
STATUTORY INSTRUMENTS

1973 No. 1865

ECCLESIASTICAL LAW

**The Church Representation Rules
(Amendment) Resolution 1973**

*Made (passed by the General
Synod with the requisite
majority in each House)*

8th November 1973

Laid before Parliament

15th November 1973

Coming into Operation

1st January 1974

In pursuance of the power conferred by section 7(1) of the Synodical Government Measure 1969 to amend by a resolution of the General Synod the Church Representation Rules, that is to say, the rules contained in Schedule 3 to the said Measure, the General Synod hereby resolves that the said rules shall be amended as follows:—

Formation of church electoral roll

1.—(1) In rule 1(2) the word “electoral” shall be omitted and for sub-paragraph (b) of that paragraph there shall be substituted the following sub-paragraph:—

“(b) is a member of the Church of England or of a Church in communion with the Church of England;”

(2) For rule 1(3) there shall be substituted the following paragraph:—

“(3) A person shall be entitled to have his name on the roll of each of any number of parishes if he is entitled by virtue of paragraph (2) of this rule to have his name entered on each roll; but a person whose name is entered on the roll of each of two or more parishes must choose one of those parishes for the purpose of the provisions of these rules which prescribe the qualifications for election to a deanery synod, a diocesan synod or the General Synod or for membership of a deanery synod under rule 19(3)(b).”

(3) In rule 1(5), for the words “an electoral roll officer” there shall be substituted the words “a church electoral roll officer”.

(4) In rule 1(7), sub-paragraphs (d) and (g) shall be omitted and the present sub-paragraph (e), (f) and (h) shall be re-lettered (d), (e) and (f) respectively.

(5) In rule 1(8), for the words “is entitled to do so” there shall be substituted the words “has or acquires that right”.

Revision of roll and preparation of new roll

2.—(1) At the end of rule 2(4) there shall be inserted the following paragraph:—

“At every service held on each of the two Sundays within the period of fourteen days beginning with the date of the affixing of the notice or, in the case of a church in which no service is held on either of those Sundays, at every service held in that church on the first Sunday after that date the person conducting the service shall inform the congregation of the preparation of the new roll.”

(2) For rule 2(5) there shall be substituted the following paragraph:—

“(5) The parochial church council shall take reasonable steps to inform every person whose name is entered on the previous roll that a new roll is being prepared and that if he wishes to have his name entered on the new roll he must apply for enrolment. No such steps need be taken with respect to any person whose name could be removed from the previous roll under rule 1(7).”

Procedural provisions relating to entry and removal of names

3. In rule 3, paragraphs (3), (4) and (5) shall be omitted.

Certification of numbers on rolls

4. In rule 4—

- (a) in paragraph (1), after the words “secretary or” there shall be inserted the word “church”;
- (b) paragraphs (3) and (4) shall be omitted and paragraph (5) shall be renumbered (3).

Provision with respect to person whose name is on guild church roll

5. After rule 4 there shall be inserted the following rule:—

“**4A.**—(1) A person whose name is entered on the roll of a guild church shall for the purpose of the provisions of these rules which prescribe the qualifications for election to a deanery synod, a diocesan synod or the House of Laity of the General Synod, or for membership of a deanery synod under rule 19(3)(b), be deemed to be a person whose name is on the roll of the parish in which the guild church is, and references in those provisions or in rule 1(3) to a person whose name is on the roll of a parish or on the roll of each of two or more parishes, and in rule 37 to entry on the roll of a parish, shall be construed accordingly.

(2) In this rule “guild church” means a church in the City of London designated and established as a guild church under the City of London (Guild Churches) Acts 1952 and 1960(1).”

Chairman of annual meeting

6. In rule 7, after the words “casting vote” there shall be inserted the words “unless it is a case where rule 10(8) applies.”

Qualification of persons to be chosen, etc., by annual meetings

7. In rule 9(1)—

- (a) at the beginning there shall be inserted the words “Subject to the provisions of rule 1(3)”;

- (b) in sub-paragraph (b) for the words from “of any” to “overseas” there shall be substituted the words “an actual communicant member of any”;
- (c) in sub-paragraph (c) for the words “of age to vote at a Parliamentary election” there shall be substituted the words “eighteen years or upwards”; and
- (d) paragraph (i) of the proviso shall be omitted.

Members of parochial church council

8. For rule 12(1)(d) there shall be substituted the following sub-paragraph:—

“(d) such, if any, of the readers whose names are on the roll of the parish as the annual meeting may determine;”.

Parochial church councils: term of office

9. Rule 14 shall become paragraph (1) of that rule and after that paragraph there shall be inserted the following paragraph:—

“(2) Persons who are members of a parochial church council by virtue of their election as lay members of a deanery synod shall hold office for a term beginning with the date of their election and ending with the 31st May next following the election of their successors.”.

Parishes with more than one place of worship

10. In rule 16—

- (a) in paragraph (1), for the word “either” there shall be substituted the words “which makes provision for either or both of the following purposes, that is to say”;
- (b) in paragraph (1)(a), for the word “or”, where last occurring, there shall be substituted the word “and”;
- (c) in paragraph (1)(b), the words “(other than the parish church)” shall be omitted.

Membership of deanery synods

- 11.—(1) In rule 19(3)—

- (a) there shall be inserted at the beginning the words “Subject to the provisions of rule 1(3)”;
- (b) after the words “consist of” there shall be inserted the words “the following persons, that is to say”;
- (c) after sub-paragraph (b) there shall be inserted the following sub-paragraph:—

“(c) if in the opinion of the bishop of the diocese any community of persons in the deanery who are in the spiritual care of a chaplain licensed by the bishop should be represented in that house, one lay person, being an actual communicant member of the Church of England of eighteen years or upwards, chosen in such manner as may be approved by the bishop by and from among the members of that community”;

- (d) the present sub-paragraph (c) shall be re-lettered (d).

(2) In rule 19(4) for the words “age to vote at a Parliamentary election” there shall be substituted the words “eighteen years or upwards” and for the proviso to rule 19(4) there shall be substituted the following provision:—

“Provided that the number of members co-opted by either house shall not exceed five per cent. of the total number of members of that house or three, whichever is the greater.”

Election, etc., of members of deanery synods

12.—(1) In rule 20(2), for the words “1st December” there shall be substituted the words “31st December”, and the words “and adjusted” shall be omitted.

(2) After rule 20(3) there shall be inserted the following paragraph:—

“(4) Any person to be chosen as mentioned in rule 19(3)(c) shall be so chosen every three years and shall hold office for a term of three years beginning with the 1st June next following the date on which he is so chosen.”

(3) Paragraph (4) of rule 20 shall be re-numbered (5) and in that paragraph for the letter “(c)” there shall be substituted the letter “(d)”.

(4) Paragraph (5) of rule 20 shall be re-numbered (6) and at the end of that paragraph there shall be inserted the following paragraph:—

“For the avoidance of doubt it is hereby declared that the number 150 specified in this paragraph includes the maximum number of members who may be co-opted by each house.”

Variation of membership of deanery synods by scheme

13. In rule 21(1) the proviso shall be omitted.

Membership of diocesan synods

14.—(1) In rule 24(2)(a)(i), for the words “any full-time assistant bishop or bishops” there shall be substituted the words “any assistant bishop or bishops nominated by the bishop of the diocese”.

(2) In rule 24(2)(a)(iv), for the words “for this purpose” there shall be substituted the words “treated for this purpose as being”.

(3) In rule 24(2)(a), after head (iv) there shall be inserted the following head:—

“(v) any other member of that House, being the person chosen by and from among the clerical members of religious communities in the Province, who resides in the diocese;”

and the present heads (v) and (vi) shall be renumbered (vi) and (vii) respectively.

(4) In rule 24(3)(a), there shall be inserted at the end:—

“(iv) any other member of that House, being the person chosen by and from among the lay members of religious communities in the Province, who resides in the diocese;”

Elections of members of diocesan synods by deanery synods

15.—(1) In rule 25(1), for the words “ending with the election of their successors” there shall be substituted the words “of three years beginning with the 1st September next following their election”.

(2) At the beginning of rule 25(3) there shall be inserted the words “Subject to the provisions of rule 1(3)”, for the words “age to vote at a Parliamentary election” there shall be substituted the words “eighteen years or upwards”, and the proviso to rule 25(3) shall be omitted.

(3) In rule 25(4), for the words “1st December” there shall be substituted the words “31st December” and the words “and adjusted” in sub-paragraph (b) shall be omitted.

(4) In the proviso to rule 25(6) for the word “two” there shall be substituted the word “five” and at the end of rule 25(6) there shall be inserted the following paragraph:—

“For the avoidance of doubt it is hereby declared that the numbers 270 and 500 specified in this paragraph include the maximum number of members who may be co-opted by each house or nominated by the bishop.”

(5) In rule 26(7) for the word “him” there shall be substituted the words “the presiding officer”.

Variation of membership of diocesan synods by scheme

16. In rule 27(1) the proviso shall be omitted.

House of Laity of General Synod

17. In rule 29(2) the proviso shall be omitted.

Number of elected members of House of Laity

18. In rule 30(2), the words “as adjusted under rule 4” shall be omitted.

Qualification of elected members

19.—(1) Rule 31 shall become paragraph (1) of that rule.

(2) At the beginning of rule 31 there shall be inserted the words “Subject to the provisions of rule 1(3)” and for the words “age to vote at a Parliamentary election” there shall be substituted the words “eighteen years or upwards”.

(3) In rule 31(1) the proviso shall be omitted, and at the end of rule 31(1) there shall be inserted the following paragraph:—

“(2) Where a diocese is divided into two or more areas in accordance with rule 32(2), any person who under this rule is qualified for election for the diocese shall be qualified for election for any such area whether or not the parish on whose roll his name is entered, or the cathedral church at which he is a habitual worshipper, is situated in that area, but no person shall be nominated for more than one such area at the same time.”

Electoral areas

20.—(1) In rule 32(2), after the words “following rule” there shall be inserted the words “and subject to paragraph (3) of this rule”, and at the end of rule 32 there shall be inserted the following paragraph:—

“(3) If a diocesan synod decides to divide the diocese into two or more areas in pursuance of this rule the division shall be made in such manner that the number of members to be elected in any such area will be not less than three.”

(2) Nothing in paragraph (1) above shall affect any division of a diocese made before this resolution comes into operation and any division so made shall continue in force until the next dissolution of the General Synod. Accordingly, if a casual vacancy among persons elected for any such division occurs before that dissolution the vacancy shall be filled in accordance with the Church Representation Rules by the election of a member for that division.

Conduct of elections

21.—(1) In rule 33(2), after the word “him” there shall be inserted the words “with the approval of the registrar of the province”.

(2) In rule 33(3), for the words “on or before a date to be specified by the presiding officer” there shall be substituted the words “within such period, being a period of not less than 28 days ending on a date specified by the presiding officer, as that officer may specify”.

(3) In rule 33(4) the words from “(unless” to “three)” shall be omitted and at the end of that paragraph there shall be inserted the following sentence:—

“Every voting paper marked and signed by the elector shall be returnable to the presiding officer within such period, being a period of not less than 21 days after the date on which the voting paper is issued, as that officer may specify.”

(4) In rule 33(5), after the words “present at” there shall be inserted the words “but shall take no part in”.

(5) At the end of rule 33 there shall be inserted the following paragraph:—

“(7) The presiding officer in each area shall ensure that the valid voting papers received by him for the purposes of any election to the House of Laity are preserved for a period of not less than two years beginning with the date of the election.”

Duties and payment of presiding officers

22. After rule 33 there shall be inserted the following rule:—

“**33A.**—(1) Rules defining the duties to be undertaken by the presiding officers in connection with elections to the House of Laity shall be prepared by the provincial registrars acting jointly, but no such rules shall have effect unless approved by the Standing Committee of the General Synod.

(2) A presiding officer shall be entitled to such fees for the performance by him of the duties aforesaid as may be specified in any order for the time being in force made under section 1 of the Ecclesiastical Fees Measure 1962(2) and where with the prior agreement in writing of the bishop’s council and standing committee the presiding officer or any other person performs any other duties in connection with elections to the House of Laity he shall be entitled to such fees as may be specified in the agreement.”

Ex-officio etc., members of the House of Laity

23.—(1) In rule 35(1), after sub-paragraph (a) there shall be inserted the following sub-paragraph:

“(b) the Vicar-General of the Province of Canterbury;”,

and the present sub-paragraphs (b), (c) and (d) shall be re-lettered (c), (d) and (e) respectively.

(2) In rule 35(2) for the words “age to vote at a Parliamentary election” there shall be substituted the words “eighteen years or upwards”.

Appeals

24.—(1) In rule 36(1), the words “Subject to the provisions of rule 1(3) of these rules” shall be omitted.

(2) In rule 36(4), for the words “be referred” there shall be substituted the words “unless the parties agree to a settlement of their dispute, be referred by the bishop”, and for the words “two or more” there shall be substituted the words “three or a greater number, being an odd number”.

(3) In rule 36(5), for the words “two or more” there shall be substituted the words “three or a greater number, being an odd number”.

Vacation of seat by member ceasing to be qualified for election

25.—(1) Rule 37 with the omission of the proviso shall become paragraph (1) of that rule.

(2) In rule 37(1), after the words “his seat shall” there shall be inserted the words “subject to the following provisions of this rule” and for the proviso to rule 37 there shall be substituted the following paragraphs:—

“(2) If the name of a person to whom sub-paragraph (a) or (c) of paragraph (1) of this rule applies is entered on the roll of any parish in the diocese other than that of the parish mentioned in sub-paragraph (a) or (c), as the case may be, or if he is declared under rule 22 to be a habitual worshipper at the cathedral church of the diocese and, in the case of a person to whom sub-paragraph (c) applies, is declared by the dean to be associated with a deanery in the diocese, his seat shall not be vacated under this rule unless he resigns.

(3) If a person to whom paragraph (1)(b) of this rule applies continues to work or reside in the diocese, his seat shall not be vacated under this rule unless he resigns.

(4) If the bishop's council and standing committee has determined that a person to whom paragraph (1)(d) of this rule applies should remain a member of the House of Laity, his seat shall not be vacated under this rule.”

Ex-officio membership not to disqualify for election

26. In rule 38, the word “lay”, wherever occurring, shall be omitted.

Casual vacancies

27.—(1) For rule 39(1) there shall be substituted the following paragraphs:—

“(1) Where a casual vacancy among the parochial representatives elected to the parochial church council or deanery synod occurs, the vacancy may be filled by the election by the parochial church council of a person qualified to be so elected.

(2) Where a casual vacancy among the members of a diocesan synod elected by either house of a deanery synod occurs, the vacancy may be filled by the election by that house of a person qualified to be so elected, and a meeting of the members of that house who are electors may be held for that purpose.

(3) Subject to paragraphs (1), (2) and (6) of this rule, casual vacancies among persons elected under these rules shall be filled by elections conducted in the same manner as ordinary elections.

(4) Elections to fill casual vacancies shall, where possible, be held at such times as will enable all casual vacancies among representatives of the laity who are electors to be filled at the time of every election to the House of Laity of the General Synod, but no such election shall be invalid by reason of any casual vacancies not having been so filled.”

(2) The present paragraph (2) of rule 39 shall be re-numbered (5), and for the proviso to that paragraph there shall be substituted the following provision:—

“Provided that where a casual vacancy occurs in any of these three houses and the period for holding a general election to that house is due to begin, in the case of a general election to the House of Laity, within twelve months of the vacancy, and, in the case of a general election to either house of the diocesan synod, within nine months of the vacancy, the vacancy shall not be filled unless, in the first-mentioned case, the bishop's council and standing committee acting in accordance with

any directions of the diocesan synod, otherwise direct or, in the last-mentioned case, the bishop otherwise directs.”

(3) After paragraph (5) of rule 39 there shall be inserted the following paragraphs:—

“(6) If a casual vacancy in the House of Laity of the General Synod occurs within the period of two years beginning with the date of the last preceding general election to that House or the date of any subsequent election to fill a casual vacancy and that election was conducted by voting papers upon the principle of proportional representation in the same manner as a general election, then, provided that the bishop's council and standing committee acting in accordance with any directions of the diocesan synod agree, the election to fill the casual vacancy shall be conducted by those papers in accordance with paragraph (1) of this rule.

(7) The presiding officer for the area in question shall ask every candidate not elected in the preceding election who is still qualified for election for the diocese in question if he consents to serve. If there is only one such candidate and he so consents or only one of those candidates so consents he shall be elected to fill the casual vacancy. If two or more of those candidates so consent the votes validly cast in the preceding election shall be recounted from the beginning in accordance with the rules mentioned in rule 33(4).”

(4) The present paragraphs (3) and (4) of rule 39 shall be re-numbered (8) and (9) respectively.

Resignations

28. For rule 40 there shall be substituted the following rule:—

“40. Any person holding any office under these rules or being a member of any body constituted by or under these rules may resign his office or membership by notice in writing signed by him and sent or given to the secretary of the body of which he is an officer or member, as the case may be; and his resignation shall take effect on the date specified in the notice or, if no date is so specified, on the receipt of the notice by the secretary of that body.”

Delegation of functions

29. For paragraphs (6) and (7) of rule 43 there shall be substituted the following paragraphs:—

“(6) During a vacancy in an archbishopric or where by reason of illness an archbishop is unable to exercise his functions under these rules or to appoint a commissary under paragraph (10) of this rule the functions of an archbishop under these rules shall be exercisable by the other archbishop.

(7) During a vacancy in a diocesan bishopric the functions of a diocesan bishop under these rules, including his functions as one of the authorities which together constitute the diocesan synod, shall be exercisable by such person, being a person in episcopal orders, as the archbishop of the province may appoint.

(8) Where by reason of illness a diocesan bishop is unable to exercise his functions under these rules or to appoint a commissary under paragraph (10) of this rule, the archbishop of the province may, if he thinks it necessary or expedient to do so, appoint a person in episcopal orders to exercise the functions mentioned in paragraph (7) of this rule during the period of the bishop's illness.

(9) If a person appointed in pursuance of paragraph (7) or (8) of this rule becomes unable by reason of illness to act under the appointment, the archbishop may revoke the appointment and make a fresh one.

(10) An archbishop or diocesan bishop may appoint a commissary and delegate to him all or any of the functions of the archbishop or bishop under these rules, but if a bishop proposes to delegate to a commissary his functions as one of the authorities which together constitute the diocesan synod he shall appoint a person in episcopal orders as commissary.

(11) If a person appointed in pursuance of paragraph (7) or (8) of this rule, or a person to whom the functions of a bishop as one of the authorities referred to in paragraph (10) thereof are delegated under that paragraph, is a member of the house of clergy of the diocesan synod, his membership of that house shall be suspended during the period for which the appointment or delegation has effect.”.

Interpretation

30.—(1) In rule 44(1) for the definition of “actual communicant member” there shall be substituted the following definitions:—

“actual communicant member of the Church of England” means a member of the Church of England who is confirmed or ready and desirous of being confirmed and has received Communion according to the use of the Church of England or of a Church in communion with the Church of England at least three times during the twelve months preceding the date of his election or appointment;

“actual communicant member of a Church in communion with the Church of England” means a communicant member of a Church in communion with the Church of England who has received Communion according to the use of the Church of England or of a Church in communion with the Church of England at least three times during the twelve months preceding the date of his election or appointment.

(2) In rule 44(4) the words “as to” and the words “Church of the Anglican Communion or an overseas” shall be omitted.

Forms

31. In Appendix I, for the form set out in Section 1 there shall be substituted the form set out in the Schedule to this resolution.

32. In Appendix I, in Sections 2 and 3—

- (a) in sub-paragraph (ii) for the words from “another” to the end there shall be substituted the words “of any Church in communion with the Church of England”;
- (b) the words from “Entry” to “parishes at once” shall be omitted;
- (c) immediately before the word “Electoral”, where last occurring, there shall be inserted the word “Church”.

33.—(1) In Appendix I, Section 4 shall be amended in accordance with this paragraph.

(2) The words “To the Parochial Church Council ... representatives” shall be transferred to follow immediately after the words “To the Deanery Synod ... representatives”.

(3) The paragraph beginning “Such persons” shall be omitted.

(4) For the next following paragraph there shall be substituted the following paragraphs:—

“A person is qualified to be elected a parochial representative of the laity to the deanery synod if—

- (a) his name is entered on the church electoral roll of the parish;
- (b) he is a member of the Church of England who is confirmed or ready and desirous of being confirmed and has received Communion according to the use of the Church of England or

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format. The electronic version of this UK Statutory Instrument has been contributed by Westlaw and is taken from the printed publication. **Read more***

a Church in communion with the Church of England at least three times during the twelve months preceding the date of the election; and

(c) he is of 18 years or upwards.

A person is qualified to be elected a parochial representative of the laity to the parochial church council if—

(a) his name is entered on the church electoral roll of the parish; and

(b) he is a member of the Church of England who is confirmed or ready and desirous of being confirmed or a communicant member of a Church in communion with the Church of England and has received Communion according to the use of the Church of England or a Church in communion with the Church of England at least three times during the twelve months preceding the date of the election.”

34. In Appendix I, in Section 5, at the end of paragraph 2 there shall be inserted the following paragraph:—

“All members, other than co-opted members, of the House of Clergy/Laity of the deanery synod are qualified electors.”

35. In Appendix I, in Section 6, for the words “Other Names” there shall be substituted the words “Christian Names”, for the word “Description” there shall be substituted the words “Profession or Occupation” and at the end of the Note there shall be inserted the following paragraph:—

“All members, other than co-opted members, of the House of Clergy/Laity of the deanery synod are qualified electors.”

Proceedings of parochial church councils

36. In Appendix II, in paragraph 8, after the word “three” there shall be inserted the word “clear”.

Citation, commencement and interpretation

37.—(1) This resolution may be cited as the Church Representation Rules (Amendment) Resolution 1973 and shall come into operation on 1st January 1974.

(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.

(3) The Interpretation Measure 1925 shall apply for the interpretation of this resolution as it applies for the interpretation of Measures passed by the General Synod.

Approved by the General Synod of the Church of England the eighth November 1973.

W.D. Pattinson
Secretary General

SCHEDULE

APPLICATION FOR ENROLMENT ON CHURCH ELECTORAL ROLL

EXPLANATORY NOTE

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, makes a number of miscellaneous amendments of the Church Representation Rules contained in Schedule 3 to that Measure. The principal changes are:

1. The requirement that a person who wishes to have his name entered on the electoral roll of a parish must declare that he is not a member of any religious body which is not in communion with the Church of England is abolished (paragraph 1(1) and Schedule).
2. The provisions relating to entry of a person's name on the electoral roll of two or more parishes have been simplified and clarified (paragraph 1(2)).
3. Provision is made to ensure that entry on the roll of a guild church is equivalent to entry on the roll of the parish in which the guild church is for the purpose of qualification for election to a deanery or diocesan synod or the House of Laity of the General Synod (paragraph 5).
4. Provision is made for additional members of the House of Laity of a deanery synod to represent communities of persons in the deanery who are in the spiritual care of a chaplain licensed by the bishop (paragraph 11(1)(c)).
5. The duties to be undertaken by presiding officers in connection with elections to the House of Laity of the General Synod are to be defined and provision is made for fixing the fees to be paid for the performance of such duties (paragraph 22).
6. The number of cases in which it will be necessary to hold an election to fill a casual vacancy among the elected members of a deanery or diocesan synod or the House of Laity of the General Synod is reduced (paragraphs 25(2) and 27).
7. The functions of an archbishop or diocesan bishop under the rules will, during a vacancy, be exercisable by the other archbishop or, in the case of a vacancy in a bishopric, by a person in episcopal orders appointed by the archbishop of the province and not (in either case) by the guardian of the spiritualities; and provision is made for the case where by reason of illness an archbishop or a diocesan bishop is unable to exercise his functions under the rules (paragraph 29).