

SCHEDULES

SCHEDULE 2

Section 1(3)

CHURCH REPRESENTATION RULES: CONSEQUENTIAL AMENDMENTS

Interpretation Measure 1925

- 1 In section 3 of the Interpretation Measure 1925 (meaning of expressions in Measures), omit the definition of “Rules for the Representation of the Laity”.

Channel Islands (Representation) Measure 1931

- 2 In section 7 of the Channel Islands (Representation) Measure 1931 (power of Decanal Conferences to make rules), for “the Church Assembly, including the rules for the representation of the laity” substitute “the General Synod, including the Church Representation Rules”.

City of London (Guild Churches) Act 1952

- 3 The City of London (Guild Churches) Act 1952 is amended as follows.
- 4 (1) Section 15 (electoral rolls) is amended as follows.
- (2) In subsection (1), for “the Rules for the Representation of the Laity for church electoral rolls” substitute “the Church Representation Rules”.
- (3) In the proviso to subsection (2)(i), for the words from “to the lay electoral commission” to the end substitute “in accordance with the Church Representation Rules as if it were a refusal of enrolment on the church electoral roll of the parish in which the church is situated”.
- 5 (1) Section 18 (the title to which becomes “Scheme for application of Church Representation Rules etc.”) is amended as follows.
- (2) In subsection (2), for the words from “lay representatives (as” to “ruri-decanal conference” in the first place it appears, substitute “parochial representatives of the laity to be elected to the deanery synod”.
- (3) In paragraph (b) of that subsection, for the words from “lay representatives” to “on the ruri-decanal conference” substitute “parochial representatives of the laity to the deanery synod shall be conducted in such manner as to secure due representation on the deanery synod”.
- (4) In subsection (3), for the words from “the Rules” to the end substitute “the Church Representation Rules or the Parochial Church Councils (Powers) Measure 1956”.
- 6 In section 32 (ward churches), in subsection (4), for “sub-rule (1) of rule 10 of the Rules for the Representation of the Laity” substitute “Rule M15(1) in Part 9 of the Church Representation Rules”.

Status: This is the original version (as it was originally enacted).

Marriage Act 1949

- 7 In section 72(4) of the Marriage Act 1949 (definition of “church electoral roll”), for the words from “the Rules” to the end substitute “the Church Representation Rules”.

Parochial Church Councils (Powers) Measure 1956

- 8 The Parochial Church Councils (Powers) Measure 1956 is amended as follows.
- 9 In section 1 (interpretation), for the definition of each of “Minister” and “Parish” substitute—
- ““Minister” has the meaning given in Rule 83 of the Church Representation Rules;
- “Parish” has the meaning given in Rule 82 of those Rules;”.
- 10 (1) Section 2 (general functions of PCC) is amended as follows.
- (2) In subsection (2), after paragraph (e) insert “;
- (f) appointing sidesmen (who are also known as assistants to the churchwardens).”
- (3) After that subsection insert—
- “(2A) A person is eligible for appointment under subsection (2)(f) only if the person’s name is on the church electoral roll of the parish.”
- 11 In section 8(3) (form and manner of financial statements), for “prescribed by” substitute “specified by”.
- 12 After section 8 insert—

“8A. Vacancy in office: bishop to give directions

“8A “8A. Vacancy in office: bishop to give directions

- (1) This section applies where—
- (a) an office in a parish is vacant, and
- (b) no express provision for filling the vacancy is made by or under a Measure or Canon.
- (2) The bishop of the diocese in which the parish is situated must give directions for the discharge of the functions of the holder of the office.”

Synodical Government Measure 1969

- 13 The Synodical Government Measure 1969 is amended as follows.
- 14 In section 4(4) (advisory and consultative functions of diocesan synod), for “rule 28” substitute “the standing orders of the diocesan synod under Rule 44”.
- 15 In section 7(1) (Church Representation Rules), omit “, including the matters hitherto provided for by the Rules for the Representation of the Laity”.

Incumbents (Vacation of Benefices) Measure 1977

- 16 In section 10(6A) of the Incumbents (Vacation of Benefices) Measure 1977 (disqualification from membership of PCC), for “rule 12(1)(e)” substitute “Rule M15(1)(i) in Part 9”.

Patronage (Benefices) Measure 1986

- 17 In Schedule 2 to the Patronage (Benefices) Measure 1986 (rights of presentation), after paragraph 20 insert—
- “20A Paragraph 19 applies only to a team council, and paragraph 20 applies only to a joint parochial church council, which was—
- (a) established by a pastoral scheme by virtue of Schedule 3 to the Mission and Pastoral Measure 2011 and in existence immediately before the commencement of the amendments to that Schedule by Schedule 2 to the Church Representation and Ministers Measure 2019, or
 - (b) established by a scheme made under the Church Representation Rules and in existence immediately before the commencement of Schedule 1 to that Measure (which replaced those Rules).”

National Institutions Measure 1998

- 18 In Schedule 1 to the National Institutions Measure 1998 (Archbishops’ Council), in paragraph 9(1)(c) (ex officio membership of General Synod for actual communicant), for “Rule 54(1)” substitute “Rule 83(2)”.

Churchwardens Measure 2001

- 19 The Churchwardens Measure 2001 is amended as follows.
- 20 In section 2 (general disqualifications), in subsection (3C), for “giving a waiver” substitute “deciding whether to give a waiver”.
- 21 In section 4 (time of choosing churchwardens), in subsection (1), for “30th April” substitute “31st May”.
- 22 In section 5 (meeting of parishioners to choose churchwardens), for subsection (4) substitute—
- “(4) The notice shall, for a period including the last two Sundays before the meeting, be displayed—
- (a) in the case of the parish church or, where there is more than one church in the parish, each of those churches, on or near the principal door, and
 - (b) in the case of each building in the parish licensed for public worship, in a location readily visible to members of the congregation.”
- 23 After section 5 insert—

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“5A. Election appeal

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- (1) An appeal may be made against the allowance or disallowance of a vote in an election under section 4.
- (2) An appeal may be made against the result of an election under section 4.
- (3) An error in the church electoral roll of the parish is not a ground of appeal against the result of an election unless—
 - (a) it has been determined on an appeal under Rule 57 of the Church Representation Rules that an error was made in the roll or the question is awaiting determination under that Rule, and
 - (b) the error would or might be material to the result.
- (4) The allowance or disallowance of a vote is not a ground of appeal under this section against the result of an election unless the allowance or disallowance would or might be material to the result of the election.
- (5) An appeal under this section may be brought by—
 - (a) a person entitled to take part in the meeting of the parishioners for making the election, or
 - (b) a candidate in the election.
- (6) Notice of an appeal under this section—
 - (a) must be in writing, and
 - (b) must give brief particulars of the grounds of the appeal.
- (7) Notice of an appeal under this section must be given to the lay chair of the deanery synod (as defined by Rule 26(7) of the Church Representation Rules).
- (8) Notice of an appeal under subsection (1) must be given no later than 14 days after the vote in question was allowed or disallowed.
- (9) Notice of an appeal under subsection (2) must be given no later than 14 days after the result of the election is declared by the person presiding at the meeting.
- (10) Rules 60 and 61 of the Church Representation Rules (procedure on appeals) apply in relation to an appeal under subsection (1) or subsection (2) as they apply in relation to an appeal under Rule 57 or, as the case may be, Rule 58 which relates to the laity.”

24 In section 6 (admission)—

- (a) in each of subsections (1), (2) and (4), for “31st July”, in each place it appears, substitute “31st August”, and
- (b) in subsection (3), for “July” substitute “August”.

25 In section 6A (suspension), in subsection (5), for “suspending a person in reliance on subsection (1)(b) or revoking” substitute “deciding whether to suspend a person in reliance on subsection (1)(b) or whether to revoke”.

26 In section 8(1) (vacation of office)—

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- (a) in paragraph (a), for “rule 1” substitute “Rule 4”, and
 - (b) in paragraph (b), for “rule 2(4)” substitute “Rule 7”.
- 27 In section 13 (interpretation)—
- (a) in the definition of “minister”, for “rule 54(1)” substitute “Rule 83(1)”, and
 - (b) in the definition of each of “actual communicant”, “parish” and “public worship”, for the words from “have the same” to the end substitute “each have the same meaning as in the Church Representation Rules (see Rules 82 and 83)”.

Clergy Discipline Measure 2003

- 28 (1) The Clergy Discipline Measure 2003 is amended as follows.
- (2) In section 21(4) (requirement for lay member of provincial panel to be actual communicant), for “rule 54(1)” substitute “Rule 83(2)”.
 - (3) In section 36 (suspension of priest or deacon), in subsection (2B), for “serving a notice under subsection (1)(e) or revoking” substitute “deciding whether to serve a notice under subsection (1)(e) or whether to revoke”.
 - (4) In section 36A (suspension of priest or deacon pending determination of application to bring proceedings out of time), in subsection (4), for “exercising” substitute “deciding whether to exercise”.
 - (5) In section 37A (suspension of bishop or archbishop pending determination of application to bring proceedings out of time), in subsection (5), for “exercising” substitute “deciding whether to exercise”.

Church of England (Miscellaneous Provisions) Measure 2005

- 29 In section 9(3) of the Church of England (Miscellaneous Provisions) Measure 2005 (appointment of diocesan secretary as secretary of diocesan synod), for “rule 34(1) (b)” substitute “the standing orders of the diocesan synod under Rule 44”.

Dioceses, Pastoral and Mission Measure 2007

- 30 In Schedule 1 to the Dioceses, Pastoral and Mission Measure 2007 (Dioceses Commission), in paragraph 2(2) (requirement for Chair to be actual communicant), for “rule 54(1)” substitute “Rule 83(2)”.

Mission and Pastoral Measure 2011

- 31 The Mission and Pastoral Measure 2011 is amended as follows.
- 32 In section 31 (pastoral schemes: creation of parishes etc.), after subsection (4) insert—
- “(4A) A pastoral scheme providing for the creation of a new parish may include provision for securing representation of the new parish on the deanery synod during the period which—
 - (a) begins with the creation of the new parish, and
 - (b) ends with the next ordinary election of parochial representatives from that parish under Rule 19 of the Church Representation Rules.”

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- 33 In section 34 (establishment of team ministries), in subsection (13), omit “, (3)”.
- 34 In section 35 (establishment of group ministries), omit subsection (5).
- 35 After section 103 (the title to which becomes “Provisions where there is no incumbent, archdeacon etc.”) insert—

“103A. Parochial church council with insufficient members

“103A “103A. Parochial church council with insufficient members

- (1) This section applies where a parochial church council has no members or not enough members to be able to form the quorum for a meeting (see Rule M27 of the Church Representation Rules).
- (2) The provisions of this Measure, so far as they apply to the council, are (subject to subsection (3)) to have effect—
- (a) as if the minister and churchwardens of the parish acting jointly were the council, or
 - (b) if there is no minister, as if the churchwardens of the parish acting jointly were the council.
- (3) If there are no churchwardens, the provisions of this Measure, so far as they apply to the council, are to have no effect.
- (4) Each of the functions of an officer of the council under this Measure is to be exercised by such person as the bishop may appoint.”
- 36 (1) Schedule 3 (pastoral schemes and orders: supplementary provision) is amended as follows.
- (2) In paragraph 2 (team ministry)—
- (a) in sub-paragraph (8), omit “Subject to sub-paragraph (9),”,
 - (b) omit sub-paragraph (9), and
 - (c) in sub-paragraph (10), for “(9)” substitute “(8)”.
- (3) In paragraph 4 (team or group ministry)—
- (a) in sub-paragraph (2), for “the Church Representation Rules in the like case” substitute “Rule M34 or M35 of the Church Representation Rules”,
 - (b) omit sub-paragraphs (3) and (4), and
 - (c) in sub-paragraph (5), omit “, (3) or (4)” and “or group ministry”.
- (4) Paragraph 11 (parochial church meetings and councils) is omitted.

Suspension Appeals (Churchwardens etc.) Rules 2016 (S.I. 2016/816)

- 37 In rule 2.1(1) of the Suspension Appeals (Churchwardens etc.) Rules 2016 (appeal by PCC member etc.), for “rule 46D(1)” substitute “Rule 70(1)”.
- 38 In rule 2.2(3) of those Rules (President’s decision), for “rule 46C(11)” substitute “Rule 69(11)”.