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STATUTORY INSTRUMENTS

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**2020 No. 406**

**The Church Representation Rules  
(Amendment) Resolution 2020**

**PART 2**

**APPEALS**

**Election appeals: right of appeal and grounds of appeal**

**3.**—(1) For Rule 58 substitute—

**“Nomination appeals**

**58.**—(1) An appeal may be made against a determination that a nomination of a candidate for a relevant election is not valid on the grounds that the nomination is valid and that the person should, accordingly, be included as a candidate for the election.

(2) An appeal may be made against a determination that a nomination of a candidate for a relevant election is valid on the grounds that the nomination is not valid and that the person should, accordingly, not be included as a candidate for the election.

(3) An appeal under paragraph (1) or (2) may be brought only by an elector in the election.

(4) In this Rule, “relevant election”—

(a) means an election under these Rules or to a body constituted in accordance with these Rules, but

(b) does not include an election to the House of Laity of the General Synod.

(5) In a case where a choice of persons is, or is to be, made under these Rules (rather than an election being held), this Rule and the subsequent Rules in this Part apply to the choice as they apply to an election; and the references to elections are to be read accordingly.

**Election appeals**

**58A.**—(1) An appeal may be made against the result of a relevant election on the grounds that a person whose election is the subject of the appeal—

(a) was not duly elected,

(b) was not qualified to be a candidate at the time of the election, or

(c) before the end of the period for voting, misrepresented a material fact in connection with the election.

(2) An appeal may be made against the result of a relevant election on the grounds that the conduct of the election was such as to affect the outcome of the election.

(3) An appeal may be made against the result of a relevant election on the grounds that—

- (a) it has been determined on an enrolment appeal that an error was made in the roll of a parish or the register of clerical or lay electors or the question is awaiting determination on an enrolment appeal, and
  - (b) the error would or might be material to the result of the election.
- (4) An appeal may be made against the result of a relevant election on the grounds that a vote which was allowed should have been disallowed, or that a vote which was disallowed should have been allowed, but only if the allowance or disallowance of the vote would or might be material to the result of the election.
- (5) An appeal may not be brought under paragraph (1)(b) if—
- (a) the grounds of the appeal are to the effect that the nomination of the person whose election is the subject of the appeal was not valid, and
  - (b) an appeal on grounds to that effect was brought under Rule 58(2) before the election.
- (6) An appeal under this Rule may be brought by—
- (a) a candidate in the election,
  - (b) a person entitled to vote in the election, or
  - (c) the chair of the house of laity of the diocesan synod (where the appeal relates to laity) or the chair of the house of clergy (where the appeal relates to clergy).
- (7) On an appeal under this Rule, a person who was declared elected but whose election is or may be affected by the appeal is to be regarded for all purposes as elected pending the determination of the appeal.
- (8) In this Rule, “relevant election”—
- (a) means an election held (or purporting to be held) under these Rules or an election to a body constituted in accordance with these Rules, but
  - (b) does not include an election to the House of Laity of the General Synod.”
- (2) In Rule 40 (diocesan synod: nomination for election)—
- (a) in paragraph (8)(b), after “the candidate” insert “and each of the persons who nominated the candidate”, and
  - (b) in paragraph (9), for “must give reasons for that ruling” substitute “must give the candidate and each of the persons who nominated the candidate the reasons for the ruling when informing each of them of it under paragraph (8)(b)”.