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SCHEDULES

[^{F1}SCHEDULE 3

CHURCH REPRESENTATION RULES

Textual Amendments

- F1** Sch. 3 substituted (1.1.2020) by Church Representation and Ministers Measure 2019 (No. 1), s. 1(3), **Sch. 1** (with Sch. 3); S.I. 2019/1460, art. 2

Modifications etc. (not altering text)

- C1** Sch. 3 modified by Cathedrals Measure 1963 (No. 2), s. 12(3) (as substituted (1.6.1992) by Church of England (Miscellaneous Provisions) Measure 1992 (No. 1), s. 17(1), **Sch. 3 para. 10**; Instrument dated 27.5.1992 made by Archbishops of Canterbury and York.
Sch. 3 modified (30.6.1999) by 1999 No. 1, ss. 12(4), 38(2)(3) (with ss. 33, 37, 38(5)(6))
- C1** Sch. 3 applied by 2001 No. 1, s. 5(7) (as substituted (19.5.2014) by Church of England (Miscellaneous Provisions) Measure 2014 (No. 1), s. 21(2), **Sch. 2 para. 15**; S.I. 2014/1369, art. 2)

PART 8

MISCELLANEOUS

Personal data handling

- 72 A person who holds personal data about one or more other persons for the purposes of these Rules—
- (a) must ensure that the personal data is held securely, and
 - (b) for that purpose, must have regard to such guidance as the Archbishops' Council may from time to time issue.

Casual vacancies

- 73 (1) An election to fill a casual vacancy under these Rules is to be conducted in the same manner as an ordinary election (unless the election takes place at a meeting held in accordance with Rule 45).
- (2) The provisions of these Rules relating to casual vacancies—
- (a) apply to the election of a member of a body constituted by or under these Rules;
 - (b) apply in relation to the choice of a person, with a reference to an election to fill a casual vacancy accordingly being read instead as a reference to a choice to fill one.
- (3) A person elected or chosen to fill a casual vacancy holds office only for the unexpired portion of the term of office to be served in the case of that vacancy.

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Irregularities

- 74 (1) Where irregularities are found during an election such that the presiding officer forms the opinion that the proceedings on the election should be declared null and void, the officer—
- (a) must declare that the proceedings are null and void,
 - (b) must give notice to all electors of that declaration, and
 - (c) must cause a fresh election to be held.
- (2) Where a notice is given under paragraph (1)(b), the election under paragraph (1)(c) must be completed within three months of the date of the notice.
- (3) Where, in the case of an election to a diocesan synod, it is decided on an appeal that the election was not valid and the presiding officer is directed to hold a fresh election, the election must be completed within three months of the direction being given.
- (4) Rule 45(3) (which provides for a casual vacancy in a diocesan synod to be filled within six months) accordingly does not apply if paragraph (3) of this Rule applies.

Constraints in elections

- 75 (1) Where there is a requirement in an election conducted under these Rules or under rules made under Rule 42 or 56 for a given number, or at least a given number, of the places available to be filled by candidates of a defined category, the presiding officer must examine the valid nominations to ascertain the number of candidates of that category.
- (2) If the number of candidates of that category who are nominated is less than or equal to the required given number—
- (a) those candidates are declared elected and their names are not included on the voting paper, and
 - (b) the requirement for a given number is disregarded and the election proceeds with the number of seats to be filled being reduced by the number of persons declared elected.
- (3) The presiding officer must circulate with the voting papers a separate notice giving the name of each person who has been declared elected under paragraph (2).
- (4) In the application of this Rule to an election which involves a system of electronic voting, a reference to something included on or circulated with a voting paper is to be read as including a reference to it being provided as part of the procedure provided for by the system being used in the election for electronic voting.

Communicating by email or post

- 76 (1) If a person has provided an email address—
- (a) any communication required or authorised to be given to that person by or under these Rules may be sent to that email address, and
 - (b) any disclosure of the person's name and address required or authorised by or under these Rules must include that email address.
- (2) A communication sent by email is to be treated as being in writing if it is received in a form which is legible and capable of being used for subsequent reference.

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- (3) Where a communication is sent to a person by email at the most recent address provided by that person, it is to be treated as having been given to the person at the time at which it is sent.
- (4) Where a communication is sent to a person by post and addressed to that person at his or her last known address, it is to be treated as having been given to the person by the time at which it would be delivered in the ordinary course of post.

Implied power to vary or revoke

- 77
- (1) A power conferred by these Rules to make, approve or pass a rule, order, resolution, determination, decision, appointment or scheme includes a power to vary or revoke it.
 - (2) A power conferred by these Rules to give a consent includes a power to vary or revoke the consent.
 - (3) A power conferred by these Rules to specify something includes a power to vary or revoke the specification.
 - (4) A power to vary or revoke is exercisable in the same manner and subject to the same conditions as the power to which it relates.
 - (5) This Rule does not apply to the power to give a waiver under Rule 68(4) (safeguarding: disqualification).

Power of bishop to make supplementary provision etc.

- 78
- (1) In carrying out the provisions of these Rules in a diocese, the bishop of the diocese may exercise the following powers.
 - (2) The bishop may make provision for any matter not provided for in these Rules.
 - (3) The bishop may appoint a person to do something in respect of which there has been neglect or default by the person required by these Rules to do it.
 - (4) Where a PCC has no members or not enough members to be able to form the quorum for a meeting (see Rule M27), the bishop may appoint a person to do something which the PCC or an officer of the PCC is required to do by or under these Rules.
 - (5) The bishop may, so far as necessary for giving effect to the intention of a provision of these Rules—
 - (a) extend or alter the time for holding a meeting;
 - (b) modify the procedure for a meeting;
 - (c) extend or alter the time for holding an election;
 - (d) modify the procedure for an election.
 - (6) Paragraph (5)(c) and (d) does not apply to—
 - (a) an election to fill a casual vacancy,
 - (b) an election to the House of Laity of the General Synod, or
 - (c) an election to be held under Rule 74(1)(c) (fresh election following finding of irregularities).
 - (7) Where difficulties arise, the bishop may (subject to paragraphs (5) and (6)) give whatever directions he or she considers appropriate for removing those difficulties.

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- (8) This Rule does not authorise a bishop—
- (a) to validate anything that was invalid when it was done, or
 - (b) to give a direction that is contrary to a resolution of the General Synod.
- (9) In its application to the diocese in Europe, this Rule has effect as if the references to provisions of these Rules were references to such of those provisions as apply to that diocese.

Delegation by archbishop or bishop

- 79 (1) An archbishop or any other bishop of a diocese may appoint a commissary and delegate to that commissary some or all of the functions of the archbishop or other bishop under these Rules.
- (2) But a bishop's functions as president of the diocesan synod may be delegated only to a person in episcopal orders.
- (3) During a vacancy in an archbishopric, or where because of illness an archbishop is unable to exercise his or her functions as such under these Rules (including the power under paragraph (1)), the functions are exercisable by the other archbishop.
- (4) During a vacancy in a diocesan bishopric, the functions of the bishop under these Rules (including those as president of the diocesan synod but not including the power under paragraph (1)) are exercisable by such person in episcopal orders as the archbishop of the province may appoint.
- (5) Where because of illness, the bishop of a diocese is unable to exercise his or her functions as such under these Rules (including the power under paragraph (1)), the archbishop of the province may, if he or she thinks it necessary or appropriate, appoint a person in episcopal orders to exercise the functions.
- (6) If a person appointed under paragraph (1), (4) or (5) is a member of the house of clergy of a diocesan synod, that membership is suspended for the duration of the appointment.
- (7) If a person appointed under paragraph (4) or (5) becomes unable to act under the appointment because of illness, the archbishop may revoke the appointment and make a fresh one.
- (8) In its application to the diocese in Europe, this Rule has effect as if the references to these Rules were a reference to such of the provisions of these Rules as apply to that diocese.
- (9) The powers of an archbishop under this Rule in relation to the diocese in Europe are, subject to paragraph (3), exercisable by the Archbishop of Canterbury.

Validity of proceedings, etc.

- 80 (1) The proceedings of a body constituted under these Rules are not invalidated by a vacancy in the membership of the body or a defect in the qualification, election, choice or appointment of any of its members.
- (2) Proceedings are not invalidated by the use of a form which differs from that specified by these Rules if the form used is to a substantially similar effect; and any question on that point is to be decided by the chancellor of the diocese.

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- (3) Where there is an omission in a parish to prepare or maintain the roll or to hold the annual parochial church meeting, the rural dean must, on having the omission brought to his or her attention, ascertain the cause of the omission and report to the bishop of the diocese accordingly.
- (4) In its application to the diocese in Europe, this Rule has effect as if the references to these Rules were a reference to such of the provisions of these Rules as apply to that diocese.

Power of Business Committee to specify matters

- 81
- (1) A power conferred by these Rules on the Business Committee to specify something is exercisable by way of instrument.
 - (2) An instrument under this Rule—
 - (a) must be laid before the General Synod, and
 - (b) does not come into force unless it has been approved by the Synod, with or without amendment.
 - (3) If the Business Committee decides that an instrument under this Rule does not need to be debated by the Synod, it is to be treated as approved without amendment for the purposes of paragraph (2) unless a member of the Synod gives notice under its Standing Orders that the member—
 - (a) wishes the matter to be debated, or
 - (b) wishes to move an amendment to it.

Interpretation: references to parishes and other areas

- 82
- (1) In these Rules, “parish” means—
 - (a) an ecclesiastical parish or a district constituted a “conventional district” for the cure of souls;
 - (b) in relation to the diocese in Europe, a chaplaincy constituted as part of the diocese.
 - (2) A reference in these Rules to residence in a parish or deanery includes a reference to residence in any extra-parochial place which abuts the parish or deanery; and any question on that point is to be decided by the bishop's council and standing committee.
 - (3) A reference in these Rules to residence does not include a reference to residence of a casual nature.
 - (4) A reference in these Rules to the area of a benefice is, where—
 - (a) two or more benefices are held in plurality,
 - (b) there is, or is to be, a team ministry for the area of one of those benefices, and
 - (c) a pastoral scheme provides for extending the operation of the team ministry, so long as the plurality continues, to the area of any other benefice so held,a reference to the combined area of the benefices concerned.

Interpretation: references to Church offices, structures etc.

- 83
- (1) In these Rules, “minister”, in relation to a parish, means—

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- (a) the incumbent or priest in charge of the benefice to which the parish belongs or, in the case of a conventional district, the curate in charge, or
 - (b) a vicar in a team ministry to the extent that the duties of a minister are assigned to the vicar by a pastoral scheme or order or by the vicar's licence from the bishop.
- (2) In these Rules, “actual communicant” means a person—
- (a) who has received Communion according to the use of the Church of England or a Church in communion with it at least three times during the 12 months preceding the date of the person becoming a member of a body the eligibility for membership of which depends on a person being an actual communicant, and
 - (b) who either is confirmed or ready and desirous of being confirmed or is receiving Communion as referred to in paragraph 1(b) of Canon B 15A (communicant members of other Churches subscribing to doctrine of Holy Trinity).
- (3) A question as to whether a Church is in communion with the Church of England is to be decided for the purposes of these Rules by the Archbishop of Canterbury and the Archbishop of York acting jointly.
- (4) Where a question as to whether a Church is in communion with the Church of England has been determined under section 6(2) of the Overseas and Other Clergy (Ministry and Ordination) Measure 1967, that determination has effect for the purposes of these Rules (as well as for the purposes of that Measure).
- (5) In these Rules, “public worship” means public worship according to the rites and ceremonies of the Church of England; and a reference in these Rules to a building licensed for public worship includes a reference to a building only part of which is so licensed.
- (6) In these Rules, “community roll”, in relation to a cathedral church, means the roll kept in the case of that cathedral church for the purposes of section 9 of the Cathedrals Measure 1999.
- (7) A reference in these Rules to a person's name being on the roll of a parish is, in the case of a person whose name is on the roll of a guild church, a reference to the person's name being on the roll of the parish in which the guild church is situated.
- (8) In these Rules, “guild church” means a church in the City of London designated and established as such under the City of London (Guild Churches) Acts 1952 and 1960.
- (9) A reference in these Rules to the occurrence of a casual vacancy includes a reference to a case where there are not enough candidates nominated to fill the places available.
- (10) A person who has executed a deed of relinquishment under the Clerical Disabilities Act 1870 is, for the purposes of these Rules, not to be treated as a clerk in Holy Orders (and is accordingly to be treated as a lay person) if—
- (a) the deed has been enrolled in the High Court and recorded in the registry of a diocese under that Act, and
 - (b) no vacation of the enrolment of the deed is recorded in a diocesan registry under the Clerical Disabilities Act 1870 (Amendment) Measure 1934.

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Interpretation: minor definitions

84 (1) In these Rules—

“Business Committee” means the Business Committee of the General Synod;

“the Constitution” means the Constitution of the General Synod as set out in Schedule 2 to this Measure;

“lay chair”, in relation to a deanery synod, has the meaning given in Rule 26(7);

“mission initiative” has the meaning given in Part 7 of the Mission and Pastoral Measure 2011 (and, where a mission initiative has more than one leader, a reference to the leader is to be read as a reference to any of them);

[^{F2}“mission initiative roll” has the meaning given in Rule 27A;]

“PCC” means parochial church council;

“personal data” has the same meaning as in the Data Protection Act 2018;

“register of clerical electors” and “register of lay electors” each have the meaning given in Rule 27;

“the roll” has the meaning given in Rule 1(1).

(2) A reference in these Rules to something being in writing is to be read with Rule 76(2) (which makes provision about emails).

(3) A reference in these Rules to a numbered Form is a reference to the Form numbered as such in Part 10.]

Textual Amendments

F2 Words in Sch. 3 rule 84(1) inserted (1.1.2020) by [The Church Representation Rules \(Amendment\) Resolution 2019 \(S.I. 2019/1182\)](#), [paras. 1\(3\), 3\(5\)](#); S.I. 2019/1460, [art. 2](#)

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