

**CHAPTER IX**

**THE TRIBUNAL AND THE COURTS OF  
THE CHURCH IN WALES**

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## **Chapter IX**

### **THE TRIBUNAL AND THE COURTS OF THE CHURCH IN WALES**

#### **Part I: General**

1.

For all purposes of the Tribunal and the Courts of the Church in Wales:

- (a) a Member of the Church in Wales is a person on whom the Constitution is binding by virtue of Chapter I section 2; and
- (b) a person is legally qualified if he or she is a member of the Bar of England and Wales or a Solicitor of the Senior Courts of England and Wales.

2.

It shall be the duty of every Member of the Church in Wales to attend and give evidence, when duly summoned to do so, at any investigation or proceedings held under the authority of the Constitution.

3.

Every person called as a witness at any investigation or proceedings held as aforesaid shall, before giving evidence, make a solemn declaration that he or she will speak the truth, the whole truth, and nothing but the truth.

4.

(1) If any Member of the Church in Wales shall wilfully and without sufficient cause neglect or refuse to attend and give evidence when duly summoned to do so at any investigation or proceedings held under the authority of the Constitution, the Tribunal or the Provincial Court may by order declare vacant any office in the Church in Wales (including membership of any body in the Church in Wales) to which such Member may have been elected or appointed, and thereupon such office may be filled in due course as if that Member had died. The Tribunal or the Provincial Court may further, by order, declare that such Member be deprived of or suspended from the right to vote in the Church in Wales.

(2) The Tribunal or the Provincial Court on making an order under subsection (1), shall give notice thereof to the Secretaries of the Governing Body, the Secretary of the Representative Body, the Secretary of any body of the Church in Wales of which the party affected is a member, and the Secretary of the Parochial Church Council of any Parish in which such party either holds office or resides.

5.

The purported exercise of a vote by any Member who is suspended from voting under the provisions of sections 4(1), 17(a) and 34 shall not invalidate any proceedings in which such vote may be given.

6.

There shall be a Rule Committee of the Tribunal and the Courts of the Church in Wales as set out in Part VI.

7.

All fees payable in respect of cases heard by the Tribunal or any of the Courts of the Church in Wales shall be paid to and collected by the Registrar of the Tribunal or of any such Court, who shall account for such fees quarterly to the Representative Body.

## **Part II: The Tribunal and the Courts**

8.

(1) There shall be a Disciplinary Tribunal of the Church in Wales which shall be constituted as provided in Part III.

(2) The Courts of the Church in Wales shall be:

- (a) a Diocesan Court in each diocese, constituted as provided in Part IV and
- (b) the Provincial Court, constituted as provided in Part V.

(3) Subject to the provisions of the Constitution, the power of the Archbishop, a Diocesan Bishop, and the Provincial Court shall include that of passing sentence of monition, suspension or expulsion from office in the Church in Wales.

**Part III: The Disciplinary Tribunal**

9.

There shall be a Disciplinary Tribunal of the Church in Wales which shall have power to hear and determine a complaint, whensoever it arises, of one or more of the following:

- (a) teaching, preaching, publishing or professing, doctrine or belief incompatible with that of the Church in Wales;
- (b) neglect of the duties of office, or persistent carelessness or gross inefficiency in the discharge of such duties;
- (c) conduct giving just cause for scandal or offence;
- (d) wilful disobedience to or breach of any of the provisions of the Constitution or of the Statement of Terms of Service published pursuant to the Clergy Terms of Service Canon 2010;
- (e) wilful disobedience to or breach of any of the rules and regulations of the Diocesan Conference of the Diocese in which such person holds office or resides;
- (f) disobedience to any judgement, sentence or order of the Archbishop, a Diocesan Bishop, the Tribunal, or any Court of the Church in Wales;
- (g) failure to comply with advice from the Provincial Safeguarding Panel without reasonable excuse

made against any of the following who, at the date of the conduct giving rise to the complaint or at the date of the complaint was:

- (i) a Cleric who held a licence granted by a Bishop of the Church in Wales;
- (ii) a Cleric who held Permission to Officiate granted by a Bishop of the Church in Wales;
- (iii) a Cleric in receipt of a pension or entitled to a deferred pension benefit from the Church in Wales;
- (iv) a Cleric in receipt of any emolument or other financial benefit from the Church in Wales;
- (v) a person in training for an authorised ministry in the Church in Wales, sponsored for such training by a Bishop of the Church in Wales, and who had agreed in writing to be bound by the provisions of this section;
- (vi) a Churchwarden or Sub-warden who held office in a parish of the Church in Wales;
- (vii) a lay member of the Church in Wales who held a licence, permission to officiate or commission issued by or on behalf of a Bishop of the Church in Wales.

*Composition*

10.

- (1) There shall be 17 members of the Tribunal appointed as follows:
  - (a) four members appointed by the Bench of Bishops;
  - (b) six clerical members, one from each diocese, elected by the Order of the Clergy of the Diocesan Conference of that diocese;
  - (c) three legally qualified members being Chancellors or persons eligible to be a Chancellor appointed by the Standing Committee of the Governing Body;
  - (d) two members, each being either medically qualified or a trained counsellor, appointed by the Standing Committee of the Governing Body; and
  - (e) two lay persons, being Members of the Church in Wales, appointed by the Standing Committee of the Governing Body.
- (2) In any case in which a Bishop or an Assistant Bishop is the subject of a reference to the Tribunal the membership of the Tribunal shall be deemed to include a Diocesan Bishop or an Assistant Bishop (from a different Diocese to the Bishop or Assistant Bishop subject to the reference), nominated by the President, who shall serve as a full member of the Tribunal dealing with the case for which he or she is nominated.
- (3) Subject to subsection (4), three members of the Tribunal, one of whom shall be a clerical member elected under subsection (1)(b), shall form a quorum of the Tribunal (“the Tribunal Panel”) and their decision or the decision of the majority of them shall be the decision of the Tribunal. The President of the Tribunal may increase the Tribunal Panel from three to five members if he or she believes it is in the interests of the parties or the Tribunal to do so, in which case one of the two additional members shall be a clerical member (who need not be a clerical member elected under subsection (1)(b)).
- (4) In any case in which a Bishop or an Assistant Bishop is the subject of a reference to the Tribunal, five members of the Tribunal, one of whom shall be the person nominated under subsection (2) and one of whom shall be a clerical member elected under subsection (1)(b) from a different diocese to the respondent Bishop, shall form the Tribunal Panel and their decision or the decision of the majority of them shall be the decision of the Tribunal.
- (5) When a Diocesan Conference elects clerical members pursuant to subsection 1(b) it shall at the same time make a supplemental list of two clerical members from which a casual vacancy in the appointments made under subsection (1)(b) shall be filled.

11.

- (1) Subject to subsections (3) and (4) there shall be a Preliminary Stage of the Tribunal, the purpose of which shall be to decide in respect of each reference

whether or not there is a reasonable prospect of the matters in the reference being proved on the balance of probabilities at a full hearing and whether the matters if proven are of sufficient seriousness to justify consideration of a sanction set out in Section 18 (c)-(h) inclusive (“a case to answer”).

(2) The Preliminary Stage shall be undertaken by a legally qualified member appointed under Section 10(1)(c). In the case that the member is conflicted the President shall have the power to appoint an appropriate legally qualified person to consider whether or not there is a case to answer.

(3) Subject to subsection (4) the parties to a reference may by consent agree to either have the Preliminary Stage considered by written submissions without a hearing or dispense with the Preliminary Stage and elect to proceed directly to a full hearing.

(4) Where a reference to the Tribunal is based on facts on which the respondent has been convicted of a criminal offence the President or other legally qualified member of the Tribunal appointed by the President for the purpose may order that the reference shall proceed immediately to a full hearing without the need for the Preliminary Stage.

(5) The person appointed to undertake the Preliminary Stage in respect of a reference shall not serve on the Tribunal Panel in respect of the same reference.

12.

No member of the Tribunal shall be removed from office except by order of the Bench of Bishops confirmed by separate majorities of the Orders of the Clergy and the Laity of the Governing Body.

13.

Members of the Tribunal shall hold office for five years and be eligible for re-appointment, save that membership shall cease for lay members on the member’s seventy-fifth birthday or and for clerical members on their retirement or on reaching their seventieth birthday whichever is the earlier, except for the purpose of completing the hearing of a complaint in which the member is already engaged.

14.

Any vacancy among the membership shall be filled by appointment in the same manner as the original appointment. The person so appointed shall serve for the remainder of the term of office of the member whom he or she replaces, being eligible for reappointment for a further term or terms of office in any of the categories set out in section 10(1).

15.

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The Tribunal may, if it thinks fit, summon for its assistance one or more persons of skill and experience in a matter to which the proceedings relate, to act as assessors.



16.

There shall be a President of the Tribunal appointed by the Standing Committee of the Governing Body from among the legally qualified members of the Tribunal.

17.

*Powers*

The Tribunal shall have power:

- (a) to suspend from any preferment, office, membership of a body or the right to vote in the Church in Wales any person in respect of whom a reference has been made and is under investigation by the Tribunal until the hearing and determination of the complaint and the Bishop of the diocese of such a person may make arrangements for carrying out the duties of that person during such suspension; and
- (b) to order that a suspended Cleric or deaconess shall not reside in the Parsonage as defined in Chapter VII section 1(d), or retain possession of the glebe lands during suspension, and that such Cleric or deaconess shall deliver up all books, keys and other property held by him or her by virtue of office to such person or persons as the Tribunal may appoint to have custody thereof for and on behalf of the Representative Body.

18.

The powers of the Tribunal shall include the making of a judgement, sentence or order of:

- (a) absolute discharge;
- (b) conditional discharge;
- (c) rebuke;
- (d) monition;
- (e) inhibition;
- (f) disqualification;
- (g) deprivation or suspension of preferment, office, membership of a body or right to vote, in the Church in Wales; and
- (h) deposition from Holy Orders and expulsion from the office of Cleric in the Church in Wales.

19.

A Cleric in respect of whom an order is made by the Tribunal that the Cleric be deposed from Holy Orders and expelled from the office of Cleric in the Church in Wales may appeal within 28 days from the date of the judgement by delivering written notice of appeal to the Registrar of the Provincial Court.

20.

*Appointment of Registrar of the Tribunal*

The Tribunal shall from time to time as occasion may require appoint fit and proper persons to be Registrar and one or more Deputy Registrars who:

- (a) shall be legally qualified;
- (b) shall be paid for their services such sums as the Representative Body shall think fit; and
- (c) shall hold office for five years and shall be eligible for re-appointment save that they shall retire from office not later than their seventieth birthday.

**Part IV: The Diocesan Court**

21.

*Composition*

- (1) The members of the Diocesan Court shall be the Chancellor, the Deputy Chancellor (if any) and the Archdeacons of the diocese.
- (2) The Chancellor, who shall be appointed as provided in section 24, shall be the President of the Diocesan Court.
- (3) The Archdeacons shall not sit as members of the Court when it is dealing with an application brought under section 22(a).

22.

*Jurisdiction*

The Diocesan Court shall have power to hear and determine:

- (a) applications for faculties in the diocese;
- (b) complaints against Churchwardens and lay Parochial Church Councillors in their role as such, and disputes with regard to their election;
- (c) matters referred to it by provisions in the Constitution; and
- (d) any dispute between a Member of the Church in Wales and the Diocesan Board of Finance, Diocesan Parsonage Board, Diocesan Board of Nomination, Deanery Conference or Chapter, Vestry or Parochial Church Council, or between any such bodies, the determination of which is not otherwise provided for by the Constitution;
- (e) any other matters previously dealt with by the Archdeacon's Court.

23.

*Faculty procedure*

(1) Faculty procedure shall apply to churches and consecrated land vested in the Representative Body, in a Diocesan Board of Finance, or in any other trustees who agree to be bound, and to any subordinate or ancillary object or structure in or on that church or consecrated land or within its curtilage.

(2) [deleted]

(3) [deleted]

(4) Where faculty procedure applies Rules made under Section 38 of this Chapter shall state what may and may not be undertaken at that church or land without the grant of a faculty and on what conditions (if any).

(5) Any reference in this section to a church or land shall include any part or parts of such church or land and any fixture or fixtures therein or thereon.

24.

*Appointment of the Chancellor of the Diocese*

(1) The Bishop shall, from time to time as occasion may require, appoint a fit and proper person to be Chancellor of the diocese and of the Diocesan Court.

(2) The person appointed Chancellor shall be a Communicant, legally qualified and also qualified to be a member of the Governing Body.

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- (3) The Bishop may, from time to time as occasion may require, appoint a fit and proper person to act as Deputy Chancellor and every person so appointed shall have all the powers and may perform all the duties of the Chancellor for whom he or she is appointed to act, provided always that every Deputy Chancellor shall fulfil the requirements of subsection (2).
- (4) Every Chancellor and Deputy Chancellor not having previously resigned or been removed from office shall retire on his or her seventy-fifth birthday.
- (5) No Chancellor or Deputy Chancellor shall be removed from office except by order of the Bishop, confirmed by the Provincial Court.
- (6) The offices of Chancellor and Deputy Chancellor shall be honorary.
- (7) All the powers and duties of a Chancellor as set out in his or her Deed of Appointment shall continue to be exercisable notwithstanding a vacancy in the see, without the necessity for a further Deed of Appointment during a vacancy.

25.

- (1) The Chancellor shall hear and determine in chambers any question as to the fees payable to the Diocesan Court or the Registrar.
- (2) An appeal shall lie to the Provincial Court from the Chancellor's decision upon any question as to such fees, and the decision of the Provincial Court thereon shall be final.
- (3) Written notice of any appeal referred to in subsection (1) shall be delivered to the Registrar of the Provincial Court within 28 days from the date of the decision which is the subject of the appeal.

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Subject to the provisions of the Constitution, each Chancellor, with respect to the granting of marriage licences and the appointment of surrogates, shall, in addition to any jurisdiction or powers conferred upon him or her by the Constitution, have the jurisdiction and powers (except as to fees) to which a Chancellor was entitled on 30th March 1920, and shall exercise such jurisdiction and powers according to the law and practice at that time prevailing.

27.

*Appointment of the Diocesan Registrar*

- (1) The Bishop shall, from time to time as occasion may require, appoint a fit and proper person to be Registrar of the diocese and of the Diocesan Court.
- (2) The person appointed Registrar shall be legally qualified.
- (3) The Bishop may, from time to time as occasion may require, appoint a fit and proper person to act as Deputy Registrar, and every person so appointed shall have all the powers and may perform all the duties of the Registrar for whom he or she is appointed to act, provided always that every Deputy Registrar shall fulfil the requirements of subsection (2).
- (4) Every Diocesan Registrar and Deputy Registrar not having previously resigned or been removed from office shall, retire on his or her seventieth birthday.
- (5) No Diocesan Registrar or Deputy Registrar shall be removed from office except by order of the Bishop and any such Registrar or Deputy Registrar shall have a right of appeal to the Provincial Court against the order within a period of six weeks after receipt by him or her of notice of the making of the order.
- (6) The Registrar shall be entitled to a salary to be fixed and paid by the Diocesan Board of Finance.
- (7) The Bishop, on the appointment of a Deputy Registrar, may indicate in writing to the Diocesan Board of Finance what proportion, if any, of the salary of the Registrar shall be paid to the Deputy, and thereafter the Diocesan Board of Finance shall pay the Registrar and the Deputy in accordance with the proportion indicated by the Bishop.
- (8) All the powers and duties of a Registrar as set out in his or her Deed of Appointment shall continue to be exercisable notwithstanding a vacancy in the see, without the necessity for a further Deed of Appointment during a vacancy.

28.

Every Chancellor and Deputy Chancellor, before entering upon the duties of office, shall make and sign in the presence of the Bishop or their commissary a declaration in the following form:

*I, J... S..., do hereby solemnly declare that I am a Communicant, legally qualified and also qualified to be a member of the Governing Body of the Church in Wales, and that I do not belong to any religious body which is not in communion with the Church in Wales.*

**Part V: The Provincial Court**

Composition

29.

(1) The Provincial Court shall consist of four ecclesiastical Judges and six lay Judges, to be appointed by the Bench of Bishops which shall likewise from time to time nominate one of the lay Judges to be President of the Court.

(2) The ecclesiastical Judges of the Provincial Court shall be clerics of not less than fifteen years' standing in Holy Orders who are not retired and who have not reached their seventieth birthdays; the lay Judges of the Court shall be Communicants under the age of seventy-five and legally qualified.

(3) Such Judges must be qualified to be members of the Governing Body of the Church in Wales or of the General Synod of the Church of England, and before entering upon the duties of their office shall make and sign in the presence of a Diocesan Bishop or their commissary a declaration in the following form:

*I, J... S..., do hereby solemnly declare that*

*(a) I have been ordained for more than fifteen years, and that I am qualified to be a member of the Governing Body of the Church in Wales (or of the General Synod of the Church of England) and that I do not belong to any religious body which is not in communion with the Church in Wales.*

*or*

*(b) I am a Communicant, legally qualified and that I am qualified to be a member of the Governing Body of the Church in Wales (or of the General Synod of the Church of England), and that I do not belong to any religious body which is not in communion with the Church in Wales.*

(4) In any case in which a Bishop or an Assistant Bishop is the subject of an appeal to the Provincial Court from the Tribunal the membership of the Provincial Court shall include a Bishop or an Assistant Bishop who has not been previously involved at any stage of the case nominated by the President and who shall serve as a full member of the Court dealing with the case for which he is nominated.

(5) Subject to the provisions of this chapter, no Judge shall be removed from office except by order of the Bench of Bishops, confirmed by separate majorities of the Orders of the Clergy and the Laity of the Governing Body.

(6) (a) Subject to paragraph (b) each Judge shall hold office for seven years or until resignation or removal from office but shall be eligible for reappointment.

(b) Each Judge shall cease to hold office in the case of an ecclesiastical Judge on his or her retirement or on reaching the Judge's seventieth birthday whichever is the earlier and in the case of a lay Judge upon his or her seventy-fifth birthday except in either case for the purpose of completing the hearing of a case in which the Judge is already engaged.

(7) The Bench of Bishops shall fill any judicial vacancy in the Provincial Court by appointing an ecclesiastical or a lay Judge, as the case may be, in the same manner and upon the same conditions as obtained in the original appointment.

30.

One ecclesiastical and two lay Judges shall form a quorum of the Provincial Court, and their judgement or the judgement of the majority of them shall be the judgement of the Court.

31.

No Judge shall be disqualified or prevented from hearing and determining a case by reason of the fact that such Judge is a member of a body in the Church in Wales which is a party to the proceedings, save that on the hearing of a case involving a Member of the Church in Wales neither the Bishop nor the Chancellor of any diocese in which such member either holds office or resides shall sit.

*Jurisdiction*

32.

- (1) The Provincial Court shall have power to hear and determine:
  - (a) appeals from a Diocesan Court;
  - (b) appeals from the Disciplinary Tribunal;
  - (c) appeals with reference to institutions, collations, nominations to cures, and rights of appointment relating to Clerics;
  - (d) any other appeals or matters referred to it in accordance with the Constitution.
  
- (2) The Provincial Court shall arbitrate:
  - (a) any dispute between a Member of the Church in Wales and the Representative Body;
  - (b) any dispute between a Member of the Church in Wales and a Diocesan Conference; and
  - (c) any other appeal or matter referred to it in accordance with the Constitution.
  
- (3) Written notice of any appeal referred to in subsection (1) shall be delivered to the Registrar of the Provincial Court within 28 days of the date of the decision being given which is the subject of the appeal.

33.

The decision of the Provincial Court on the appeal or the arbitration shall be final and the Provincial Court shall give notice thereof to the Secretaries of the Governing Body, the Secretary of the Representative Body, the Secretary of any body in the Church in Wales of which the party affected is a member and the Secretary of the Parochial Church Council of any Parish or Benefice in which such party either holds office or resides.

34.

The Provincial Court may suspend a person or any body of the Church in Wales (except the Governing Body or the Representative Body) for neglecting or refusing to obey any judgement, sentence or order, as the case may be, of the Archbishop, a Diocesan Bishop or any Court provided always that no order suspending a Diocesan Conference shall be valid without the consent of the Bishop.

35.

*Appointment of Registrar of the Provincial Court*

- (1) The Provincial Court shall, from time to time as occasion may require, appoint a fit and proper person to be Registrar of the Court.
- (2) The person appointed Registrar shall be a communicant, legally qualified and qualified to be a member of the Governing Body.
- (3) The Registrar shall be entitled to a salary to be fixed and paid by the Representative Body of the Church in Wales.
- (4) The Registrar not having previously resigned or been removed from office shall retire on his or her seventieth birthday.
- (5) The Registrar shall not be removed from office except by order of the President of the Provincial Court and the Registrar shall have the right of appeal against such order.
- (6) The procedure to be adopted in respect of any such appeal shall be as follows:
  - (a) notice of appeal shall be given in writing to the Archbishop's Registrar within a period of 28 days after receipt by the Registrar of the Provincial Court of notice of the making of the order;
  - (b) the appeal shall be heard by a panel of five members appointed by the Archbishop in accordance with the next following sub-paragraph after consultation with the other members of the Bench of Bishops;



- (c) the panel shall comprise members qualified to be members of the Governing Body, of whom two shall be clerics and three shall be lay members, two of which lay members shall be legally qualified;
- (d) the panel shall settle its own rules of procedure; and
- (e) the decision of the panel shall be final.

(7) The Registrar shall hold office subject to the foregoing and subject also to any further terms or conditions laid down by the Provincial Court.

36.

(1) In case of the illness or temporary incapacity of the Registrar, the Provincial Court may appoint a fit and proper person to act as Deputy Registrar during such illness or incapacity, and every person so appointed shall have all the powers and perform all the duties of the Registrar for whom he or she is appointed to act, provided always that every Deputy Registrar shall fulfil the requirements of section 35(2).

(2) The Deputy Registrar shall be paid for his or her services such sum as the Representative Body shall think fit.

37.

The Registrar of the Provincial Court, and any Deputy Registrar thereof, before entering upon the duties of office, shall make and sign in the presence of a Judge of the Provincial Court a declaration in the following form:

*I, J... S..., do hereby solemnly declare that I am a Communicant, legally qualified and also qualified to be a member of the Governing Body of the Church in Wales, and that I do not belong to any religious body which is not in communion with the Church in Wales.*

## **Part VI: The Rule Committee**

### *The Rule Committee of the Tribunal and the Courts of the Church in Wales*

38.

(1) There shall be a Rule Committee of the Tribunal and Courts of the Church in Wales which shall make and publish rules for carrying into effect the provisions of the Constitution including provisions relating to faculties and for regulating all matters whatsoever relating to the administration, practice and procedure of the Tribunal or any of the Courts of the Church in Wales.

(2) The Rule Committee may from time to time alter or vary the rules and shall have power (subject to the Constitution and any direction from the Standing Committee) to regulate its own procedure.

(3) The Rule Committee shall consist of such members as may be appointed from time-to-time by the Standing Committee. The Standing Committee shall ensure that the Rule Committee's membership shall include at least one member of the Provincial Court, one member of the Disciplinary Tribunal and one Diocesan Chancellor or Deputy Chancellor.

(4) The failure of a member of the Rule Committee to attend a meeting shall not prevent the Committee proceeding with the despatch of business nor invalidate its proceedings.

(5) A copy of the rules as made or revised by the Rule Committee shall be signed by two or more members of the Committee and published on the Provincial website.

**Part VII: Miscellaneous powers and provisions relating to Diocesan Bishops and the Archbishop's Registrar**

39.

(1) A Diocesan Bishop shall have power to suspend from office, until the hearing and determination of a case, any person holding office in his or her diocese against whom a charge is pending.

(2) A Diocesan Bishop shall have the power to suspend from office any person holding office in his or her diocese if the Bishop has been advised to do so by the Provincial Safeguarding Panel.

(3) The Archbishop's Registrar shall have the power to suspend from office any person holding office in the Province if the Archbishop's Registrar has been advised to do so by the Provincial Safeguarding Panel.

(4) Before exercising the power in subsection (3), the Archbishop's Registrar shall consult:

- i. The Bishop of the relevant Diocese; and
- ii. The Archbishop (or, if the Archbishop is the Bishop of the relevant Diocese, the senior Diocesan Bishop).

(5) During any suspension:

- i. a Diocesan Bishop; or
- ii. (in the case of a suspension of the Diocesan Bishop or the incapacity of the Diocesan Bishop) the Archbishop

shall have the power to make arrangements for carrying out the duties of that office during such suspension.

40.

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(1) A Diocesan Bishop shall have the power to order that a suspended Cleric or deaconess shall not reside in the Parsonage as defined in Chapter VII section 1(d) or retain possession of the glebe lands during suspension, and that such Cleric or deaconess shall deliver up all books, keys and other property held by him or her in virtue of office to such person or persons as the Bishop may appoint to have custody thereof for and on behalf of the Diocesan Board of Finance within 14 days.

(2) A suspended Cleric or deaconess may appeal an order under subsection (1) to the President of the Provincial Court by giving written notice to the Registrar of the Provincial Court within 14 days of being notified of the said order and if such appeal is made the order of the Bishop shall be stayed until determination of the appeal.

41.

(1) It shall be lawful for the Diocesan Bishop, by writing under his or her hand, to order that any stipend otherwise payable to a suspended Cleric or deaconess, or any part of such stipend, shall be sequestered for such period (commencing not less than 14 days after the date of the order) and subject to such conditions as the Bishop may think fit, and the Bishop shall forward a copy of the order to the Secretary of the Diocesan Board of Finance and the Secretary of the Representative Body, who shall (subject to subsection (2)) carry out the terms thereof.

(2) A suspended Cleric or deaconess may appeal an order under subsection (1) to the President of the Provincial Court by giving written notice to the Registrar of the Provincial Court within 14 days of being notified of the said order and if such appeal is made the order of the Bishop shall be stayed until determination of the appeal.

42.

- (1) Upon the expiry of the period for the giving of notice of any appeal or upon the dismissal of an appeal by the Provincial Court in relation to a Cleric against whom an order has been made that the Cleric be deposed from Holy Orders and expelled from the office of Cleric in the Church in Wales, the Bishop of the Diocese in which the Cleric holds office or resides shall:
  - (i) execute a Deed of Deposition; and
  - (ii) cause the same to be enrolled in the Registry of the Archbishop of Wales.
- (2) The Archbishop's Registrar shall forthwith deliver an office copy of the enrolment of the Deed to the Cleric and to the Diocesan Bishop and shall give notice to the Archbishop of having done so.
- (3) Upon receipt of the office copy of the enrolment of the Deed, the Diocesan Bishop shall cause the Deed to be recorded in the Registry of the Diocese, and thereupon and thenceforth (but not sooner) the same consequences shall ensue with regard to the person deposed and expelled in the Deed as if he or she had executed, enrolled and recorded a Deed of Relinquishment.
- (4) Upon the making by the Tribunal of an order of deprivation or suspension and upon the expiry of the period for giving notice of any appeal or upon the dismissal of an appeal by the Provincial Court in relation to a Cleric against whom such an order has been made on making an order of such deprivation or suspension the Diocesan Bishop shall give notice thereof to the Secretaries of the Governing Body, the Secretary of the Representative Body, the Secretary of any body in the Church in Wales of which the party effected is a member, and the Secretary of the Parochial Church Council of any Parish in which such party either holds office or resides.

### **Part VIII – Visitations**

#### 43.

- (1) Archiepiscopal Visitations shall be held as heretofore, and the law and practice relating thereto shall be that prevailing on 30 March 1920.
- (2) Episcopal Visitations shall be held at such intervals as the Bishop may decide, and the form of such a Visitation shall be determined by the Bishop.
- (3) Archdeacons shall conduct regular Visitations of all Parishes in their archdeaconries, and subject to any direction by the Governing Body the form of such a Visitation shall be determined by the Archdeacon.

### **Part IX – Archbishop's Registrar's List**

44.

(1) Subject to the following provisions of this section, it shall be the duty of the Archbishop's Registrar to maintain a list of such Clerics and former Clerics:

- (a) on whom a penalty or censure (by consent or otherwise) has been imposed under this chapter;
- (b) who have been deposed from Holy Orders;
- (c) who have resigned preferment following the making of a complaint in writing against them to the Bishop or following an investigation by the police or other statutory agency; or
- (d) who have voluntarily relinquished Holy Orders in accordance with the Clerical Disabilities Canon 1990

as may be prescribed by regulations made by the Rule Committee and such list shall comprise particulars of the penalty or censure or details of the complaint which led to the resignation.

(2) Where the Archbishop's Registrar has included a person falling within paragraphs (a) or (c) of subsection (1) in the list he or she shall take all reasonable steps to inform that person in writing that he or she has done so and of the particulars recorded in respect of that person. That person may request the President of the Provincial Court to review the matter and upon such a review the President of the Provincial Court shall direct that that person should continue to be included in the list or should be excluded there from and, in the former case, may also direct that the particulars relating to that person should be altered in such a manner as he or she may specify.

(3) It shall be the duty of the Archbishop's Registrar to review the inclusion of a person in the list, in such manner as may be prescribed in regulations made by the Rule Committee, on the expiry of the period of five years following the inclusion and also if requested to do so by that person or by the Bishop of a Diocese (subject to such conditions as may be set down in such regulations).

Provided that that person shall not be entitled to make a request under this subsection within the said period of five years nor within the period of five years following any previous review.

## **Part X: The Archbishop's Registrar**

### **45. Appointment of the Archbishop's Registrar**

(1) The Archbishop shall, from time to time as occasion may require, appoint a fit and proper person to be the Archbishop's Registrar.

(2) The Archbishop's Registrar may, having obtained the consent of the Archbishop, from time to time as occasion may require, appoint a fit and proper person to act as Archbishop's Deputy Registrar, and every person so appointed shall have all the powers and may perform all the duties of the Archbishop's Registrar.

(3) The persons appointed Registrar or Deputy Registrar not having previously resigned

or been removed from office shall retire on their seventieth birthday.

(4) The Archbishop's Registrar or Deputy Registrar shall not be removed from office except by order of the Archbishop and any such Registrar or Deputy Registrar shall have a right of appeal to the Provincial Court against the order within a period of six weeks after receipt by them of notice of the making of the order.

(5) All the powers and duties of the Archbishop's Registrar shall continue to be exercisable notwithstanding a vacancy in the Archbishopric.

(6) All the powers and duties of the Archbishop's Registrar shall continue to be exercisable by a Deputy appointed pursuant to subsection (3) if the office of Archbishop's Registrar falls vacant.