

CONSTITUTION AMENDMENT (MANDATORY DEPOSITION) CANON 2022

Canon 8, 2022

The General Synod prescribes as follows.

Title

1. This Canon may be referred to as the “Constitution Amendment (Mandatory Deposition) Canon 2022”.

Mandatory deposition of a person convicted of a sexual offence relating to a child

2. In section 60 of the Constitution—
 - (a) in sub-section (1), for "A tribunal" substitute "Subject to sub-section (1A), a tribunal":
 - (b) after sub-section (1) insert—
 - "(1A) Where the tribunal is satisfied that the person so charged has been convicted under the laws of the Commonwealth, State or Territory or under the laws of some other country that are equivalent to a law of the Commonwealth or of a State or Territory of a sexual offence relating to a child committed while a member of the clergy, it must recommend a sentence of deposition from orders.
 - (1B) For the purposes only of sub-section (1A), “**sexual offence relating to a child**” means —
 - (a) sexual activity by a person against, with or in the presence of a child, or
 - (b) the possession, production or distribution of any form of child pornography.”
 - (c) in sub-section (2), after "is recommended," insert "other than a sentence of deposition from orders recommended under sub-section (1A),"; and
 - (d) in sub-section (4), for “The provisions” substitute “Subject to sub-section (1A), the provisions”.

Definitions

3. (1) Subject to sub-section (2)—
- (a) in section 74 of the Constitution, after the definition of "Ceremonial" insert—

' "**child**" means a person under the age of 18;'; and
 - (b) there are repealed:
 - (i) the definition of "child" in section 2(1) of the Episcopal Standards (Child Protection) Canon 2017; and
 - (ii) the definition of "child" in the Third Schedule to the National Register Canon 2007.
- (2) Sub-section (1) has effect only if at the time when this Canon comes into effect there is no definition of "child" in section 74 of the Constitution.
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Secretaries' Certification of copy of Canon as passed [SO63(20)]

We certify that the Canon above is a copy of the Canon as passed on the 9th day of May 2022.

Dated: 13 May 2022

The Very Rev'd Katherine Bowyer
Clerical Secretary

Mr Timothy Reid
Lay Secretary