

## EXPLANATORY NOTE

*(This note is not part of the Rules)*

These Rules are made under sections 83 and 94 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 and make amendments to the Clergy Discipline Rules 2005 (S.I. 2005/2022).

Rule 2 requires an allegation of misconduct to include the complainant's email address if he or she has one and makes corresponding provision for the respondent's answer.

Rule 3 requires the allegation of misconduct to be accompanied by a timeline of relevant events.

Rule 4 adjusts the procedure in the case of an allegation of misconduct made out of time.

Rule 5 enables the designated officer or the respondent to apply for an order to require a person who is not a party to the allegation of misconduct to produce the documents specified in the order. The form for making the application is set out in Schedule 1.

Rule 6 prohibits a respondent from cross-examining a witness in person in a case of alleged sexual misconduct or where the witness was a child at the time of the alleged misconduct. It also imposes a prohibition for a case where the tribunal thinks that the quality of evidence would be adversely affected if the respondent undertook the cross-examination in person.

Rule 7 and Schedule 2 replace references in the Rules to "complaints" with references to "allegations of misconduct".

Rule 8 provides that, where there is an online facility for making or responding to allegations of misconduct, a document is to be regarded as delivered if the procedure provided for by the online facility has been followed.

Rule 9 specifies when a document is deemed to be sent or delivered, depending on the method of service used.

Rule 10 imposes word limits and page limits on the information which complainants, respondents and others provide for the purposes of the Rules.

Rule 11 enables the President to give directions in proceedings on his or her own initiative.

Rule 12 provides a procedure for amending allegations of misconduct.

Rule 13 removes various references to forms or documents which are substantially to the same effect as the prescribed forms in the Schedule to the Rules.

Rule 14 replaces references to "sub-rules" with references to the more usual terminology of "paragraphs".

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