

1999 No. 2112

ECCLESIASTICAL LAW, ENGLAND

**The Church Representation Rules (Amendment) Resolution
1999**

*Made (passed by the General Synod with the requisite
majority in each House)- - - 12th July 1999*

Laid before Parliament 27th July 1999

Coming into force 1st January 2000

In pursuance of the powers conferred by section 7(1) of the Synodical Government Measure 1969(a) to amend by resolution of the General Synod the Church Representation Rules, that is to say, the rules contained in Schedule 3 to the said Measure, as amended by the Church Representation Rules (Amendment) Resolutions 1973 to 1995(b), by the Diocese in Europe Measure 1980(c), by the Care of Churches and Ecclesiastical Jurisdiction Measure 1991(d), by the Priests (Ordination of Women) Measure 1993(e), by the Team and Group Ministries Measure 1995(f) and by the National Institutions Measure 1998(g) the General Synod hereby resolve that the said rules should be amended as follows:

1. In rule 1(8) insert at the end of the paragraph the words “When additions and removals have been made by the electoral roll officer a list of such amendments shall be published by being exhibited continuously for not less than fourteen days on or near the principal door of every church in the parish and every building in the parish licensed for public worship in such manner as the Council may appoint and the list shall contain notification of the right of appeal referred to in rule 43.”

Provided that where the roll is published in a form which contains parts each relating to one or more churches or places of worship within the parish, the publication of such amendments to any part of the roll may be limited to the churches or places of worship to which that part relates.

2. In rule 10(3)–

- (a) *leave out* all words in sub-paragraph (b) after “disqualified” and *insert* the words “under rule 46A”; and
- (b) *leave out* sub-paragraph (c).

3. In rule 14–

- (a) in paragraph (1)(d) after the word “churchwardens” *insert* the words “and any deputy churchwardens who are ex officio members of the parochial church council by virtue of a scheme made under rule 18(4) of these rules,”;
- (b) in paragraph (3) *leave out* sub-paragraph (c) and *insert* the words “(c) if he is or becomes disqualified under rule 46A, from the date on which the disqualification takes effect.”

(a) 1969 No. 2.

(b) S.I. 1973/1865, 1980/178, 1981/959, 1950, 1984/1039, 1040, 1989/2094, 2095, 1994/3118, 1995/3243.

(c) 1980 No. 2.

(d) 1991 No. 1.

(e) 1993 No. 2.

(f) 1995 No. 1.

(g) 1998 No. 1.

4. In rule 16(1), in the proviso, after the words “decide that” *insert* the words “, with effect from the date of that meeting.”.
5. In rule 17 *leave out* the words “on the parochial church council may hold office” and *insert* “being a member of the parochial church council by virtue of rule 14(1)(g) may hold office after the date of that meeting”.
6. In rule 18–
- (a) add at the end of paragraph (4) the words “The scheme may also provide for the deputy churchwardens to be ex officio members of the parochial church council.”;
 - (b) in paragraph (8) *leave out* the word “varied” and *insert* “amended” and *leave out* the word “thereunder” and *insert* “passed in accordance with the provisions of paragraph (4) of this rule”.
7. In rule 19–
- (a) from the heading *leave out* the words “and Group Councils”; and
 - (b) in paragraph (8) *leave out* the word “varied” and *insert* “amended” and *leave out* the word “thereunder” and *insert* “passed in accordance with the provisions of paragraph (4) of this rule”.
8. In rule 20(7) *leave out* the word “varied” and *insert* “amended” and *leave out* the word “thereunder” and *insert* “passed in accordance with the provisions of paragraph (4) of this rule”.
9. In rule 31, add at the end of paragraph (4) the words “in accordance with rule 32(4)”.
10. In rule 32(4) in line 4 *leave out* the words from “by the presiding officer” to “Appendix I” and *insert* “together with a form of nomination in the form set out in section 6 of Appendix I”.
11. In rule 37–
- (a) in paragraph (1) *leave out* the words “paragraph (2) of this rule” and *insert* the words “rule 46A”;
 - (b) at the end of paragraph (1)(b) *insert* “or, when a casual vacancy is being filled on the date on which the nomination papers are issued in accordance with rule 39(3)”;
 - (c) in paragraph (1)(c), after the words “General Synod” there shall be inserted “or, when a casual vacancy is being filled, on the date on which the nomination papers are issued in accordance with rule 39(3)”;
 - (d) *leave out* paragraph (2).
12. In rule 39–
- (a) in paragraph (11) *leave out* all words after “candidate” to “Committee” and *insert* the words “in the election, the Clerk to the General Synod and an election scrutineer appointed by the Business Committee”; and
 - (b) in paragraph (12) *leave out* the words “Secretary General” and *insert* the words “Clerk to the General Synod”.
13. In rule 40(1) *leave out* the words “Standing Committee” and *insert* the words “lay members of the Business Committee”.
14. In rule 43(4) *leave out* all the words after “date of” and *insert* the words “notification of the enrolment, removal or refusal or not later than fourteen days after the last day of the publication (as provided by rule 2(3)) of a new roll or register or of a list of additions or removals from such roll or register.”
15. In rule 44–
- (a) in paragraph (4)(b) *leave out* the words “the result thereof has been announced” and *insert* the words “the day on which the result is declared”;
 - (b) *leave out* paragraphs (8) and (9) and *insert* the following paragraphs–

“(8) An appeal arising out of an election or choice of members of the House of Laity of the General Synod shall, within the period of fourteen days of the appeal being lodged, be

referred to the Chairman and Vice-Chairman of that House unless, within that period, the appellant withdraws the appeal in writing. Subject to paragraph (9) of this rule, the Chairman and Vice-Chairman acting jointly shall appoint three persons (one of whom shall be a qualified lawyer) from an appeal panel consisting of the Dean of the Arches and Auditor, the Vicar General of the Province of Canterbury, the Vicar General of the Province of York and twelve members of the House of Laity of the General Synod nominated by the Appointments Committee of the Church of England to consider and decide the appeal.

(9)(a) Where the Chairman or Vice-Chairman of the House of Laity has given notice of appeal under paragraph (5) above, or where he comes from the diocese to which the appeal relates he shall take no part in the appointing of the three persons to hear the appeal and he shall not be appointed to hear the appeal.

(b) Where a member of the appeal panel comes from the diocese to which the appeal relates, or might otherwise have a benefit from the outcome of the election, he shall not be appointed to hear the appeal.”

16. In rule 45(d) *insert* as a new sub-paragraph–

“(iii) the facts complained of amount to a procedural irregularity in the conduct of the election, but that in all the relevant circumstances the appeal shall be dismissed; or”

and re-number sub-paragraph (iii) as sub-paragraph (iv).

17. In rule 46–

(a) in paragraph (1)(e) *leave out* the words “rule 37(2)” and *insert* the words “46A(c)”; and

(b) in paragraph (1)(f) before the words “a diocesan synod” *insert* the words “a deanery synod,” and after the word “hereof” *insert* the words “or becomes disqualified in accordance with the provisions of rule 46A(a) hereof,”.

18. After rule 46 *insert* as a new rule–

“46A (a) A person shall be disqualified from being nominated, chosen or elected or from serving as a churchwarden, a member of a parochial church council, a district church council or any synod under these rules if he is disqualified from being a charity trustee under section 72(1) of the Charities Act 1993 and the disqualification is not for the time being subject to a general waiver by the Charity Commissioners under subsection (4) of that section or to a waiver by them under that subsection in respect of all ecclesiastical charities established for purposes relating to the parish concerned.

In this paragraph “ecclesiastical charity” has the same meaning as that assigned to that expression in the Local Government Act 1894;

(b) A person shall also be disqualified from being nominated, chosen or elected or from serving as a churchwarden or member of a parochial church council if he has been so disqualified from holding office under section 10(6) of the Incumbents (Vacation of Benefices) Measure 1997;

(c) A person shall be disqualified from being nominated for election or from continuing to serve as a member of the General Synod if he holds or takes any paid office or employment appointment to which is or may be made or confirmed by the General Synod, the Convocations, the Archbishops’ Council, the Central Board of Finance, the Church Commissioners for England (except that such disqualification shall not apply to any Commissioner so appointed in receipt of a salary or other emoluments), the Church of England Pensions Board or the Corporation of the Church House.”

19. In rule 48, *leave out* paragraph (6) and *insert*–

“(6)(a) Where the election is to be conducted by the voting papers of a general election, the number of persons to be elected shall be the same as in the general election, provided that no continuing candidate elected during the original count shall be excluded.

(b) Where the election is to be conducted by the voting papers of an election other than the general election, the number of persons to be elected shall be calculated

by adding together the number of persons previously elected using these voting papers who are still continuing as elected persons, and the number of casual vacancies to be filled, provided that no continuing candidate elected during the original count shall be excluded.

- (c) The presiding officer for the area in question shall ask every candidate not elected in the previous election who is still qualified for election for the diocese in question if he consents to serve.
- (d) If the number of candidates is the same as the places to be filled and he or they so consent or only one of those candidates so consents he shall be elected to fill the casual vacancy.
- (e) If more candidates than places to be filled so consent the votes validly cast in the preceding election shall be recounted from the beginning in accordance with the rules mentioned in rule 39(8), the presiding officer having first withdrawn those candidates who do not consent or are no longer eligible for election.”

20. In Appendix I, section 1 after “Full name” *insert* on a new line “Preferred title (if any)”.

21. In Appendix I, section 4–

(a) in paragraph 2 of the notes *insert* at the end–

“2(d) he is not disqualified as referred to in paragraph 3 of these Notes.”

(b) After paragraph 2 *insert* as a new paragraph–

“3(a) A person shall be disqualified from being nominated, chosen or elected or from serving as a churchwarden, a member of a parochial church council, a district church council or any synod under these rules if he is disqualified from being a charity trustee under section 72(1) of the Charities Act 1993 and the disqualification is not for the time being subject to a general waiver by the Charity Commissioners under subsection (4) of that section or to a waiver by them under that subsection in respect of all ecclesiastical charities established for purposes relating to the parish concerned.

In this paragraph “ecclesiastical charity” has the same meaning as that assigned to that expression in the Local Government Act 1894;

(b) A person shall also be disqualified from being nominated, chosen or elected from serving as a churchwarden or member of a parochial church council if he has been so disqualified from holding office under section 10(6) of the Incumbent (Vacation of Benefice) Measure 1997.”

and renumber paragraphs 3 and 4 as 4 and 5.

22. In Appendix I, section 6–

(a) after the words “I, the above named.....hereby” *insert* the words “declare that I am not subject to any disqualification referred to in the Notes on this form and”; and

(b) at the end of the form *insert*–

“*Disqualifications from being nominated (rule 46A)*

A person is disqualified from being nominated for membership of any Synod if he is disqualified from being a charity trustee under section 72(1) of the Charities Act 1993 and the disqualification is not for the time being subject to a general waiver by the Charity Commissioners under subsection (4) of that section or to a waiver by them under that subsection in respect of all ecclesiastical charities established for purposes relating to the parish concerned.

In this paragraph “ecclesiastical charity” has the same meaning as that assigned to that expression in the Local Government Act 1894.”

23. In Appendix II paragraph 1–

(a) in sub-paragraph (d) *leave out* all words from the beginning to “shall think fit.” and *insert* the words–

“(d) (i) The Council may appoint one of their number to act as secretary of the Council. Failing such appointment the office of secretary shall be discharged by some other fit person who shall not thereby become a member of the Council, provided that such person may be co-opted to the Council in accordance with the provisions of rule 14(1)(h);

(ii) where a person other than a member of the Council is appointed to act as secretary, that person may be paid such remuneration (if any) as the council deems appropriate provided that such person shall not be eligible to be a member of the council;”

and the remainder of sub-paragraph (d) shall be numbered (iii);

(b) *Leave out* sub-paragraph (e) and *insert*–

“(e) (i) The council may appoint one or more of their number to act as treasurer solely or jointly. Failing such appointment, the office of treasurer shall be discharged either–

by such of the churchwardens as are members of the council or, if there is only one such churchwarden, by that churchwarden solely; or

by some other fit person who shall not thereby become a member of the council, provided that such person may be co-opted to the council in accordance with the provisions of rule 14(1)(h).

(ii) where a person other than a member of the Council is appointed to act as treasurer that person may be paid such remuneration (if any) as the Council deems appropriate provided that such person shall not be eligible to be a member of the Council.”

Citation, interpretation and commencement

24.—(1) This resolution may be cited as the Church Representation Rules (Amendment) Resolution 1999, and the Church Representation Rules (Amendment) Resolution 1973 to 1998 and this Resolution may be cited together as the Church Representation Rules (Amendment) Resolutions 1973 to 1999.

(2) Any reference in this Resolution to a numbered rule or Appendix is a reference to the rule or Appendix, as the case may be, bearing that number in the Church Representation Rules, as amendment by the Church Representation Rules (Amendment) Resolutions 1973 to 1999, by the Diocese in Europe Measure 1980, by the Care of Churches and Ecclesiastical Jurisdiction Measure 1991, by the Priests (Ordination of Women) Measure 1993, by the Team and Group Ministries Measure 1995 and by the National Institutions Measure 1998.

(3) This resolution shall come into force on the first day of January 2000.

12th July 1999

P.J.C. Mawer
Secretary General

EXPLANATORY NOTE

(This note is not part of the Resolution)

This Resolution of the General Synod of the Church of England, which was passed in accordance with section 7(1) of the Synodical Government Measure 1969, amends the Church Representation Rules contained in Schedule 3 to that Measure. The changes include a number of amendments required as the result of the passing of the National Institutions Measure 1998 and other miscellaneous amendments.

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