

# THE CLERGY DISCIPLINE ORDINANCE 1966

## AMENDING ORDINANCE 1999

No. 6 of 1999

### AN ORDINANCE

To amend the Clergy Discipline Ordinance 1966 in certain respects.

#### PREAMBLE

WHEREAS it is desirable to amend the Clergy Discipline Ordinance in certain respects.

THEREFORE the Bishop, Clergy and Laity of the Diocese of Grafton in Synod assembled decree and enact as follows:

#### SHORT TITLE

- 1(a) This Ordinance may be cited as "The Clergy Discipline Ordinance 1966, Amending Ordinance 1999."
- 1(b) The Clergy Discipline Ordinance 1966 is in this Ordinance referred to as the Principal Ordinance.
- 1(c) The Principal Ordinance as amended by this Ordinance shall be cited as The Clergy Discipline Ordinance 1966-1999.

#### AMENDMENT

2. Section 3 of the Principal Ordinance is hereby amended by the deletion of the words "clergyman to whom this Ordinance applies means a person licensed by the Bishop or any other person in holy orders resident in the Diocese" and substituting therefore

"Member of clergy to whom this Ordinance applies means:

- (a) a member of clergy licensed by the Bishop and resident in the Diocese.
- (b) a member of clergy resident in the Diocese.
- (c) a member of clergy in respect of whom a charge is made arising from an act or actions of the member in the Diocese.
- (d) a member of clergy who within 2 years before a charge is laid was licensed by the Bishop or was resident in the Diocese.
- (e) a member of clergy who is in prison as a convicted person at the time the charge is laid, but who within 2 years before such imprisonment was licensed by the Bishop or was ordinarily resident in the Diocese.

3. Section 3 of the Principal Ordinance is hereby amended by the deletion of all the words in subsection (g) and substituting therefor.

- (g) conduct, whenever occurring,
  - (i) which would be disgraceful if committed by a member of the clergy, and

- (ii) which at the time the charge is preferred is productive or, if known publicly would be productive, of scandal or evil report.

4. Section 23 of the Principal Ordinance is hereby amended by the insertion of new subsections 3 and 4 as follows:

3. Evidence that the accused has been convicted of an offence shall be admissible before the tribunal and proof of such conviction shall be evidence of the facts giving rise to such conviction, provided that this provision shall not apply if a conviction has been quashed or set aside or in respect of which a pardon has been given.

4. The transcript of any criminal proceedings in which the member of clergy the subject of a charge before the tribunal was a party, shall be admitted as evidence in the same way as if the person whose evidence appears in the transcript had been given in person before the tribunal:

provided that the tribunal may exclude the whole or any part of such evidence should it consider that admission of the same would be likely to cause a serious injustice to the member of clergy charged.

5. Section 43 of the Principal Ordinance is hereby deleted and the following new Section 43 substituted therefore.

43. A certificate in writing signed by the Registrar that a person is within the meaning of this Ordinance a member of clergy to whom this ordinance applies specifying in the applicable subparagraph, shall be prima facie evidence of the matters stated therein.

6. The Principal Ordinance is hereby amended by the insertion of a new Section 48 as follows:

48. The Bishop shall have power to suspend a member of clergy to whom this ordinance applies from the duties of his or her office where it appears to the Bishop that such suspension is for the good of the Diocese or of any Parish or organisation within the Diocese, provided that:

(a) Except in cases of extreme urgency such suspension shall not be made unless the Bishop has informed the Chancellor and The Registrar of the intention so to do and has taken into account their counsel on the proposed actions;

(b) Provision is made for the member so suspended to receive:

(i) adequate income and allowances; and

(ii) accommodation for himself or herself and his or her family during such suspension.

7. The Principal Ordinance is hereby amended by the deletion of the words "clergyman" and "layman" wherever appearing and the substitution therefore of the words "member of the clergy" and "layperson".

8. Section 3(d) of the Principal Ordinance is hereby amended by the deletion of the word "or" and the substitution therefore of the word "and".

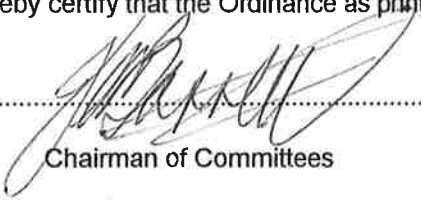
9. Section 4(i) of the Principal Ordinance is hereby amended by the insertion of the words "or she" after the word "he".

10. Section 5(i) of the Principal Ordinance is hereby amended by the deletion of the word "him" in line 2 and the insertion therefore of the words "that member".

11. Section 5(i) of the Principal Ordinance is hereby amended by the insertion of the words "or she" immediately after the word "he".
12. Section 5 (i) of the Principal Ordinance is hereby amended by the deletion of the words "he has been so convicted" in line three and the substitution therefore of the words "such conviction."
13. Section 15(2) of the Principal Ordinance is hereby amended by the insertion of the words "or herself" after the word "himself".
14. Section 20 of the Principal Ordinance is hereby amended by the deletion of the word "other" after the word "some".
15. Section 22 of the Principal Ordinance is hereby amended by the insertion of the word "surprise" after the word "by".
16. Schedule A of the Principal Ordinance is hereby amended by the deletion of the words "Church of England in" wherever appearing and the insertion therefore of the words "Anglican Church of".

### ASSENT

I hereby certify that the Ordinance as printed is in accordance with the Ordinance as passed.

  
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Chairman of Committees

I hereby certify that the Ordinance was passed by Synod on the fifteenth day of May, 1999.

  
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Registrar

I assent to this Ordinance.

  
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Bishop