

1980 No. 178

ECCLESIASTICAL LAW

The Church Representation Rules (Amendment) Resolution 1980

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| <i>Made (passed by the General Synod with the requisite majority in each House) - - - - -</i> | <i>12th February 1980</i> |
| <i>Laid before Parliament - - -</i> | <i>19th February 1980</i> |
| <i>Coming into Operation - - -</i> | <i>1st May 1980</i> |

In pursuance of the powers conferred by section 7(1) of the Synodical Government Measure 1969(a) 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, as amended by the Church Representation Rules (Amendment) Resolution 1973(b), the General Synod hereby resolve that the said rules shall be amended as follows:—

Formation of church electoral roll

1.—(1) In rule 1(2)(c), for the word “seventeen” there shall be substituted the word “sixteen”.

(2) In Rule 1(3) after the word “membership” there shall be inserted the words “of a parochial church council under rule 12(1)(e) or”.

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

2. In rule 9(1), at the beginning of sub-paragraph (c), there shall be inserted the words “in the case of election to the parochial church council, he is of seventeen years or upwards, and”.

Conduct of elections at annual meetings

3.—(1) At the beginning of rule 10(1) there shall be inserted the words “Subject to the provisions of any scheme made under rule 10A and for the time being in force”, and after rule 10 there shall be inserted—

“Variation of method of election by scheme

10A.—(1) The annual meeting may make a scheme which provides that the election of parochial representatives of the laity to the parochial church council or to the deanery synod or to both that council and that synod shall be conducted upon the principle of proportional representation under rules, with the necessary modifications, made by the General Synod under rule 33(4) and for the time being in force.

(a) 1969 No. 2.

(b) S.I. 1973/1865.

(2) No scheme under this rule shall be valid unless approved by at least two-thirds of the persons present and voting at the annual meeting nor shall it be operative until the next ensuing annual meeting. Every such scheme shall, on its approval, be communicated to the secretary of the diocesan synod who may, if he considers it appropriate, lay the scheme before the bishop's council and standing committee of that synod, which may determine that the scheme shall not come into operation."

(2) In rule 10(7)(a), after the word "voter" there shall be inserted the words "on the reverse thereof".

Members of parochial church council

4.—(1) At the beginning of rule 12(1) there shall be inserted the words "Subject to the provisions of rule 1(3)".

(2) After paragraph (1) of rule 12 there shall be inserted—

"(1A) Any person chosen, appointed or elected as a churchwarden of a parish, being an actual communicant member of the Church of England whose name is on the roll of the parish, shall as from the date on which the choice, appointment or election, as the case may be, is made be a member of the parochial church council of the parish by virtue of this paragraph until he is admitted to the office of churchwarden, and he shall thereafter continue to be a member of that council by virtue of sub-paragraph (c) of paragraph (1) of this rule unless and until he ceases to be qualified for membership by virtue of that sub-paragraph."

(3) For rule 12(2) there shall be substituted—

"(2) If—

(a) the name of any person, being an elected representative of the laity, is removed from the roll of the parish under rule 1, or

(b) any such person refuses or fails to apply for enrolment when a new roll for the parish is being prepared,

that person shall cease to be a member of the parochial church council of the parish on the date on which his name is removed from the roll or, as the case may be, on the date on which the new roll is completed, but the preceding provisions are without prejudice to any right which that council may have to make that person a co-opted member."

Membership of deanery synods

5.—(1) At the end of rule 19(2) there shall be inserted—

"(e) one retired clerk in Holy Orders who has attained the retiring age within the meaning of the Clergy Pensions Measure 1961(a) at the relevant date, chosen in such manner as may be approved by the bishop by and from among the retired clerks in Holy Orders who have attained that age at that date, are resident in the deanery and are not licensed to any parish in the deanery or to any institution therein under the said Measure of 1967."

(2) After rule 19(2) there shall be inserted—

"(2A) For the purposes of sub-paragraph (e) of the preceding paragraph the relevant date shall be the 31st December in the year immediately preceding any election of the parochial representatives of the laity, and as soon as

(a) 1961 No. 3.

possible after that date the rural dean of the deanery shall inform the bishop of the number of clerks in Holy Orders who are qualified for membership of the deanery synod by virtue of that sub-paragraph.”

(3) In rule 19(3)(b) for the words “or diocesan synod” there shall be substituted the words “a diocesan synod or an area synod constituted in accordance with section 17 of the Dioceses Measure 1978(a)”.

Election and choice of members

6. In rule 20(4), after the word “rule” there shall be inserted the words “19(2)(e) or”.

Variation of membership of deanery synods by scheme

7. In rule 21(2), for the words from “bishop” to “house” there shall be substituted the words “house of bishops and of a two-thirds majority of the members of each of the other houses”, and for rule 21(3) there shall be substituted—

“(3) A scheme approved by the diocesan synod as aforesaid shall be laid before the General Synod.

(4) If a member of the General Synod gives notice in accordance with the Standing Orders of that Synod that he wishes such a scheme to be debated, the scheme shall not come into operation unless it is approved by the General Synod.

(5) If no notice is given under paragraph (4) of this rule with respect to any such scheme, or such notice having been given, the scheme is approved by the General Synod, it shall come into operation on the day after the end of the group of sessions during which it was laid before, or approved by, the General Synod or on such later date as may be specified in the scheme.”

Membership of diocesan synods

8.—(1) In rule 24(1), for the words “three authorities, the bishop, who shall be president” there shall be substituted the words “a house of bishops”, and after rule 24(1) there shall be inserted—

“(1A) The members of the house of bishops shall consist of the bishop of the diocese, every suffragan bishop of the diocese and such other person or persons, being a person or persons in episcopal orders working in the diocese, as the bishop of the diocese, with the concurrence of the archbishop of the province, may nominate.

(1B) The bishop of the diocese shall be the president of the diocesan synod.”

(2) For rule 24(2)(a)(i) there shall be substituted—

“(i) any person or persons in episcopal orders nominated by the bishop of the diocese, other than a suffragan bishop or a person nominated under paragraph (1A) of this rule”.

(3) At the end of rule 24 there shall be inserted—

“(5) No person, other than the chancellor of a diocese, shall be entitled to be a member of more than one diocesan synod at the same time.”

Election of members of diocesan synods

9.—(1) In rule 26(4), for the words from “in section” to the end there shall be substituted the words “either in section 7 or in section 8 of Appendix I to every qualified elector. The diocesan synod shall, not later than the 31st December in each year preceding any such election as is referred to in rule 25, determine which form of voting paper is to be used in that election, and the determination shall apply to any election to fill a casual vacancy which occurs during the next ensuing three years”.

(2) In rule 26(5), after the word “signed” there shall be inserted the words “on the reverse thereof” and the words from “only” to “filled” shall be omitted.

(3) In rule 26(6), after the word “Where” there shall be inserted the words “voting papers in the form set out in section 7 of Appendix I have been used and”.

(4) After rule 26(6) there shall be inserted—

“(7) Where voting papers in the form set out in section 8 of Appendix I are used, the election shall be conducted under rules, with the necessary modifications, made by the General Synod under rule 33(4) and for the time being in force.”

(5) The present paragraph (7) of rule 26 shall be re-numbered (8).

Variation of membership of diocesan synods by scheme

10. In rule 27(2), for the words “and (3)” there shall be substituted the words “to (5)”.

Procedure of diocesan synods

11.—(1) In rule 28(1)(c), after the word “being” there shall be inserted the words “in the case of a diocese in which area synods have been constituted in accordance with section 17 of the Dioceses Measure 1978(a), not less than one, and in the case of any other diocese”.

(2) In rule 28(1)(e), for the word “authorities” there shall be substituted the word “houses”, and at the end of rule 28(1)(e) there shall be inserted the words “but that if in the case of a particular question the bishop (if present) so directs, that question shall be deemed to have the assent of the house of bishops only if the majority of the members of that house who assent thereto includes the bishop”.

(3) In rule 28(1)(f), for the words from “authorities” to the end there shall be substituted the words “houses being presumed, unless the bishop (if present) requires, or any ten members require, that a separate vote of each house be taken”.

(4) After rule 28(1)(g) there shall be inserted—

“(h) that where there is an equal division of votes in the house of bishops, the bishop shall have a second or casting vote;

(i) that the bishop shall have a right to require that his opinion on any question shall be recorded in the minutes;”.

(5) The present sub-paragraph (h) of rule 28(1) shall be re-lettered (j) and after rule 28(1) there shall be inserted—

(a) 1978 No. 1.

“(2) No person shall be entitled to serve as a member of more than one bishop’s council and standing committee at the same time.”

(6) The present paragraph (2) of rule 28 shall be re-numbered (3).

Qualification of elected members of House of Laity

12. In rule 31(1)—

- (a) after the words “name is” there shall be inserted the words “at 6.00 a.m. on the date of the dissolution of the General Synod”; and
- (b) after the words “or who” there shall be inserted the words “at any time within the period of two months beginning one month immediately before that date”.

Conduct of elections

13. In rule 33(4), after the word “signed” there shall be inserted the words “on the reverse thereof”.

Appeals

14. In rule 36(1)—

- (a) in paragraph (c), after the word “tendered” there shall be inserted the words “in an election of a churchwarden or”; and
- (b) in paragraph (d), after the word “result” there shall be inserted the words “of any election of a churchwarden or”.

Vacation of seat by member ceasing to be qualified for election

15. In rule 37(4), for the words “his seat shall not” there shall be substituted the words “neither his seat as a member of that House nor his seat as a lay member of the diocesan synod shall”.

Vacancy, etc. in diocesan bishopric

16.—(1) In rule 43(7) and (10), for the words “one of the authorities which together constitute” there shall be substituted the words “president of”.

(2) In rule 43(11), for the words from “one” to “that paragraph” there shall be substituted the words “president of the diocesan synod are delegated under paragraph (10) thereof”.

Construction of references to parish, laity etc.

17.—(1) In rule 44(1), in the definition of “parish”, the words “and has a separate curate licensed thereto” shall be omitted.

(2) After rule 44(2) there shall be inserted:—

“(3) Where a person has executed a deed of relinquishment under the Clerical Disabilities Act 1870(a) and the deed has been enrolled in the High Court and recorded in the registry of a diocese under that Act then, unless and until the vacation of the enrolment of the deed is recorded in such a

(a) 1870 c.91.

registry under the Clerical Disabilities Act 1870 (Amendment) Measure 1934 (a), that person shall be deemed not to be a clerk in Holy Orders for the purpose of paragraph (2) above or of any other provision of these rules which refers to such a clerk."

(3) The present paragraphs (3), (4), (5) and (6) of rule 44 shall be re-numbered (4), (5), (6) and (7) respectively.

Forms

18.—(1) In Appendix I, in section 1 for the word "seventeen" there shall be substituted the word "sixteen".

(2) In Appendix I, in sections 2 and 3 in paragraph (iii) of each section, for the word "seventeen" there shall be substituted the word "sixteen".

(3) In Appendix I, in section 4, after the word "election", where last occurring there shall be inserted the words "and

(c) he is of 17 years or upwards".

(4) In Appendix I, in section 5, after paragraph 2 there shall be inserted—
"3. The election will be decided by simple majority/proportional representation."; and the present paragraph 3 shall be re-numbered 4.

(5) In Appendix I, in section 7, after the word "signed", where first occurring, there shall be inserted the words "on the reverse thereof", and at the side of the entries relating to the signature of voter there shall be inserted the words "(To be printed on back of form)".

(6) At the end of Appendix I there shall be inserted the form set out in the Schedule to this resolution.

Vice-chairman of parochial church council to act as chairman in certain circumstances

19. In Appendix II, in paragraph 1(c), for the word "and" where first occurring, there shall be substituted the word "or" and after the word "cause" there shall be inserted the words "or when the minister invites him to do so".

Citation, interpretation and commencement

20.—(1) This resolution may be cited as the Church Representation Rules (Amendment) Resolution 1980, and the Church Representation Rules (Amendment) Resolution 1973 and this resolution may be cited together as the Church Representation Rules (Amendment) Resolutions 1973 and 1980.

(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 amended by the Church Representation Rules (Amendment) Resolution 1973.

(3) This Resolution shall come into operation on 1st May 1980.

Approved by the General Synod.

W. D. Pattinson,
Secretary-General.

THE SCHEDULE

FORM TO BE INSERTED IN APPENDIX I

Section 8

Rule 26(4)

FORM OF VOTING PAPER FOR ELECTION TO THE HOUSE OF CLERGY OR THE HOUSE OF LAITY OF THE DIOCESAN SYNOD

.....Diocesan Synod

Election of members of the House of Clergy/Laity

Deanery of

.....members to be elected.

Voting Paper

| Candidates' names, addresses and descriptions | Mark your vote in this column |
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Instructions to Voters

1. This voting paper must be signed on the reverse thereof.
2. **VOTE BY PLACING THE FIGURE 1** opposite the name of the candidate of your choice. Crosses must NOT be used.
3. It is advisable to place the figure 2 opposite the name of a candidate to whom you would wish your vote to be transferred should the candidate of your first choice not need it or be unable to use it. Similarly, it is advisable to place the figure 3 opposite the name of the candidate who is your third choice; and so on, as far as you may wish.
4. You must not place the same figure opposite the names of two or more candidates.
5. If you inadvertently spoil your voting paper you may return it to the Presiding Officer who will give you another paper.
6. The voting paper duly voted upon and signed must be delivered (by post or otherwise) to

so as to arrive by no later than

Signature of Voter.....

Full name

Address

.....

(To be printed on back of form)

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

1. The age on attaining which a person is entitled to have his name entered on the electoral roll of a parish is reduced from seventeen to sixteen (paragraphs 1(1) and 18(1) and (3)).
2. Provision is made for enabling the election of representatives of the laity to the parochial church council, the deanery synod or the diocesan synod to be conducted upon the principle of proportional representation (paragraphs 3(1), 9(1), 18(4) and (6)).
3. A churchwarden will become a member of the parochial church council as from the date on which he was chosen, appointed or elected instead of the date of his admission to the office (paragraph 4(2)).
4. Provision is made for one retired clerk in Holy Orders resident in a deanery to be chosen by and from among such clerks as a member of the deanery synod (paragraph 5).
5. The diocesan bishop, as one of the three authorities which constitute a diocesan synod, is to be replaced by a house of bishops. The members of that house will consist of the diocesan bishop, every suffragan bishop of the diocese and such other persons in episcopal orders working in the diocese as the diocesan bishop, with the concurrence of the archbishop, may nominate (paragraph 8(1)).
6. No person (other than the chancellor of a diocese may be a member of more than one diocesan synod, and no person may be a member of more than one bishop's council and standing committee, at the same time (paragraphs 8(3) and 11(5)).
7. The standing orders of a diocesan synod must provide that if in the case of a particular question the diocesan bishop so directs, that question shall be deemed to have the assent of the house of bishops only if the majority of the members of that house who assent thereto includes the diocesan bishop (paragraph 11(2)).
8. A clerk in Holy Orders who has executed a deed of relinquishment under the Clerical Disabilities Act 1870 will, for the purposes of the Rules, be in the same position as a lay person unless and until the enrolment of the deed is vacated and the vacation recorded in a diocesan registry (paragraph 17(2)).