



Statutory Document No. 855/05

THE CARE OF CHURCHES AND ECCLESIASTICAL JURISDICTION
MEASURE 1991

THE CLERGY DISCIPLINE RULES (ISLE OF MAN) 2005

*Approved by the Sodor and Man
Diocesan Synod*

24th November 2005

Coming into operation

1st January 2006

In exercise of the powers conferred on the Rule Committee by section 26(1) of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991¹, as it has effect in the Isle of Man², and of all other enabling powers, the following Rules are hereby made:—

1. Citation and commencement

These Rules may be cited as the Clergy Discipline Rules (Isle of Man) 2005 and, subject to section 27(2) of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991, as it has effect in the Isle of Man, shall come into operation on the 1st January 2006.

2. Application of the Clergy Discipline Rules 2005 to the Isle of Man

The Clergy Discipline Rules 2005³ made under section 26 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991, as it has effect in England, shall have effect in the Isle of Man subject to the modifications specified in the Schedule.

¹ 1991 No.1

² GC 485/92

³ SI 2005/2022

Price 85p

Rule 2.

SCHEDULE

MODIFICATIONS OF THE CLERGY DISCIPLINE RULES 2005

General modification

1. Subject to any of the following provisions of this Schedule, throughout the Rules, for "Designated Officer" substitute "appointed person".

Review of dismissal

2. Omit rule 16.

Respondent's answer

3. In rule 17(1), omit "or if the President reverses such a dismissal,".

No further action

4. In rule 20, omit paragraph (b).
5. Omit rules 21 and 22.

Reference for formal investigation

6. (1) In rule 28(1), for "refer it to the Designated Officer," substitute "appoint a person to cause inquiries to be made into the complaint, shall refer the complaint to the appointed person".
 - (2) In rule 28(5) —
 - (a) "send or deliver a written report to the President" substitute "declare his decision";
 - (b) for "report to the President" (in the second place) substitute "declare his decision";
 - (c) for "President" (in the third and fourth places) substitute "bishop".

Appointed person's decision

7. (1) For rule 29(1) substitute —

"(1) Within 7 days of declaring his decision the appointed person shall send a written copy of the decision (with reasons, in the case of a decision that there is no case for the respondent to answer) to the complainant, the respondent and the bishop."

 - (2) Omit rule 29(3).

Directions

8. (1) In rule 30(1), for "Registrar of Tribunals" substitute "chancellor".
 - (2) Omit rule 30(2).
 - (3) In rule 30(5)(b) and (7), for "Registrar of Tribunals or the Chair" substitute "chancellor".
 - (4) In rule 30(6), for "Registrar of Tribunals or the Chair, as the case may be," substitute "chancellor".

Form of application

9. (1) For rule 31(1) substitute —

"(1) Applications by the respondent for directions on any matter shall be made in writing to the chancellor using form 8 in the Schedule and shall be sent or delivered to the registrar, and a copy shall be sent or delivered to the appointed person at the same time as it is sent or delivered to the registrar."

 - (2) In rule 31(2) and (3), for "Registrar of Tribunals" substitute "registrar".

Setting aside or varying directions

10. In rule 32, for "Registrar of Tribunals or the Chair" and "Registrar of Tribunals or the Chair, as the case may be," substitute "chancellor".

Matters which may be covered in directions

11. In rule 33(1)(g), for "Registrar of Tribunals, the Chair," substitute "registrar".

Production appointment

12. (1) In rule 34(1), (2)(a)(i) and (5)(a), for "Registrar of Tribunals or the Chair" substitute "chancellor".
(2) In rule 34(2)(b), for "Registrar of Tribunals or Chair" substitute "registrar".

Witness statements

13. (1) In rule 35(4)(c), for "Registrar of Tribunals or the Chair" substitute "chancellor".
(2) In rule 35(6), for "Chair" substitute "chancellor".

Expert evidence

14. (1) In rule 36(1), (6), (7) and (9), for "Registrar of Tribunals or the Chair" substitute "chancellor".
(2) In rule 36(5), for "Chair" substitute "chancellor".

Appointment of tribunal

15. In rule 37, for "President" (in each place) substitute "chancellor".

Date and place of hearing

16. (1) In rule 38(1), (2) and (3) (in each place), for "Registrar of Tribunals" substitute "registrar".
(2) In rule 38(2) and (3), for "Chair" substitute "chancellor".

Absence from a hearing

17. In rule 42, for "Registrar of Tribunals or the Chair" (in each place) substitute "chancellor".

Pronouncement of determination

18. In rule 50(2), for "Chair" (in each place) substitute "chancellor".

Pronouncement of penalty

19. In rule 52(1), for "Chair" substitute "chancellor".

Death etc. of complainant

20. In rule 55(1)(c), for "Registrar of Tribunals" substitute "registrar".
21. (1) In rule 56(1), omit the words from "unless" onwards.
(2) In rule 56(3), omit "or the President, as the case may be,".

President may direct withdrawal

22. In rule 57, for "President" substitute "chancellor".

President's powers under s.18

23. (1) In rule 58(1) and (2), for "President" (in each place) substitute "chancellor".
(2) In rule 58(2), omit "the Registrar of Tribunals".

Complainant wishes to withdraw

24. (1) In rule 59(4) and (5), for "President" substitute "chancellor".
(2) In rule 59(5), omit "the Registrar of Tribunals".

Bishop proposes penalty

25. In rule 68, for "President" substitute "chancellor".

Review of entry in list

26. Omit rule 77(2).

Application of rules to bishops and archbishops

27. In rule 81(1), after "these rules" insert "as they have effect in England".

Institution of proceedings against bishops and archbishops

28. In rule 82(2) —

- (a) for "bishop's council or the archbishop's council" substitute "standing committee";
- (b) for "council's" substitute "committee's".

Death etc. of complainant

29. In rule 84, for ""the bishop's council" or "the archbishop's council", as the case may be" substitute ""the standing committee"".

Cathedral clergy

30. (1) In rule 92(b), (e) and (f), for "council" (in each place) substitute "chapter".
(2) In rule 92(b), omit "lay" (in each place).

Service of documents

31. (1) In rule 101(1)(d), for "President, Registrar of Tribunals or Chair" substitute "chancellor".
(2) In rule 101(2)(a) —
(a) for "President" substitute "bishop";
(b) after "solicitor" insert "or advocate".
(3) In rule 101(2)(d), for "The Legal Office of the National Institutions of the Church of England" substitute "the diocesan registry".

Time

32. (1) In rule 102(1), for "President" substitute "chancellor".
(2) In rule 102(2), for "President to the tribunal, the Registrar of Tribunals or the Chair" substitute "appointed person to the tribunal, the chancellor".

Irregularities

33. In rule 103, for "President, Registrar of Tribunals, Chair" (in each place) substitute "chancellor".

Contempt

34. In rule 105(1), for "Registrar of Tribunals, the Chair or the tribunal, the Chair" substitute "chancellor or the tribunal, the chancellor".

Interpretation

35. In rule 106 —
- (a) at the beginning insert "(1)";
 - (b) before the definition of "bishop" insert —
""appointed person" means the person appointed by the bishop under section 17(1)(a) of the Measure;"
 - (c) omit the definitions of "bishop", "Chair" and "Designated Officer";
 - (d) in the definition of "tribunal" omit "or a Vicar-General's Court exercising its jurisdiction in disciplinary proceedings, as the case may be";
 - (e) at the end insert —

"(2) References in these rules to any Measure or to any provision of a Measure shall be construed as references to the Measure or provision as it has effect in the Isle of Man."

Citation and commencement

36. Omit rule 107(2).

Forms

36. In the Schedule —

- (a) in form 1b, for "Bishop's Council" and "Council" substitute "Standing Committee" and "Committee";
- (b) in form 1c, for "Bishop's Council" substitute "Standing Committee";
- (c) in form 1d, for "Council" substitute "Chapter";
- (d) omit forms 4 and 5;
- (e) in forms 8 and 9, for "Registrar of Tribunals" (in each place) substitute "Chancellor";
- (f) in forms 10 and 11, for "Registrar of Tribunals/Chair of the Bishop's Disciplinary Tribunal" substitute "Chancellor";

MADE 30th September 2005

✘ *Graeme Sodor and Man*

G Tattersall

W H Martin

K F W Gumbley

Members of the Rule Committee

EXPLANATORY NOTE

(This note is not part of the Rules.)

These Rules apply to the Isle of Man, subject to the modifications specified in the Schedule, the Clergy Discipline Rules 2005 (SI 2005/2022), which provide a code of procedure for (a) the determination under the Clergy Discipline Measure 2003 of formal complaints alleging misconduct against a clerk in Holy Orders other than in relation to matters involving doctrine, ritual or ceremonial, and (b) the imposition of penalties following certain findings or orders of secular courts.

