complaint must be referred—

(a) if it is against a priest or deacon, to the diocesan safeguarding officer;

(b) if it is against a bishop or archbishop, to the national director of safeguarding.

(4) Where a complaint is referred to the diocesan safeguarding officer under subsection (3)(a), that officer becomes a party to the complaint.

(5) Where a complaint is referred to the national director of safeguarding under subsection (3)(b), either the national director or a member of the national safeguarding team nominated by the national director becomes a party to the complaint.

(6) Where there is more than one lead assessor on the panel of assessors, the question of which of them to make the referral to under subsection (1)(a) is determined in accordance with the rules.

(7) The rules must make provision as to the role of the diocesan safeguarding officer in the case of a complaint made by that officer or to which that officer becomes a party by virtue of subsection (4).

(8) The rules must make provision as to the role of the national director of safeguarding or of a member of the safeguarding team nominated under subsection (5) in the case of a complaint to which the national director or nominee becomes a party by virtue of that subsection.

(9) On referring a complaint under subsection (1)(a), the responsible bishop or the President of Tribunals must give the lead assessor such information as the rules may specify.

(10) The responsible bishop, having referred a complaint in accordance with this section and having had due regard to the Code of Practice—

(a) must consider what support might benefit—

(i) each of the parties to the complaint,

(ii) people in an area where the person against whom the complaint is made has been exercising ministry and

(iii) any other person with an interest in the complaint, and

(b) must offer to arrange the provision of such support as the responsible bishop considers appropriate and, if the offer is accepted, arrange for the provision of that support.

(11) In the case of a complaint against an archbishop, the functions conferred on the responsible bishop by subsection (10) are exercisable by the other archbishop.

21 Allocation of complaint

(1) A lead assessor, having had a complaint referred under section 20 and having had due regard to the Code of Practice, must do one of the following—

(a) allocate the complaint as a grievance;

(b) allocate the complaint as one of misconduct (but not serious misconduct);

(c) allocate the complaint as one of serious misconduct;

(d) recommend to the responsible bishop or the President of Tribunals that the complaint be dismissed on the grounds that it is vexatious or totally without merit;

(e) if the complaint comes within section 19(2) but was made after the end of the limitation period under that provision, either—

(i) dismiss the complaint, or

(ii) where the lead assessor considers that there was a good reason why the complaint was not made before the end of the limitation period, give permission for the complaint to proceed;

(f) dismiss the complaint on the grounds that it was made by a person who does not have a proper interest in making the complaint.

(2) Where the lead assessor considers that a complaint is one of misconduct (but not serious misconduct) and that it could properly be dealt with as a grievance, the lead assessor may decide to allocate the complaint as a grievance under subsection (1)(a).

(3) Before deciding whether to give permission under subsection (1)(e)(ii), the lead assessor must give the persons specified in the rules an opportunity to make written representations.

(4) The lead assessor, having decided what action to take under subsection (1), must notify the responsible bishop or the President of Tribunals.

(5) The rules may make provision for a case where a complaint includes more than one allegation and the lead assessor thinks that the allegations, if each made in a separate complaint, would be allocated differently under subsection (1).

22 Action after allocation of complaint

(1) The responsible bishop or the President of Tribunals, having received a notification under section 21(4), must inform each party to the complaint of the lead assessor's decision by letter in such form as may be specified in the rules.

(2) Where the decision is to allocate the complaint as a grievance, the responsible bishop or the President of Tribunals must appoint a person (a "designated person") to investigate and seek to resolve the grievance (see further section 23).

(3) A person may be appointed under subsection (2) only if the person is a clerk in Holy Orders or an actual communicant; and before making the appointment, the responsible bishop or the President of Tribunals must have due regard to the Code of Practice.

(4) Where the decision is to allocate the complaint as one of misconduct (but not serious misconduct), the lead assessor must appoint a case assessor (see further sections 24 to 26).

(5) Where the decision is to allocate the complaint as one of serious misconduct, the responsible bishop or the President of Tribunals must refer the complaint to the Investigation and Tribunals Team (see further section 27).

(6) Where the decision is to allocate the complaint as one of misconduct or one of serious misconduct, the letter sent to the respondent under subsection (1) must include an explanation of the right to instruct a lawyer and the right to apply for legal aid under the Church of England (Legal Aid) Measure 1994.

(7) In section 3 of that Measure (supplementary provisions about legal aid), after subsection (3) insert—

"(4) A person is entitled to instruct a direct access barrister to act for that person in proceedings mentioned in the first column of Schedule 1.

(5) Accordingly a reference in this Measure to the solicitor acting for a person is, in a case where the person instructs a direct access barrister, to be read as a reference to the direct access barrister.

(6) "Direct access barrister" means a barrister who is authorised by the body responsible for regulating barristers in England and Wales to take instructions directly from a person rather than through a solicitor acting for that person.".

(8) Where the decision is to recommend that the complaint be dismissed under section 21(1)(d)—

(a) in the case of a complaint against a priest, deacon or bishop, the responsible bishop must dismiss the complaint;

(b) in the case of a complaint against an archbishop, the President of Tribunals may, if the President disagrees with the recommendation—

(i) decide not to dismiss the complaint, and

(ii) give directions in accordance with the rules.

23 Grievance

(1) This section applies where a complaint is allocated under section 21(1)(a) or 24(7)(b) as a grievance.

(2) The designated person appointed under section 22(2) must, in investigating and seeking to resolve the grievance, act in accordance with the rules and have due regard to the Code of Practice.

(3) At any time before resolving the grievance, the designated person may refer the complaint to the lead assessor with a recommendation that it be allocated instead as a complaint of misconduct or serious misconduct.

(4) On a referral under subsection (3), the lead assessor, having complied with any requirements imposed by the rules and having had due regard to the Code of Practice, must do one of the following—

(a) allow the complaint to continue to be allocated as a grievance;

(b) allocate the complaint as a complaint of misconduct (but not serious misconduct);

(c) allocate the complaint as a complaint of serious misconduct.

(5) Section 21 applies to a decision to take action under subsection (4)(b) or (c) of this section as it applies to a decision to take the equivalent action under subsection (1)(b) or (c) of that section.

(6) If the designated person is satisfied that it is not possible to resolve the grievance, the designated person must notify—

(a) the parties to the complaint,

(b) the lead assessor, and

(c) the responsible bishop or, in the case of a complaint against an archbishop, the President of Tribunals.

24 Complaint of misconduct: investigation

(1) This section applies where a complaint is allocated under section 21(1)(b) or 23(4)(b) as a complaint of misconduct (but not serious misconduct).

(2) The appointment of a case assessor under section 22(4) must be made from the panel of assessors.

(3) It is for the appointed case assessor—

(a) to investigate the complaint, and

(b) to make whatever findings of fact are required to determine the complaint.

(4) If an issue such as may be specified in the rules arises during the investigation, the case assessor must seek advice from the Investigation and Tribunals Team.

(5) The case assessor may, at any time during the investigation, seek advice from the Investigation and Tribunals Team on an issue relating to the complaint.

(6) At any time before completing the investigation, the case assessor may refer the complaint to the lead assessor with a recommendation that it be allocated instead as a grievance or as a case of serious misconduct.

(7) On a referral under subsection (6), the lead assessor, having complied with any requirements imposed by the rules and having had due regard to the Code of Practice, must do one of the following—

(a) allow the complaint to continue to be allocated as a complaint of misconduct;

(b) allocate the complaint as a grievance;

(c) allocate the complaint as a complaint of serious misconduct.

(8) The cases in which the lead assessor may decide to take action under subsection (7)(b) include those where the lead assessor considers that the complaint—

(a) is one of misconduct (but not serious misconduct), but

(b) could properly be dealt with as a grievance.

(9) Sections 21 and 22 apply to a decision to take action under subsection (7)(b) or (c) of this section as they apply to a decision to take the equivalent action under subsection (1)(a) or (c) of section 21.

25 Complaint of misconduct: report

(1) A case assessor, having completed an investigation under section 24, must issue a report to the parties to the complaint and—

(a) in the case of a complaint against a priest, deacon or bishop, to the responsible bishop;

(b) in the case of a complaint against an archbishop, to the President of Tribunals.

(2) The report must be issued within the period specified in the rules and must address such matters as may be specified in the rules.

(3) The report must set out the findings of fact that the case assessor made and must make one of the following recommendations—

(a) that the complaint be declared proved in full;

(b) that the complaint be dismissed in full;

(c) that the complaint be declared proved in part and be dismissed in part.

(4) In so far as the recommendation made in the report is that the complaint be declared proved, the report may also recommend—

(a) whether a penalty or administrative sanction should be imposed, and

(b) if so, which penalty or administrative sanction should be imposed.

(5) In so far as the recommendation made in the report is that the complaint be dismissed, the report may also recommend that the complaint be declared vexatious or totally without merit.

(6) In the case of a complaint against a priest, deacon or bishop, the responsible bishop, having received the report and having had due regard to the Code of Practice, must implement the recommendation under subsection (3) or (5).

(7) In the case of a complaint against an archbishop, the President of Tribunals—

(a) may implement the recommendation under subsection (3) or (5), or

(b) if the President does not agree with a finding of fact or with a recommendation under subsection (3) or (5), may—

(i) determine the complaint, or

(ii) give directions in accordance with the rules.

(8) Neither the responsible bishop nor the President of Tribunals need implement a recommendation under subsection (4) and may accordingly decide the matters specified in paragraphs (a) and (b) of that subsection.

26 Complaint of misconduct: conciliation

(1) The parties to a complaint which has been allocated under section 21(1)(b) as a complaint of misconduct may, at any time before the complaint has been concluded, agree to refer the complaint for conciliation.

(2) If the parties do so agree, the responsible bishop or, in the case of a complaint against an archbishop, the President of Tribunals—

(a) must give each of the parties an opportunity to make written representations on who to appoint as the conciliator, and

(b) having taken into account the representations, must appoint a person as the conciliator.

(3) The conciliator appointed must use best endeavours to bring about a conciliation between the parties.

(4) If, within the three months following the conciliator's appointment, the parties agree that a conciliation has been reached, the agreement must be recorded in writing and no further steps may be taken on the complaint.

(5) If, at the end of that three-month period, the parties have not agreed that a conciliation has been reached, the complaint proceeds as it would if it had not been referred for conciliation.

27 Complaint of serious misconduct

(1) This section applies where a complaint is allocated under section 21(1)(c), 23(4)(c) or 24(7)(c) as a complaint of serious misconduct.

(2) It is for the Investigation and Tribunals Team—

(a) to investigate the complaint, and

(b) to make a report to the President of Tribunals.

(3) The Investigation and Tribunals Team may arrange for the functions under subsection (2) to be carried out on behalf of the Team by a person who is not an employee of the National Church Institutions.

(4) The report under subsection (2)(b) must, once it has been made to the President of Tribunals, be given to each party to the complaint; and each party must be given an opportunity to make written representations on the report to the President.

(5) The President of Tribunals, having considered the report under subsection (2)(b) and any representations under subsection (4), must do one of the following—

(a) refer the complaint in full for determination by a bishop's disciplinary tribunal (if the complaint is against a priest or deacon) or by the Vicar-General's court (if it is against a bishop or archbishop);

(b) refer part of the complaint for determination as mentioned in paragraph (a) and dismiss the remainder;

(c) dismiss the complaint in full.

(6) In making a decision under subsection (5), the President of Tribunals must consider—

(a) whether there is a real prospect of a finding of misconduct,

(b) whether, if there were a finding of misconduct, it would likely be a finding of serious misconduct, and

(c) whether there are exceptional circumstances which are such that referring the complaint to a tribunal or court would cause an injustice.

(7) If the President of Tribunals determines that there is a real prospect of a finding of misconduct, that it would likely be a finding of serious misconduct and that there are no circumstances as mentioned in subsection (6)(c), the President must refer the complaint—

(a) in the case of a complaint against a priest or deacon, to a bishop's disciplinary tribunal (see further section 29);

(b) in the case of a complaint against a bishop or archbishop, to the Vicar-General's court (see further section 30).

(8) If the President of Tribunals determines that there is no real prospect of a finding of misconduct, the complaint is dismissed and no further steps may be taken on it.

(9) If the President of Tribunals determines that there is a real prospect of a finding of misconduct but that it would likely not be a finding of serious misconduct—

(a) the President must refer the complaint to the lead assessor, and

(b) the complaint is to continue as if it had been allocated as a complaint of misconduct (but not serious misconduct), even if the limitation period under section 19(2) has already ended.

(10) If the President of Tribunals determines that there is a real prospect of a finding of misconduct and that it would likely be a finding of serious misconduct but that there are circumstances as mentioned in subsection (6)(c), the complaint is dismissed and no further steps may be taken on it.

(11) The President of Tribunals' decision under subsection (5) and the conclusion of each consideration under subsection (6) must be recorded in writing.

28 Safeguarding issues arising during investigation

(1) If, during the investigation of a complaint of misconduct or serious misconduct under section 24 or 27, an issue relating to the safeguarding of a child or vulnerable adult arises and the relevant safeguarding professional is not a party to the complaint, the person carrying out the investigation—

(a) must notify the relevant safeguarding professional, and

(b) having due regard to the Code of Practice, may apply to the President of Tribunals for the relevant safeguarding professional to become a party to the complaint.

(2) The "relevant safeguarding professional" is—

(a) if the complaint is against a priest or deacon, the diocesan safeguarding officer;

(b) if the complaint is against a bishop or archbishop, the national director of safeguarding or, if the national director nominates a member of the national safeguarding team, that nominee.

(3) The rules must set out—

(a) the procedure to be followed in making an application under subsection (1)(b);

(b) the procedure to be followed and the steps that may be taken by the President of Tribunals on the application.

(4) The rules must make provision as to the role of the relevant safeguarding professional in the case of a complaint to which that person becomes party on an application under subsection (1)(b).

Proceedings on a complaint

29 Bishop's disciplinary tribunal

(1) Where a complaint against a priest or deacon is referred to a bishop's disciplinary tribunal under section 27(7)(a), it is referred to the bishop's disciplinary tribunal for the diocese of the responsible bishop.

(2) The bishop's disciplinary tribunal consists of three persons—

(a) one of whom serves as the Chair (see further subsection (3)),

(b) one of whom is a clerk in Holy Orders appointed by the President of Tribunals, and

(c) one of whom is a lay person appointed by the President of Tribunals.

(3) The Chair of the bishop's disciplinary tribunal is—

(a) the President of Tribunals, or

(b) such person as the President may appoint from among those included under section 10(2)(a) or (d) on the provincial panel for the province which includes the diocese of the responsible bishop.

(4) A person may not be appointed to a bishop's disciplinary tribunal for the purposes of this section if that person was nominated to the provincial panel by the responsible bishop.

30 Vicar-General's court

(1) Where a complaint against a bishop or archbishop is referred to the Vicar-General's court under section 27(7)(b), it is referred to the Vicar-General's court for the province of the archbishop who is the responsible bishop.

(2) The Vicar-General's court consists of three persons—

(a) one of whom serves as the Chair (see further subsection (3)),

(b) one of whom is a person in Episcopal Orders appointed by the President of Tribunals, and

(c) one of whom is a lay person appointed by the President of Tribunals from the provincial panel for the other province.

(3) The Chair of the Vicar-General's court is the Vicar-General or, if the Vicar-General is unable or unwilling to serve as the Chair—

(a) the President of Tribunals, or

(b) such person as the President may appoint from among those included under section 10(2)(a) or (d) on the provincial panel for the province of the archbishop who is the responsible bishop.

(4) A person may not be appointed to the Vicar-General's court for the purposes of this section if that person was nominated to the provincial panel by the responsible bishop or, where the complaint is against an archbishop, by the other archbishop.

31 Procedural matters

(1) The standard of proof to be applied by a bishop's disciplinary tribunal or the Vicar-General's court in the exercise of jurisdiction under this Measure is the balance of probabilities.

(2) A decision by the tribunal or court is to be taken by a majority of its members, except for a decision on a question of law or procedure; and a decision on a question of that description is to be taken by the Chair sitting alone.

(3) The tribunal or court is to sit in public except—

(a) in circumstances in which the tribunal or court is satisfied that it is in the interests of justice to sit in private, or

(b) in such circumstances as the rules may specify.

(4) Where the tribunal or court is to sit in public, it may exclude such persons as it decides from the whole or part of the proceedings.

(5) The rules may make provision for—

(a) the joinder of a complaint with one or more others;

(b) the termination or withdrawal of a complaint or part of a complaint;

(c) the making of a full or partial admission to conduct alleged in a complaint.

32 Vexatious litigant: application for restraint order

(1) The respondent to a complaint, or a bishop or archbishop or the Investigation and Tribunals Team, may apply for a restraint order against the person specified in the application.

(2) A restraint order is an order—

(a) that the person specified in the order may not make a complaint without the permission of the President of Tribunals,

(b) that a person who would have a proper interest in a complaint may not make the complaint at the request of the person specified in the order without the permission of the President of Tribunals,

(c) that the person specified in the order may not make an application or request under this Measure (other than an application for permission under this section) without the permission of the President of Tribunals or, if a tribunal or court is already convened, that tribunal or court, and

(d) that a complaint, application or request that the person specified in the order made before the order was made may not proceed further without the permission of the President of Tribunals.

(3) An application for a restraint order is made to—

(a) the President of Tribunals, or

(b) if a bishop's disciplinary tribunal or the Vicar-General's court, or the Arches Court of Canterbury or the Chancery Court of York, is already convened, the Chair of that tribunal or court.

(4) The President of Tribunals or the Chair of the tribunal or court may make a restraint order if satisfied that the person against whom the order is sought has habitually and persistently and without reasonable grounds made complaints, applications or requests under this Measure, or under the CDM or EJM, which are vexatious or totally without merit.

(5) Before making a restraint order, the President of Tribunals or the Chair of the tribunal or court must give the person against whom the order is sought an opportunity to make written representations.

33 Vexatious litigant: operation of restraint order

(1) A restraint order is in force for—

(a) the period specified in the order, or

(b) if no period is specified, an indefinite period.

(2) A restraint order must be published in accordance with such directions as the President of Tribunals may issue.

(3) A complaint, application or request made in contravention of a restraint order is a nullity.

(4) Where a restraint order is in force, the President of Tribunals or the Chair of the tribunal or court who made the order may, on an application by the person subject to the order, grant permission under section 32 if—

(a) the making of the proposed complaint, application or request by that person would not amount to an abuse of process, and

(b) the complaint, application or request is based on reasonable grounds.

(5) The President of Tribunals or the Chair of a tribunal or court, on an application by a person subject to a restraint order, may vary or discharge the order if satisfied—

(a) that there has been a material change of circumstances since the order was made, and

(b) that it would be appropriate to vary or discharge the order.

Restrictions and suspensions

34 Restriction orders and suspensions: power to impose

(1) This section applies where, in the case of a priest, deacon, bishop or archbishop (a "cleric")—

(a) a complaint against the cleric has been allocated as a complaint of misconduct or serious misconduct but has not yet been concluded,

(b) the cleric is arrested, or interviewed under caution, on suspicion of committing an offence or is charged with an offence without having been arrested or interviewed,

(c) proceedings against the cleric for an offence are commenced,

(d) the cleric is convicted of an offence,

(e) the cleric is included in a barred list, or

(f) the relevant officer is satisfied that the cleric presents a significant risk of harm on the basis of information provided by—

(i) the diocesan safeguarding officer,

(ii) the national director of safeguarding,

(iii) a member of the national safeguarding team,

(iv) a local authority, or

(v) the police.

(2) The relevant officer may impose on the cleric—

(a) a restriction order (see further section 35), or

(b) a suspension (see further section 36).

(3) The relevant officer may revoke a restriction order or a suspension.

(4) In this section and sections 35 and 36, the "relevant officer" is—

(a) in the case of a priest or deacon, the bishop of the diocese concerned,

(b) in the case of a bishop, the archbishop of the province concerned, and

(c) in the case of an archbishop, the President of Tribunals.

(5) A cleric presents a "significant risk of harm" if there is a significant risk that the cleric may—

(a) harm a child or vulnerable adult,

(b) cause a child or vulnerable adult to be harmed,

(c) put a child or vulnerable adult at risk of harm,

(d) attempt to harm a child or vulnerable adult, or

(e) incite another person to harm a child or vulnerable adult.

(6) The rules may provide that this section does not apply to a specified offence or an offence of a specified description.

(7) A reference to an occurrence of a description given in subsection (1)(b) to (d) includes a reference to an occurrence of that description outside England.

35 Restriction order

(1) A restriction order is an order to empower the relevant officer to restrict the cleric from taking specified action except in so far as the relevant officer has given permission.

(2) The relevant officer may impose a restriction order if satisfied, having considered all the circumstances of the case, that doing so is necessary to secure the proper exercise of the functions of the office and work of a clerk in Holy Orders of the kind concerned.

(3) Before deciding whether to impose a restriction order, the relevant officer must consult such persons as the relevant officer considers appropriate and—

(a) if acting in reliance on section 34(1)(f) in the case of a priest or deacon, the diocesan safeguarding officer (unless the information was provided by the officer);

(b) if acting in reliance on section 34(1)(f) in the case of a bishop or archbishop, the national director of safeguarding (unless the information was provided by the director or a member of the national safeguarding team).

(4) The rules must make provision—

(a) requiring a decision by the relevant officer whether to impose a restriction order, and the reasons for that decision, to be recorded in writing;

(b) the procedure to be followed in serving notice of, or notice of revocation of, a restriction order.

(5) A restriction order has effect for three months beginning with the date of service of the notice by virtue of subsection (4) unless the restriction order is revoked under section 34(3).

(6) The relevant officer may, on the expiry of a restriction order, impose a further restriction order; and subsections (2) to (5) apply to each further restriction order as they applied to the immediately preceding restriction order.

36 Suspension

(1) A suspension is an order to suspend the cleric from carrying out any function of or incidental to the cleric's office except in so far as the relevant officer has given permission.

(2) The relevant officer may impose a suspension if satisfied, having considered all the circumstances of the case—

(a) that the imposition of a restriction order would not be sufficient, and

(b) that it is necessary to suspend the cleric from the exercise of functions as such.

(3) Before deciding whether to impose a suspension, the relevant officer must consult such persons as the relevant officer considers appropriate and—

(a) if acting in reliance on section 34(1)(f) in the case of a priest or deacon, the diocesan safeguarding officer (unless the information was provided by the officer);

(b) if acting in reliance on section 34(1)(f) in the case of a bishop or archbishop, the national director of safeguarding (unless the information was provided by the director or a member of the national safeguarding team).

(4) Before imposing a suspension on a bishop, the relevant officer must obtain the consent of the two most senior bishops of the province concerned.

(5) The rules must make provision—

(a) requiring a decision by the relevant officer whether to impose a suspension, and the reasons for that decision, to be recorded in writing;

(b) for the procedure to be followed when serving notice of, or notice of revocation of, a suspension.

(6) A suspension has effect for three months beginning with the date of service of the notice by virtue of subsection (5) unless the suspension is revoked under section 34(3).

(7) The relevant officer may, on the expiry of a suspension, impose a further suspension; and subsections (2) to (6) apply to each further suspension as they applied to the immediately preceding suspension.

(8) Where a suspension of a priest or deacon has effect, the relevant officer may make arrangements for the ministrations of a church while the suspension has effect; but before doing so, the relevant officer must consult—

(a) the churchwardens, and

(b) the incumbent or priest-in-charge concerned or, if there is no such person or that person is the person suspended, the rural dean.

(9) Where a suspension of a bishop has effect, the relevant officer may make arrangements for the ministrations of the diocese while the suspension has effect; but before doing so, the relevant officer must consult the two most senior bishops of the province concerned.

(10) Where a suspension of an archbishop has effect, the other archbishop may make arrangements for the ministrations of the province while the suspension has effect; but before doing so, the relevant officer must consult the two most senior bishops of that province.

(11) The cleric subject to the suspension must not interfere with the exercise of functions pursuant to arrangements made under subsections (8) to (10).

Penalties etc.

37 Penalties and administrative sanctions

(1) Each of the following may be imposed as a penalty for misconduct—

(a) a written notice of misconduct that is not serious misconduct;

(b) a mentoring and supervision requirement, which is a requirement that the respondent's exercise of ministry be subject for a specified period to mentoring and supervision;

(c) an injunction;

(d) a written notice of serious misconduct;

(e) the revocation of a licence or permission to officiate issued by a bishop;

(f) the removal from an ecclesiastical office;

(g) a limited prohibition, which is a prohibition from exercising the functions of Holy Orders for a specified period;

(h) a prohibition for life, which is a prohibition from exercising the functions of Holy Orders for an indefinite period.

(2) Either or each of the following may be imposed as an administrative sanction for misconduct—

(a) a written warning not to repeat the conduct concerned;

(b) written advice on how to ensure the conduct does not reoccur.

(3) A penalty of removal from an ecclesiastical office imposed on an archbishop or bishop, or on a person holding a preferment the right to appoint to which is vested in His Majesty (and which is not a parochial benefice), does not take effect unless and until His Majesty by Order in Council confirms the penalty.

38 Power to impose penalty or administrative sanction

(1) Where, on a complaint of misconduct (but not serious misconduct), the case assessor finds that the respondent has committed misconduct, the responsible bishop or, where the complaint is against an archbishop, the President of Tribunals may impose a penalty or administrative sanction.

(2) Where, on a complaint of serious misconduct, the bishop's disciplinary tribunal or the Vicar-General's Court finds that the respondent has committed misconduct or serious misconduct, the tribunal or court may impose a penalty or administrative sanction.

(3) Where, on a complaint of misconduct (but not serious misconduct), the respondent admits to misconduct, the responsible bishop or, where the complaint is against an archbishop, the President of Tribunals may impose a penalty or administrative sanction.

(4) Where, on a complaint of serious misconduct against a priest or deacon, the respondent admits to misconduct, the bishop's disciplinary tribunal may impose a penalty or administrative sanction.

(5) Where, on a complaint of serious misconduct against a bishop or archbishop, the respondent admits to misconduct, the Vicar-General's Court may impose a penalty or administrative sanction.

(6) Where, in a case within subsections (3) to (5), the respondent admits to only part of the misconduct alleged in the complaint, no penalty or administrative sanction may be imposed for that part of the misconduct until the complaint, so far as it relates to the other part of the misconduct, has been concluded.

39 Exercise of power under section 38

(1) The responsible bishop or the President of Tribunals, when exercising a power under section 38, may impose—

(a) one or more of the penalties under section 37(1)(a) to (c) (but none of the other penalties), or

(b) either or each of the administrative sanctions under section 37(2).

(2) A bishop's disciplinary tribunal or the Vicar-General's court, when exercising a power under section 38, may impose—

(a) one or more of the penalties under section 37(1), or

(b) either or each of the administrative sanctions under section 37(2).

(3) In a case where either or each of the administrative sanctions under section 37(2) is imposed, a penalty may not also be imposed.

(4) Where the tribunal or court is considering the length of the period to specify in a limited prohibition under section 37(1)(g), it may take into account the amount of time for which the respondent has been suspended under section 34 pending determination of the complaint, except in so far as doing so would extinguish the period to be specified in the limited prohibition.

(5) Before imposing a penalty, the tribunal or court may invite the responsible bishop to give a written opinion on what an appropriate penalty would be; but the invitation may not be made if the responsible bishop gave evidence in the proceedings on the complaint.

(6) The tribunal or court, having received a written opinion under subsection (5)—

(a) must have due regard to the opinion, and

(b) must give a copy of it to the respondent.

(7) When imposing a penalty, the responsible bishop, the President of Tribunals or the tribunal or court must have due regard to the Code of Practice and to any advice given under section 9(1)(a) (advice on penalties).

40 Conditional discharge

(1) On a finding or admission of misconduct on a complaint, the responsible bishop, the President of Tribunals or the tribunal or court may order the discharge of the respondent subject to the condition that the respondent does not commit misconduct during the period specified in the order; and that period must not exceed two years beginning with the date of the order.

(2) An order under this section is called a "conditional discharge"; and the period specified in the order is referred to as the period of the discharge.

(3) A conditional discharge may be made only if, having due regard to the circumstances (including the nature of the misconduct and the character of the respondent), the responsible bishop, the President of Tribunals or the tribunal or court is of the opinion that it is not expedient to impose a penalty or administrative sanction.

(4) If a person in whose case a conditional discharge has been made is found to have committed or admits to having committed misconduct during the period of the discharge, the responsible bishop, the President of Tribunals or the tribunal or court dealing with that misconduct may also deal with the misconduct for which the conditional discharge was made as if a finding or admission of that misconduct had just been made.

(5) Before making a conditional discharge, the responsible bishop, the President of Tribunals or the tribunal or court must explain to the respondent in ordinary language the effect of subsection (4).

(6) Where, in a case within subsection (4), the conditional discharge was made for serious misconduct and the subsequent finding or admission is of misconduct that is not serious misconduct, the responsible bishop or the President of Tribunals, on receiving the case assessor's report, must refer the matter to the bishop's disciplinary tribunal or Vicar-General's court for the imposition of a penalty or administrative sanction.

41 Deposition from Holy Orders: priest or deacon

(1) Where a bishop's disciplinary tribunal imposes the penalty of prohibition for life on a priest or deacon, the tribunal must include in its written judgment—

(a) a recommendation to the responsible bishop on whether the priest or deacon should be deposed from Holy Orders, and

(b) the reasons for the recommendation.

(2) The responsible bishop, having considered the recommendation and the reasons for it, may depose the priest or deacon from Holy Orders.

(3) If a person is deposed from Holy Orders, the same consequences follow as those provided for in paragraphs (1) to (3) of section 4 of the Clerical Disabilities Act 1870.

(4) Before exercising the power under subsection (2), the responsible bishop must serve on the priest or deacon and on the registrar of the relevant province a written notice in the form specified in the rules of the intention to depose the priest or deacon.

(5) The priest or deacon may appeal against the notice; and the appeal must be made before the end of 28 days beginning with the date of the notice.

(6) The appeal is made to the archbishop of the province which includes the diocese of the responsible bishop.

(7) The responsible bishop may not exercise the power under subsection (2) until—

(a) the expiry of the 28-day period referred to in subsection (5), or

(b) if an appeal is made within that period, the disposal of the appeal.

(8) The rules may make further provision about an appeal under subsection (5), including provision on the powers exercisable where the appeal is allowed.

42 Deposition from Holy Orders: bishop or archbishop

(1) Where the Vicar-General's court imposes the penalty of prohibition for life on a bishop, the court must include in its written judgment—

(a) a recommendation to the Upper House of the Convocation of the province of the archbishop who is the responsible bishop on whether the bishop should be deposed from Holy Orders, and

(b) the reasons for the recommendation.

(2) Where the Vicar-General's court imposes the penalty of prohibition for life on an archbishop, the court must include in its written judgment—

(a) a recommendation to the Upper House of the Convocation of the province of that archbishop on whether the archbishop should be deposed from Holy Orders, and

(b) the reasons for the recommendation.

(3) The Upper House, having considered the recommendation and the reasons for it, may resolve to depose the bishop or archbishop from Holy Orders.

(4) If the Upper House resolves to depose the bishop or archbishop from Holy Orders, the same consequences follow as those provided for in paragraphs (1) to (3) of section 4 of the Clerical Disabilities Act 1870.

(5) But before a resolution to that effect may be put to the Upper House, a written notice in the form specified in the rules must be served on the bishop or archbishop.

(6) The Upper House, having considered any written representations made by the bishop or archbishop before the end of 28 days beginning with the date of service of the notice, must give the bishop or archbishop an opportunity to be heard before it personally.

(7) A resolution under subsection (3) may not be put to the Upper House until the end of the 28-day period referred to in subsection (6) or—

(a) if written representations are made within that period, until completion of the consideration of the representations, and

(b) if the bishop or archbishop has a hearing under subsection (6), until the end of the hearing.

(8) The rules may make further provision about representations or hearings as mentioned in subsection (6), including provision on the powers exercisable where the Upper House resolves not to depose a bishop or archbishop.

43 Restoration on pardon

Where a priest, deacon, bishop or archbishop who, under this Measure or the CDM or EJM is prohibited from exercising functions or removed from office or deposed from Holy Orders, receives a free pardon from the Crown—

(a) the prohibition, removal or deposition ceases to apply, and

(b) the person is reappointed to any ecclesiastical office or form of authority to exercise ministry held immediately before the prohibition, removal or deposition unless the appointment has been filled in the meantime.

44 Limited prohibition: performance of cleric's functions

(1) Where the penalty of limited prohibition is imposed on a priest or deacon, the bishop in whose diocese the priest or deacon holds a form of authority to exercise ministry may appoint some other person to carry out during the period of the prohibition the functions involved in exercising the ministry (without there being any need to obtain the consent of the priest or deacon on whom the limited prohibition is imposed).

(2) Where the penalty of limited prohibition is imposed on a suffragan bishop, the bishop of the diocese concerned may appoint some other bishop to carry out the suffragan bishop's functions during the period of the prohibition.

(3) Where the penalty of limited prohibition is imposed on the bishop of a diocese, the archbishop of the province which includes that diocese may appoint some other bishop to carry out the diocesan bishop's functions during the period of the prohibition.

(4) Where the penalty of limited prohibition is imposed on an archbishop, the archbishop of the other province must carry out the archbishop's functions during the period of the prohibition.

45 Disobeying penalty etc

(1) A breach of a penalty or censure imposed under this Measure or the CDM or EJM is to be regarded as a breach of ecclesiastical law for the purposes of section 3(1)(a) and is, accordingly, misconduct.

(2) Where a person is deposed from Holy Orders, a complaint may nevertheless be made against the person which—

(a) alleges misconduct of the kind referred to in subsection (1), or

(b) alleges that misconduct, which has not already been alleged in a complaint under this Measure or the CDM, occurred before the deposition took effect.

(3) Sections 41(3) and 42(4) (which apply the consequences provided for in paragraphs (1) to (3) of section 4 of the Clerical Disabilities Act 1870) are subject to subsection (2) of this section.

46 Conviction for offence etc: power to impose penalty etc

(1) Where a priest, deacon, bishop or archbishop (a "cleric") is convicted of an offence (whether in England or elsewhere) or included on a barred list, a penalty or administrative sanction may be imposed on the cleric without the need for a complaint to be made.

(2) The power under this section is exercisable—

(a) in the case of a priest or deacon, by the bishop of the relevant diocese;

(b) in the case of a bishop, by the archbishop of the province which includes the relevant diocese after consulting the two most senior bishops of that province;

(c) in the case of an archbishop, by the President of Tribunals after consulting the other archbishop.

(3) Before exercising the power under this section, the bishop or archbishop or the President of Tribunals must, by following the procedure set out in the rules—

(a) obtain a report from the Investigation and Tribunals Team,

(b) give the cleric an opportunity to make written representations, and

(c) in a case where the conduct constituting the offence involves a child or vulnerable adult or in a case of inclusion on a barred list, consult—

(i) the diocesan safeguarding officer who would have a proper interest in a complaint against the cleric, or

(ii) the national director of safeguarding.

(4) The bishop or archbishop, when proposing to exercise the power under this section, must require the relevant registrar to give (if practicable) at least 14 days' written notice to the cleric of the time and place at which the power will be exercised, and the cleric is entitled to be present when it is; and "the relevant registrar" means—

(a) where the bishop proposes to exercise the power, the registrar of the bishop's diocese;

(b) where the archbishop proposes to exercise the power, the registrar of the archbishop's province.

(5) The rules may make provision for a case where the power under this section is exercisable by the President of Tribunals.

(6) When exercising the power under this section, a person must have due regard to the Code of Practice and to any advice given under section 9(1)(a) (penalties etc).

(7) The relevant registrar must attend on the bishop or archbishop for the exercise of the power; and the decision on the penalty or administrative sanction to impose must be recorded in writing, with a copy being sent to each of the persons specified in the rules.

(8) Where a penalty is imposed in exercise of the power under this section, the penalty has effect as if it had been imposed by a tribunal or court on a complaint; and sections 38 to 45 apply accordingly but with the requirement for a recommendation in sections 41 and 42 being ignored.

(9) The rules may provide that this section does not apply to a specified offence or an offence of a specified description.

(10) The reference in subsection (1) to a conviction or an inclusion on a barred list includes a reference to a conviction or an inclusion on a barred list—

(a) which occurred before the cleric in question was in Holy Orders;

(b) which occurred before the commencement of this section.

(11) The "relevant diocese", in a case involving a priest, deacon or bishop, is—

(a) the diocese in which the cleric held a form of authority to exercise ministry on the date on which the conviction became conclusive or the cleric was included in the barred list, or

(b) if, on that date, the cleric did not hold a form of authority to exercise ministry but resided in a diocese, the diocese in which the cleric resided at that date, or

(c) if, on that date, the cleric did not hold a form of authority to exercise ministry or reside in a diocese—

(i) the diocese in which the cleric last held before that date a form of authority to exercise ministry, or

(ii) if, in a case involving a priest or deacon, the cleric has held no form of authority to exercise ministry in any diocese, the diocese in which the cleric was ordained.

47 Power under section 46: time limit

(1) The power under section 46 may not be exercised after the end of two years beginning with—

(a) in the case of a conviction, the date on which the conviction became conclusive, or

(b) in the case of an inclusion on a barred list, the date on which the cleric was included on the list.

(2) But the President of Tribunals may on application extend that period if, after giving the cleric in question an opportunity to make representations and taking any representations into account, the President is satisfied that the applicant for the extension did not know of the conviction or inclusion.

(3) An application under subsection (2) may be made—

(a) in a case involving a priest or deacon, by the bishop of the relevant diocese (which has the meaning given in section 46);

(b) in a case involving a bishop, by the archbishop of the province concerned;

(c) in a case involving an archbishop, by the other archbishop.

48 Recognition of external decisions etc.

(1) This section applies where the President of Tribunals is satisfied that a priest, deacon, bishop or archbishop (a "cleric") who holds a form of authority to exercise ministry in either province is subject to a finding made within a

Church other than the Church of England which would, if it were made under this Measure, amount to a finding of misconduct.

(2) This section also applies where the President of Tribunals is satisfied that a cleric who holds a form of authority to exercise ministry in either province is subject to a finding made within the Church of England in a territory where this Measure does not apply which would, if it were made under this Measure, amount to a finding of misconduct.

(3) The President of Tribunals, having sought written representations from the Investigation and Tribunals Team and the cleric, may either—

(a) take no action, or

(b) refer the matter to a bishop's disciplinary tribunal (in the case of a priest or deacon) or the Vicar-General's court (in the case of a bishop or archbishop).

(4) The President must record in writing the decision taken under subsection (3).

(5) On a referral under subsection (3)(b), the tribunal or court may impose a penalty or administrative sanction.

(6) A reference to being subject to a finding which would, if made under this Measure, amount to a finding of misconduct includes a reference to making an admission which would, if made under this Measure, amount to an admission of misconduct.

49 Rights of patronage

(1) Where a benefice becomes vacant as a result of this Measure, the vacancy is taken to begin with the start date specified in the notice under section 7(4) of the Patronage (Benefices) Measure 1986 (and not when the person concerned ceases to hold office under this Measure).

(2) Where a suspension or a penalty of limited prohibition is imposed on a clerk in Holy Orders who is the patron of a benefice, the right of patronage vests instead for the period of the suspension or limited prohibition—

(a) if a priest or deacon was patron, in the bishop of the diocese which includes the place to which the right of patronage applies;

(b) if a diocesan bishop was patron, in the archbishop of the province concerned;

(c) if an archbishop was patron, in the archbishop of the other province.

(3) Where a suspension or a penalty of limited prohibition is imposed on a clerk in Holy Orders who is a member of a board of trustees which is the patron of a benefice, the clerk is not, for the period of the suspension or limited prohibition, entitled to participate in the exercise of functions by the board of trustees in its capacity as patron.

(4) A reference in subsection (2) to being the patron of a benefice includes, in the case of a diocesan bishop or archbishop, a reference to being entitled to exercise the right of presentation to a benefice under section 16 of the Patronage (Benefices) Measure 1986.

Reviews and appeals

50 Review etc by President of Tribunals on complaint

(1) Where a decision is taken under section 21 or 24 to allocate a complaint as a grievance, the complainant may request the President of Tribunals to review the decision.

(2) Where a complaint against a priest, deacon or bishop is dismissed under section 22(8)(a), the complainant may request the President of Tribunals to review the decision to dismiss it.

(3) A party to a complaint, other than a complaint against an archbishop, may request the President of Tribunals to review a finding of fact in a report under section 25 or the recommendations made in the report.

(4) A person, other than an archbishop, on whom a restriction order or suspension is imposed under section 34 may appeal to the President of Tribunals.

(5) An archbishop on whom a restriction order or suspension is imposed under section 34 may appeal to the Dean of the Arches and Auditor; and the appeal is to be heard either—

(a) by the Dean of the Arches and Auditor sitting alone, or

(b) if the Dean is unable or unwilling to hear the appeal, by a single person appointed by the Dean from among those nominated to the provincial panel under section 10(2)(d).

(6) Where the relevant officer decides not to impose a restriction order, or not to impose a suspension, on a person other than an archbishop under section 34 but the diocesan safeguarding officer or the national director of safeguarding thinks that the person presents a significant risk of harm, the officer or director may request the President of Tribunals to review the decision.

(7) Where the responsible bishop imposes a penalty, the priest, deacon or bishop on whom it is imposed may request the President of Tribunals to review the penalty.

(8) The rules must set out—

(a) the procedure to be followed in making an appeal or a request for review under this section;

(b) the procedure to be followed and the steps that may be taken by the President of Tribunals or the Dean of the Arches and Auditor on an appeal, or when responding to a request for review, under this section.

(9) The reference in subsection (6) to presenting a significant risk of harm is to be read with section 34(5).

51 Review by President of Tribunals of penalty etc on conviction

(1) A priest, deacon or bishop on whom a penalty has been imposed in exercise of the power under section 46 may apply to the President of Tribunals for a review of the penalty.

(2) An archbishop on whom a penalty has been imposed in exercise of the power under section 46 may apply to the Dean of the Arches and Auditor for a review of the penalty.

(3) On an application by a priest, deacon or bishop for a review under this section, the President of Tribunals must invite written representations from—

(a) the priest, deacon or bishop,

(b) the bishop or archbishop who imposed the penalty, and

(c) the Investigation and Tribunals Team.

(4) On an application by an archbishop for a review under this section, the Dean of the Arches and Auditor must invite written representations from—

(a) the archbishop, and

(b) the Investigation and Tribunals Team.

(5) Where a priest, deacon or bishop applies for a review of a penalty imposed by the responsible bishop, the implementation of the penalty may be postponed only if the President of Tribunals so orders.

(6) The rules must set out—

(a) the procedure to be followed in making a request for a review under this section;

(b) the procedure to be followed and the steps that may be taken by the President of Tribunals or the Dean of the Arches and Auditor when responding to a request for review under this section.

52 Appeal etc to court

(1) The respondent to a complaint may appeal against a penalty imposed by the bishop's disciplinary tribunal or the Vicar-General's court.

(2) The respondent to a complaint may appeal on a question of law or fact against a finding of the bishop's disciplinary tribunal or the Vicar-General's court.

(3) The Investigation and Tribunals Team may appeal on a question of law against a finding of the bishop's disciplinary tribunal or the Vicar-General's court.

(4) The Investigation and Tribunals Team may, if it appears to the Team that the penalty imposed on a respondent to a complaint is unduly lenient, apply for a review of the penalty.

(5) An appeal or application for review under this section must be made to the Arches Court of Canterbury or the Chancery Court of York (depending on the province in which the penalty was imposed or the finding was made).

53 Permission to appeal

(1) An appeal or application for review under section 52 may be made only with the permission of—

(a) the bishop's disciplinary tribunal or the Vicar-General's court (depending on which of them heard the proceedings), or

(b) the Arches Court of Canterbury or the Chancery Court of York (depending on the province in which the penalty was imposed or the finding was made).

(2) An application for permission under subsection (1)(b) is, at the direction of the Dean of the Arches and Auditor, to be heard either—

(a) by the Dean of the Arches and Auditor sitting alone, or

(b) if the Dean is unable or unwilling to hear the application, by a single person appointed by the Dean from among those nominated to the provincial panel under section 10(2)(d).

(3) Where a tribunal or court grants an application for permission under this section, it may direct that the issues to be heard on the appeal or review are to be limited in the way specified.

(4) The implementation of a penalty imposed by a bishop's disciplinary tribunal or the Vicar-General's court is postponed pending—

(a) the disposal of an application for permission under this section, or

(b) if permission to appeal is granted, the disposal of the appeal.

(5) Where a person applies under this section for permission to appeal against a penalty, the penalty is not to be recorded on the Archbishops' list under section 58 until—

(a) the disposal of the application for permission, or

(b) if permission is granted, the disposal of the appeal.

54 Composition of court on appeal or review

(1) An appeal or application for review brought by a priest or deacon or the Investigation and Tribunals Team under section 52 is to be heard by the Dean of the Arches and Auditor sitting as Chair with—

(a) one judge appointed by the President of Tribunals from the provincial panel for the province concerned under section 10(2)(a) or (d)(ii), and

(b) one clerk in Holy Orders appointed by the President of Tribunals from the provincial panel for that province under section 10(2)(c) or (e).

(2) An appeal brought by a bishop or archbishop under section 52(1) or (2) is to be heard by the Dean of the Arches and Auditor sitting as Chair with—

(a) one judge appointed by the President of Tribunals from the provincial panel for the province concerned under section 10(2)(a) or (d)(ii), and

(b) one person in Episcopal Orders appointed by the President of Tribunals who—

(i) need not be on either provincial panel, and

(ii) serves or resides in the province other than the one in which the appellant serves or resides.

(3) If the Dean of the Arches and Auditor is unable or unwilling to sit as Chair under subsection (1) or (2), the Dean must appoint a person to sit as Chair instead; and a person may be appointed under this subsection only if the person is included on a provincial panel under section 10(2)(a) or (d).

(4) A person may not be appointed to the Arches Court of Canterbury or the Chancery Court of York for the purposes of this section if that person was nominated for inclusion on the provincial panel by the responsible bishop.

Information

55 Conviction, arrest, caution etc

(1) This section applies where—

(a) a clerk in Holy Orders is arrested, or interviewed under caution, on suspicion of committing an offence or is charged with an offence without having been arrested or interviewed;

(b) proceedings for an offence are commenced against a clerk in Holy Orders;

(c) a clerk in Holy Orders is convicted of an offence or receives a caution or an administrative disposal;

(d) a clerk in Holy Orders is included in a barred list.

(2) The clerk must within 28 days of that occurrence—

(a) in the case of a priest or deacon, inform the bishop of the diocese;

(b) in the case of a bishop, inform the archbishop of the province;

(c) in the case of an archbishop, inform the other archbishop and the President of Tribunals.

(3) In a case within subsection (1)(d), the information required to be provided under subsection (2) also includes the reason for being included in the barred list.

(4) The rules may provide that this section does not apply to a specified offence or an offence of a specified description.

(5) A reference to an occurrence of a description given in subsection (1)(a) to (d) includes a reference to an occurrence of that description outside England.

(6) Section 16(10) (permission of President of Tribunals required for complaint about function under this Measure) does not apply to a requirement under subsection (2).

(7) In subsection (1)(c), the reference to receiving an administrative disposal is a reference to undergoing an administrative process operated by the police for the disposal of conduct—

(a) which constitutes an offence, and

(b) for which the person undergoing the process accepts responsibility, but

(c) for which no charge is being brought.

56 Divorce or separation order

(1) Where, in respect of the marriage of a clerk in Holy Orders, a divorce order is made final or a judicial separation order is made, the clerk must within 28 days of that occurrence—

(a) in the case of a priest or deacon, inform the bishop of the diocese;
(b) in the case of a bishop, inform the archbishop of the province;
(c) in the case of an archbishop, inform the other archbishop and the President of Tribunals.

(2) Section 16(10) (permission of President of Tribunals required for complaint about function conferred under this Measure) does not apply to a requirement under subsection (1).

57 Work in other capacities: adverse findings

(1) The rules may make provision for a case where there is a finding against a clerk in Holy Orders who also carries out work in some other capacity—
(a) on a complaint under this Measure or the CDM or EJM;
(b) in any disciplinary proceedings or process relating to the work of the clerk in that other capacity.

(2) The rules may, in particular, provide—
(a) that the finding, and such other information as may be specified, must be disclosed to a specified person or organisation;
(b) that a finding of the kind referred to in subsection (1)(b) is to be treated as misconduct;
(c) that a penalty or administrative sanction may be imposed in respect of a finding of that kind without the need for a complaint to be made.

(3) A reference to a finding against a clerk in Holy Orders includes a reference to an admission by the clerk.

(4) "Work" includes voluntary work.

58 Archbishops' list

(1) The Archbishops of Canterbury and York acting jointly must maintain a list of each clerk in Holy Orders—
(a) on whom a penalty has been imposed under this Measure or the CDM or EJM,
(b) on whom an administrative sanction has been imposed under this Measure,
(c) who has been deposed from Holy Orders under this Measure or the EJM,
(d) who has executed a deed of relinquishment under the Clerical Disabilities Act 1870,
(e) who, following the making of a complaint against the clerk under this Measure or the CDM or EJM, has resigned an ecclesiastical office or surrendered a licence or permission to officiate issued by a bishop, or
(f) whose name is included in a barred list.

(2) The rules must make provision as to informing a clerk in Holy Orders included on the list of the particulars recorded on the list in the case of that clerk.

(3) A clerk in Holy Orders who is included on the list may, in accordance with the rules, appeal to the President of Tribunals against the particulars recorded on the list in respect of that clerk but not, subject to subsection (4), against the fact of inclusion itself.

(4) A clerk in Holy Orders who is included on the list may, in accordance with the rules, appeal to the President of Tribunals against the fact of inclusion on the list but only on the grounds that the clerk's name was included on the list in error.

(5) On an appeal under subsection (3), the President may, in accordance with the rules, direct that the particulars recorded on the list in respect of the appellant are to be altered in the manner specified in the direction.

(6) On an appeal under subsection (4), the President may, in accordance with the rules, direct that the clerk's name is to be removed from the list.

(7) The rules must make provision for a case where a conviction on which a clerk's inclusion on the list is based becomes protected by virtue of the Rehabilitation of Offenders Act 1974.

(8) The list that was being maintained under section 38 of the CDM immediately before the commencement of this section ("the CDM list") may be used for the purpose of carrying out the duty under subsection (1).

(9) Accordingly, a reference to a person included, or particulars recorded, on the list under this section includes a reference to a person included, or particulars recorded, on the CDM list.

Practical and procedural points

59 Panel of approved lawyers

The power to make rules under section 4 of the Church of England (Legal Aid) Measure 1994 includes power to make rules—

(a) requiring the compilation and maintenance of a list of solicitors' firms and barristers approved in accordance with those rules to act in connection with a complaint;

(b) providing that an application for legal aid in connection with a complaint may, except in specified circumstances, be granted only if the solicitors' firm or barrister chosen by the applicant is included on that list.

60 Place where court or tribunal to sit

Proceedings in a court or tribunal exercising jurisdiction under this Measure may be held in a place convenient to the court or tribunal, with due regard being had to the convenience of parties and witnesses.

61 Evidence

A court or tribunal exercising jurisdiction under this Measure has the same powers as the High Court in relation to—

(a) the attendance and examination of witnesses, and

(b) the production and inspection of documents.

62 Contempt

(1) This section applies if a person does or omits to do something in connection with proceedings before a court or tribunal exercising jurisdiction under this Measure and as a result—

(a) is in contempt of that court or tribunal by virtue of an enactment, or

(b) would be in contempt of that court or tribunal if it had power to commit for contempt.

(2) The judge or Chair of the court or tribunal may send the High Court a signed certificate stating the act or omission.

(3) The High Court may—

(a) on receiving a certificate under subsection (2), inquire into the alleged act or omission, and

(b) after hearing any witness for or against the person subject to the allegation and any statement in defence, exercise the same jurisdiction and powers as if the person were guilty of contempt of the High Court.

63 Costs and fees

(1) The Church Commissioners may pay out of their general fund the whole or part of the costs incurred by a bishop or archbishop under this Measure, in so far as the Commissioners are satisfied that the costs are reasonable.

(2) Subsection (1) does not apply to costs incurred in the capacity as a party to a complaint or as a person on whom a penalty or other order under this Measure has been imposed.

(3) The Archbishops' Council must pay the costs of a tribunal or court in the exercise of jurisdiction under this Measure.

(4) The Church Commissioners may pay sums out of their general fund towards the liability of the Archbishops' Council under subsection (3), in so far as the Commissioners are satisfied that the costs are reasonable.

(5) The fees of an ecclesiastical judge or legal officer for carrying out functions under this Measure are determined in accordance with section 86 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (fees orders); and "ecclesiastical judge" and "legal officer" each have the meaning given in that section.

64 Recording and publication of decisions

(1) A judgment, order or other decision under this Measure that is specified in the rules must be recorded—

(a) in the case of a priest or deacon, in the diocesan registry of the diocese of the responsible bishop;

(b) in the case of a bishop, in the provincial registry of the province of the archbishop who is the responsible bishop;

(c) in the case of an archbishop, in the provincial registry of the province of that archbishop.

(2) A judgment, order or other decision under this Measure that is specified in the rules must be published in the specified form and manner.

65 Delegation by bishop or archbishop

(1) The bishop of a diocese may by instrument signed by that bishop delegate to a suffragan or assistant bishop of that or another diocese, or to the bishop of another diocese, such functions exercisable for the purposes of this Measure as are specified in the instrument.

(2) Either archbishop may by instrument signed by that archbishop delegate to the other archbishop, or to a diocesan, suffragan or assistant bishop, such functions exercisable for the purposes of this Measure as are specified in the instrument.

(3) An instrument under this section may provide—

(a) for a specified function to be exercisable subject to specified conditions;

(b) for a specified function to be exercisable throughout the diocese or province (as the case may be) or only a specified part of it;

(c) for a specified function to be exercisable by the delegator and the delegate acting jointly;

(d) for the delegation to have effect for the period specified (but not so as to prevent the making of a fresh instrument at the end of that period);

(e) for the delegation to have effect for a specified period after the delegator or the delegate ceases to hold the episcopal office concerned.

(4) An instrument under this section ceases, subject to subsection (5), to have effect—

(a) if a period is specified under subsection (3)(d) or (e), at the end of that period, or

(b) if no period is so specified, on the date on which the delegator ceases to hold the episcopal office concerned.

(5) Where an instrument under this section would, but for this subsection, cease to have effect under subsection (4)(b), it continues to have effect until the end of six months beginning with the earlier of—

(a) the date on which another person becomes the holder of the delegator's episcopal office, and

(b) the date on which the delegate ceases to hold the episcopal office concerned.

(6) The delegator may vary or revoke an instrument under this section by a subsequent instrument under this section.

(7) An instrument under this section comes into effect on—

(a) the date on which it is made, or

(b) if a later date is specified, that later date.

(8) Having made an instrument under this section, the delegator must send a copy of it to the President of Tribunals, the Clergy Conduct Commission and the registrar of the diocese or province (as the case may be); and the registrar must file the copy in the registry.

(9) Where the exercise of a function delegated under this section requires the application of the delegator's episcopal seal to a document, the document is to be issued as if it were a deed and executed by the person authorised to do so by the instrument under this section.

(10) A statement in a document issued in the exercise of a function delegated under this section that the person signing or executing the document is authorised by an instrument under this section to exercise the function is conclusive evidence of that fact.

(11) An instrument under this section does not operate so as to remove any function from the delegator.

Scrutiny by General Synod

66 House of Bishops' declarations

(1) A declaration by the House of Bishops under section 3(3) is made on being voted for by at least two-thirds of the members of the House present at a duly convened meeting.

(2) The House of Bishops, having made the declaration—

(a) must lay it before the General Synod, and

(b) must arrange for its publication.

(3) If at least 25 members of the General Synod give notice under its Standing Orders that they wish the declaration to be debated, it comes into operation on the date on which it is approved by the Synod.

(4) But if the declaration is not debated, it comes into operation at the end of the period required by the Standing Orders of the General Synod for giving notice as mentioned in subsection (3).

(5) The declaration may be revoked by a resolution of the House of Bishops; and subsections (1) to (4) apply to a revocation as they apply to the declaration.

67 Code of Practice

(1) The first Code of Practice may not be issued unless a draft has been laid before, and approved by, the General Synod.

(2) A revised version of the Code of Practice must be laid before the General Synod as soon as practicable after it is issued.

(3) If, four weeks before the first day of either of the next two groups of sessions of the General Synod held after the revised version is issued, 25 members of the Synod have given notice in writing to the Clerk to the General Synod that they wish the revised version to be revoked—

(a) the Clerk must inform the Business Committee of the General Synod, and

(b) that Committee must secure that a debate on a motion for the revocation of the revised version is held at that group of sessions.

(4) If the General Synod resolves on a motion under subsection (3)(b) that the revised version is to be revoked, the revised version is revoked on the passing of the resolution; but that does not affect the validity of anything previously done in reliance on, or in having due regard to, the revised version.

(5) A reference in this section to a revised version of the Code of Practice is a reference to an amended version or replacement of the guidance contained in the Code; but subsections (2) to (4) do not apply in the case of amendments which the Clergy Conduct Commission considers insubstantial.

Interpretation

68 General interpretation

(1) In this Measure—

"actual communicant" has the meaning given in Rule 83(2) of the Church Representation Rules;

"the Appointments Committee" means the Appointments Committee of the Church of England;

"barred list" has the same meaning as in the Safeguarding Vulnerable Groups Act 2006;

"CDM" means the Clergy Discipline Measure 2003;

"child" means a person aged under 18;

"Code of Practice" means the Code of Practice under section 9;

"complaint" means a complaint under this Measure;

"the community roll", in relation to a cathedral, means the roll maintained for the cathedral for the purposes of section 6 of the Cathedrals Measure 2021;

"conclusive", in relation to a conviction for an offence, is to be read with section 69;

"costs" includes expenses;

"designated person" has the meaning given in section 22(2);

"diocesan safeguarding officer", in relation to a diocese, means the person appointed as such under Canon C 30 for that diocese;

"EJM" means the Ecclesiastical Jurisdiction Measure 1963;

"high judicial office" has the meaning given in subsection (2) below;

"lead assessor" has the meaning given in section 12(2);

"misconduct" has the meaning given in section 3;

"PCC" means parochial church council;

"resident" means ordinarily resident;

"responsible bishop" has the meaning given in section 16(12);

"the rules" means the rules made for the purposes of this Measure under section 83 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018;

"vexatious", in relation to a complaint, application or request, has the meaning given in subsection (3) below;

"vulnerable adult" has the same meaning as in the Safeguarding and Clergy Discipline Measure 2016.

(2) "High judicial office" means—

(a) high judicial office within the meaning of Part 3 of the Constitutional Reform Act 2005 (see section 60(2) of that Act), or

(b) membership of the Judicial Committee of the Privy Council.

(3) A complaint, application or request is "vexatious" if—

(a) it has little or no basis in law,

(b) it has the effect of subjecting another person to inconvenience, harassment or expense out of all proportion, or

(c) it is an abuse of process because it uses the tribunal's or court's process in a way significantly different from an ordinary and proper use.

(4) A reference in this Measure to the national director of safeguarding or to the national safeguarding team is to be read with section 15(9) and (10).

(5) In its application to the diocese of Leeds, this Measure has effect as if a reference to the cathedral of a diocese were a reference to any of the cathedrals of that diocese.

(6) An extra-diocesan place (including a place exempt or peculiar) is to be treated for the purposes of this Measure as situated—

(a) if it is surrounded by one diocese, within that diocese, or

(b) if it is surrounded by two or more dioceses, within such one of them as the archbishop of the province directs.

(7) Accordingly, an extra-diocesan place is to be treated as being in the province which includes the diocese in which, by virtue of subsection (6), it is situated.

(8) The seniority of bishops is determined for the purposes of this Measure by reference to the length of time that each of them has held office as a diocesan bishop in either province without interruption; and, for the purposes of that determination, the archbishops and the responsible bishop are excluded.

(9) A reference in this Measure to a meeting includes (in so far as it does not already) a reference to a meeting which persons may attend, speak at or vote in, or otherwise participate in without any, or without all, of the persons being together in the same place.

(10) A reference in this Measure to a place where a meeting is held, or is to be held, includes (in so far as it does not already) a reference to more than one place, including electronic, digital or virtual locations, web addresses or conference call telephone numbers.

(11) A person is to be regarded for the purposes of this Measure (in so far as the person would not be already) as being present at or attending a meeting at any given time if the person is at that time able to hear and be heard by, and where practicable to see and be seen by, the other persons present.

(12) A reference in this Measure to being present at or attending a meeting includes (in so far as it does not already) a reference to being present or attending by electronic means, including by telephone conference, video conference, live webcast or live interactive streaming.

69 Meaning of "conclusive" conviction etc.

(1) For the purposes of this Measure, a conviction for an offence becomes conclusive—

(a) where there is an appeal against the conviction, on the date on which the appeal is dismissed, abandoned or finally concluded;

(b) where there is no appeal against the conviction—

(i) on the expiry of the period during which an appeal may be made, or

(ii) in the case of a conviction for which that period is indefinite, at the end of two months beginning with the date of the conviction.

(2) For the purposes of subsection (1)(a), if the decision being appealed is varied on appeal, the proceedings or conviction are conclusive only as varied; and in so far as the decision is reversed, it ceases to have effect.

(3) Where a clerk in Holy Orders is convicted of an offence—

(a) the court before which the clerk is convicted must cause a certificate of the conviction, in such form as may be specified in the rules, to be sent to the bishop of the diocese in which the court sits, and

(b) the certificate is to be kept in the registry of that diocese or of any other diocese to which the bishop directs it to be sent.

(4) After the conviction of a clerk in Holy Orders for an offence becomes conclusive, a certificate of the conviction is conclusive proof for the purposes of this Measure that the clerk committed the conduct constituting the offence.

(5) Where a clerk in Holy Orders is given a simple or conditional caution, the caution form is conclusive proof for the purposes of this Measure that the clerk committed the conduct for which the caution was given.

(6) Where a clerk in Holy Orders is given an administrative disposal, the record kept by the police of the clerk being given that disposal is conclusive proof for the purposes of this Measure that the clerk committed the conduct for which the disposal was given.

(7) In subsection (6), the reference to being given an administrative disposal is a reference to undergoing an administrative process operated by the police for the disposal of conduct—

(a) which constitutes an offence, and

(b) for which the person undergoing the process accepts responsibility, but

(c) for which no charge is being brought.

Ancillary

70 Consequential amendments

(1) Schedule 1 (consequential amendments) has effect.

(2) An amendment made by that Schedule to regulations does not affect the power to make further regulations amending or revoking the provision made by the amendment.

71 Repeals

(1) The CDM is repealed.

(2) In consequence of that, the following are repealed—

(a) in the Constitutional Reform Act 2005, in Schedule 17, paragraph 35 and the preceding cross-heading;

(b) in the Dioceses, Pastoral and Mission Measure 2007, section 63(7);

(c) in the Clergy Discipline (Amendment) Measure 2013, sections 1 to 8 and 9(1) and the Schedule;

(d) in the Safeguarding and Clergy Discipline Measure 2016, sections 1(1) to (8) and 7 to 11;

(e) in the Ecclesiastical Jurisdiction and Care of Churches Measure 2018, in Schedule 3, paragraphs 11 to 13 and the preceding cross-heading;

(f) in the Mission and Pastoral etc. (Amendment) Measure 2018, in the Schedule, paragraph 7 and the preceding cross-heading;

(g) in the Church Representation and Ministers Measure 2019, in Schedule 2, paragraph 28 and the preceding cross-heading;

(h) in the Cathedrals Measure 2021, in Schedule 4, paragraph 26 and the preceding cross-heading and Part 2;

(i) in the Safeguarding (Code of Practice) Measure 2021, section 2(4);

(j) in the Church of England (Miscellaneous Provisions) Measure 2024, sections 9(3) and 11(3), (4) and (5)(c) and (d) and (6).

(3) The repeal in subsection (1) does not apply to the following provisions of the CDM—

(a) in section 43(1) (interpretation), the definition of "the 1963 Measure",
(b) section 44 and Schedule 1 (amendments of EJM), and
(c) section 48 (short title etc.).

72 Transitional and saving provisions

Schedule 2 (which includes transitional and saving provisions) has effect.

Final

73 Citation, commencement and extent

(1) This Measure may be cited as the Clergy Conduct Measure 2026.

(2) This section comes into force on the day on which this Measure is passed.

(3) The other provisions of this Measure come into force on such day as the Archbishops of Canterbury and York may by order jointly appoint; and different days may be appointed for different purposes.

(4) The Archbishops of Canterbury and York may by order jointly make transitional, transitory or saving provision in connection with the commencement of a provision of this Measure.

(5) Transitory provision under subsection (4) may, in particular, modify the application of a provision of this Measure pending the commencement of a provision of another Measure or a provision of an Act of Parliament.

(6) The power to make an order under subsection (3) or (4) is exercisable by statutory instrument; and the Statutory Instruments Act 1946 applies as if the order had been made by a Minister of the Crown and as if this Measure were an Act of Parliament.

(7) This Measure extends to—
(a) the whole of the province of Canterbury, except the Channel Islands (but see subsection (8)), and
(b) the whole of the province of York, except the Isle of Man (but see subsection (9)).

(8) This Measure may be applied to the Channel Islands or either of them, with or without modifications, under any procedure for doing so which has effect in the Islands or (as the case may be) the Island in question; and for this purpose, the references to the Channel Islands or either of them have the same meaning as references to the Bailiwicks or either of them have in the Channel Islands Measure 2020.

(9) If an Act of Tynwald or an instrument made under an Act of Tynwald so provides, this Measure extends to the Isle of Man subject to such exceptions, adaptations or modifications as are specified in the Act or instrument.

SCHEDULES

SCHEDULE 1

Section 70

CONSEQUENTIAL AMENDMENTS

City of London (Guild Churches) Act 1952

1 In section 12 of the City of London (Guild Churches) Act 1952 (vicars), in subsection (10), for "the Clergy Discipline Measure 2003" substitute "the Clergy Conduct Measure 2026".

Ecclesiastical Jurisdiction Measure 1963

2 The Ecclesiastical Jurisdiction Measure 1963 is amended as follows.

3 (1) Section 3 (judges of the Arches and Chancery Courts) is amended as follows.

(2) In subsection (1), for "section 20 of the Clergy Discipline Measure 2003" substitute "section 52 of the Clergy Conduct Measure 2026".

(3) In subsection (2), for paragraph (b) substitute—

"(b) two shall be appointed in accordance with section 54 of the Clergy Conduct Measure 2026."

4 (1) Section 7 (jurisdiction of the Arches and Chancery Courts) is amended as follows.

(2) In subsection (1A), for "the Clergy Discipline Measure 2003" substitute "the Clergy Conduct Measure 2026".

(3) In subsection (2)(a), for "the leave of the court in accordance with section 20(1A) and (1B) of the Clergy Discipline Measure 2003" substitute "the permission of the court in accordance with section 53 of the Clergy Conduct Measure 2026".

5 In section 60 (powers in relation to costs), in subsection (2), for "the Clergy Discipline Measure 2003" substitute "the Clergy Conduct Measure 2026".

6 In section 66 (interpretation), in subsection (1), in the definition of "disciplinary tribunal", for "the Clergy Discipline Measure 2003" substitute "the Clergy Conduct Measure 2026".

Overseas and Other Clergy (Ministry and Ordination) Measure 1967

7 The Overseas and Other Clergy (Ministry and Ordination) Measure 1967 is amended as follows.

8 (1) Section 1 (permission for overseas clergy to officiate) is amended as follows.

(2) In subsection (5A)(b), for the words from "a penalty under" to "that Measure" substitute "a penalty under section 37(1)(e), (f) or (h) of the Clergy Conduct Measure 2026 (including by virtue of section 46 of that Measure)".

(3) In subsection (6)—

(a) for the words from "an offence" to "Clergy Discipline Measure 2003" substitute "a breach of ecclesiastical law on which a complaint of misconduct may be made under the Clergy Conduct Measure 2026", and

(b) for "such an offence" substitute "such a breach".

9 In section 4 (performance of episcopal functions by overseas bishops), in subsection (3) for the words from "he shall" to the end substitute "the bishop commits a breach of ecclesiastical law on which a complaint of misconduct may be made under the Clergy Conduct Measure 2026."

Synodical Government Measure 1969

10 In the Church Representation Rules (contained in Schedule 3 to the Synodical Government Measure 1969), in Rule 70 (safeguarding cases: appeal against suspension), in paragraph (2), for "section 4 of the Clergy Discipline Measure 2003" substitute "section 4 of the Clergy Conduct Measure 2026".

Church of England (Legal Aid) Measure 1994

11 (1) Schedule 1 to the Church of England (Legal Aid) Measure 1994 (proceedings for which legal aid may be given) is amended as follows.

(2) In item 1, for "misconduct under the Clergy Discipline Measure 2003" substitute "a complaint of misconduct or serious misconduct under the Clergy Conduct Measure 2026".

(3) In item 7—

(a) in the first column, for the words from "section 36(6)" to the end substitute "section 50(4) or (5) of the Clergy Conduct Measure 2026 against a restriction order or suspension made in reliance on section 34(1)(f) of that Measure or on a request for review under section 50(6) of that Measure of a decision to make a restriction order or suspension", and

(b) in the second column, after "appellant" insert "or person requesting a review".

(4) In item 8—

(a) in the first column, for "disciplinary proceedings under the Clergy Discipline Measure 2003" substitute "proceedings on a complaint of misconduct or serious misconduct under the Clergy Conduct Measure 2026", and

(b) in the second column, for "disciplinary proceedings" substitute "proceedings under that Measure".

Dioceses, Pastoral and Mission Measure 2007

12 The Dioceses, Pastoral and Mission Measure 2007 is amended as follows.

13 In section 13 (delegation by bishop), in subsection (1), after "as may be specified in the instrument" insert "other than a function which may be delegated under section 65 of the Clergy Conduct Measure 2026".

14 In section 14A (delegation by archbishop), in subsection (1), after "the archbishop's functions" insert ", other than a function which may be delegated under section 65 of the Clergy Conduct Measure 2026,".

Ecclesiastical Offices (Terms of Service) Measure 2009

15 The Ecclesiastical Offices (Terms of Service) Measure 2009 is amended as follows.

16 In section 3 (duration of appointments)—

(a) in subsection (3)(d), for "under any provision of the Clergy Discipline Measure 2003 (2003 No. 3)" substitute "is removed from office under the Clergy Conduct Measure 2026", and

(b) in subsection (4), for "the Clergy Discipline Measure 2003 (2003 No. 3)" substitute "the Clergy Conduct Measure 2026".

17 In section 9 (supplementary provisions), in subsection (1), for the words from "section 8" to the end substitute "section 3 of the Clergy Conduct Measure 2026 otherwise than under either of those Measures".

Ecclesiastical Offices (Terms of Service) Regulations 2009

18 The Ecclesiastical Offices (Terms of Service) Regulations 2009 are amended as follows.

19 In regulation 5 (note about disciplinary procedures etc.), in paragraph (1)(a), for the words "the Clergy Discipline Measure 2003 relating to misconduct" substitute "the Clergy Conduct Measure 2026 relating to conduct".

20 In regulation 29 (fixed and other limited term appointments), in paragraph (7), after sub-paragraph (b) insert ", or

(c) the office holder has had imposed on him or her under the Clergy Conduct Measure 2026—

(i) a penalty of removal from an ecclesiastical office or revocation of a licence or permission to officiate issued by a bishop, or

(ii) a penalty of limited prohibition, or

(d) the office holder has resigned an ecclesiastical office or surrendered a licence or permission to officiate issued by a bishop,"

Ecclesiastical Jurisdiction and Care of Churches Measure 2018

21 The Ecclesiastical Jurisdiction and Care of Churches Measure 2018 is amended as follows.

22 In section 10 (Arches and Chancery Courts: appointment of judges), in subsection (6), for "section 20 of the Clergy Discipline Measure 2003" substitute "section 52 of the Clergy Conduct Measure 2026".

23 In section 14 (Arches and Chancery Courts: jurisdiction), in each of subsections (2) and (3), for "the Clergy Discipline Measure 2003" substitute "the Clergy Conduct Measure 2026".

24 In section 14A (Arches and Chancery Courts: decisions treated as taken by each court), in subsection (3)(a), for "the Clergy Discipline Measure 2003" substitute "the Clergy Conduct Measure 2026".

25 In section 21A (training requirements for ecclesiastical judges), in subsection (2)(d), for "the Clergy Discipline Measure 2003" substitute "the Clergy Conduct Measure 2026".

26 In section 81 (Rule Committee: membership), in subsection (9)—

(a) omit paragraph (b) and the following "or", and

(b) after paragraph (c) insert ", or

(d) proceedings or other process under the Clergy Conduct Measure 2026".

27 (1) Section 83 (power to make rules) is amended as follows.

(2) In subsection (1)—

(a) omit paragraph (c), and

(b) after paragraph (e) insert ";

(f) the Clergy Conduct Measure 2026".

(3) In subsection (2), omit paragraph (d).

28 In section 86 (fees orders), in subsection (8), in paragraph (d), for "the Clergy Discipline Measure 2003" substitute "the Clergy Conduct Measure 2026".

Cathedrals Measure 2021

29 In section 38 of the Cathedrals Measure 2021 (appeal against suspension), in subsection (2), for "section 4 of the Clergy Discipline Measure 2003" substitute "section 4 of the Clergy Conduct Measure 2026".

SCHEDULE 2

Section 72

TRANSITIONAL AND SAVING PROVISIONS

Proceedings under the CDM

1 Proceedings under the CDM which, immediately before the commencement of the repeal of the CDM under section 71 of this Measure, have yet to be completed are to continue as if the CDM had not been repealed.

Penalties etc. under the CDM

2 (1) A penalty imposed under the CDM, or a censure, deposition, declaration of deprivation and disqualification or notice of inhibition imposed under the EJM, and having effect immediately before the commencement of the repeal of the CDM under section 71 of this Measure is to be treated as if it were a penalty imposed under this Measure.

(2) Where the period of a conditional deferment or conditional discharge under section 14 or 25 of the CDM has, immediately before the commencement of the repeal of the CDM under section 71 of this Measure, yet to expire, the period is to continue despite the repeal.

(3) Misconduct which was committed before the period of a conditional deferment would have expired under the CDM, but for the repeal, may be dealt with together with the conduct to which the conditional deferment relates.

(4) Misconduct which was committed before the period of a conditional discharge would have expired under the CDM, but for the repeal, may be dealt with together with the misconduct to which the conditional discharge relates as if a finding of that misconduct had just been made under this Measure.

Provincial panels

3 (1) Each person included on a provincial panel under section 21 of the CDM immediately before the commencement of section 10 of this Measure continues to be included on the panel after that commencement; and the composition of the panel is to be treated as complying with that section.

(2) In the case of a person included on a provincial panel under sub-paragraph (1) above, the six-year period under section 21 of the CDM that was running immediately before the commencement of section 11 of this Measure—

(a) continues after that commencement until the date when it would have expired under section 21 of the CDM if that section were still in force, and

(b) is to be treated as a period of six years for the purposes of section 11 of this Measure.

(3) If a casual vacancy occurs among those included on a provincial panel under sub-paragraph (1), the nomination of a person to fill the vacancy must—

(a) be made by the bishop or archbishop who made the nomination under section 21 of the CDM in respect of which the vacancy has occurred, and

(b) be made subject to the same conditions as that nomination was.

(4) A person nominated to fill a casual vacancy is included on the provincial panel concerned until the expiry of the six-year period that is continuing under sub-paragraph (2); and on the expiry of that period—

(a) section 11(2) of this Measure applies where the nomination under section 21 of the CDM (or the first nomination under that section for the category concerned) was made under subsection (2)(a) or (b) or (3) of that section;

(b) section 11(3) of this Measure applies where the nomination under section 21 of the CDM (or the first nomination under that section for the category concerned) was made under subsection (2)(c) of that section.

Safeguarding guidance

4 In the case of guidance issued by the House of Bishops that is in operation by virtue of article 3 of the Safeguarding (Code of Practice) Measure 2021 (Commencement and Transitional Provision) Order 2022, section 3(1)(b) of this Measure has effect as if it also referred to a failure to have due regard to that guidance.

General

5 The provisions of this Schedule do not affect the application of section 16 of the Interpretation Act 1978 (which provides for general savings on a repeal).

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