Churchwardens Measure 2001

2001 No. 1

2 General disqualifications

(1) A person shall be disqualified from being chosen for the office of churchwarden if **[**[F1]—

(a)**]** he is disqualified from being a charity trustee under section 72(1) of the Charities Act 1993 (c. 10) and the disqualification is not for the time being subject to a general waiver by the **[**[F2]Charity Commission**][**[F3] under section 178 of the Charities Act 2011 and the disqualification is not for the time being subject to a general waiver by the Charity Commission under section 181 of that Act or to a waiver by it under that section**]** in respect of all ecclesiastical charities established for purposes relating to the parish concerned **[**[F4], or

(b) the person is disqualified from being a charity trustee by an order under section 181A of that Act.**]**

In this subsection "ecclesiastical charity" has the same meaning as that assigned to that expression in the Local Government Act 1894 (c. 73).

[[F5](1A) A person shall be disqualified from being chosen for the office of churchwarden if the person is included in a barred list (within the meaning of the Safeguarding Vulnerable Groups Act 2006).**]**

(2) (a) A person shall be disqualified from being chosen for the office of churchwarden if he has been convicted of any offence mentioned in Schedule 1 to the Children and Young Persons Act 1933 (c. 12).

[F6](b) . . . . . .

(3) A person shall be disqualified from being chosen for the office of churchwarden if he is disqualified from holding that office under section 10(6) of the Incumbents (Vacation of Benefices) Measure 1977 (No. 1).

[[F7](3A) A person's disqualification under subsection (2)(a) may be waived by the bishop serving written notice on the person; and the notice must specify the bishop's reasons for giving the waiver.

(3B) A waiver under subsection (3A)—

Changes to legislation: *Churchwardens Measure 2001, Section 2 is up to date with all changes known to be in force on or before 28 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(a) is of unlimited duration, and

(b) has effect in every diocese.

(3C) Before **[**[F8]deciding whether to give a waiver**]** under subsection (3A), the bishop must consult—

(a) the diocesan safeguarding advisor, and

(b) such other persons as the bishop considers appropriate.

(3D) On serving a notice under subsection (3A), the bishop shall give a copy of the notice to the registrar of the diocese; and the registrar shall file the copy in the diocesan registry.**]**

(4) All rules of law whereby certain persons are disqualified from being chosen for the office of churchwarden shall cease to have effect.

Textual Amendments

F1 Words in s. 2(1) renumbered as s. 2(1)(a) (1.3.2019) by Church of England (Miscellaneous Provisions) Measure 2018 (No. 7), **ss. 13(3)(a)**, 17(3); S.I. 2019/67, art. 2(1)(l)

F2 Words in s. 2(1) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 198(a)**; S.I. 2007/309, art. 2, Sch.

F3 Words in s. 2(1) substituted (14.3.2012) by Charities Act 2011 (c. 25), s. 355, **Sch. 7 para. 93** (with s. 20(2), Sch. 8)

F4 S. 2(1)(b) and word inserted (1.3.2019) by Church of England (Miscellaneous Provisions) Measure 2018 (No. 7), **ss. 13(3)(b)**, 17(3); S.I. 2019/67, art. 2(1)(l)

F5 S. 2(1A) inserted (1.1.2017) by Safeguarding and Clergy Discipline Measure 2016 (No. 1), **ss. 2(1)**, 12(3); S.I. 2016/1213, art. 2

F6 S. 2(2)(b) omitted (1.1.2017) by virtue of Safeguarding and Clergy Discipline Measure 2016 (No. 1), **ss. 2(2)**, 12(3); S.I. 2016/1213, art. 2

F7 S. 2(3A)-(3D) inserted (1.1.2017) by Safeguarding and Clergy Discipline Measure 2016 (No. 1), **ss. 2(3)**, 12(3); S.I. 2016/1213, art. 2

F8 Words in s. 2(3C) substituted (1.1.2020) by Church Representation and Ministers Measure 2019 (No. 1), s. 1(3), **Sch. 2 para. 20**; S.I. 2019/1460, art. 2

Changes to legislation:
Churchwardens Measure 2001, Section 2 is up to date with all changes known to be in force on or before 28 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.
View outstanding changes

Changes and effects yet to be applied to :

– s. 2(3C)(a) words substituted by 2024 No. 1 s. 11(5)(b)