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STATUTORY INSTRUMENTS

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**2020 No. 406**

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

**PART 2**

**APPEALS**

**Summary appeals**

**6.** For Rule 60 substitute—

**“Summary election appeal: notice**

**60.**—(1) Notice of a summary election appeal—

- (a) must be in writing,
- (b) must give brief particulars of the grounds of appeal, and
- (c) may be accompanied by written submissions.

(2) Notice of a summary election appeal must be given to the presiding officer for the election.

(3) Notice of an appeal under Rule 58(1) (appeal against ruling that nomination not valid) must be given no later than two days after the day on which the person to whom the nomination relates is notified of the ruling that the nomination is not valid.

(4) Notice of an appeal under Rule 58(2) (appeal against ruling that nomination valid) brought by a person entitled to vote in the election (including one who is a candidate) must be given no later than two days after the day on which the person receives a voting paper for the election.

(5) Notice of an appeal under Rule 58A(1)(a) or (b) (appeal relating to whether person duly elected or qualified to be candidate) must be given no later than two days after the day on which the result of the election is declared.

(6) Notice of an appeal under Rule 58A(4) (appeal against allowance or disallowance of vote) must be given no later than two days after—

- (a) the day on which the vote in question is allowed or disallowed, or
- (b) if the appeal is being brought on grounds that there is an error in the roll of a parish or the register of clerical or lay electors but an enrolment appeal has yet to be determined, the day on which that appeal is determined.

**Summary election appeal: referral to relevant judge, etc.**

**60A.**—(1) The presiding officer for an election, having received notice of a summary election appeal, must without delay (and in any event within 48 hours of receiving the notice of appeal unless in the meantime written notice is given to withdraw the appeal)—

- (a) refer the notice of appeal to the relevant judge,
  - (b) give a written notification to each candidate in the election,
  - (c) if any decision to which the appeal relates was made by a person other than the presiding officer, give a written notification to that person, and
  - (d) in the case of an appeal under Rule 58(1) or (2), give a written notification to the person whose nomination is the subject of the appeal.
- (2) A person to whom a notification is given under paragraph (1)(b) or (d) is entitled to make written representations to the relevant judge on a decision to which the appeal relates.
- (3) The presiding officer is entitled to provide the relevant judge with a written explanation of the reasons for any decision made by the officer to which the appeal relates.
- (4) A person to whom a notification is given under paragraph (1)(c) is entitled to provide the relevant judge with a written explanation of the reasons for the decision which that person made.
- (5) Representations under paragraph (2) or an explanation under paragraph (3) or (4) must be made within seven days of the referral of the notice of appeal.
- (6) A notification under paragraph (1)(b), (c) or (d) must include an explanation of the entitlement to make representations or an explanation (as the case may be).
- (7) The “relevant judge” is—
- (a) the Dean of the Arches and Auditor, or
  - (b) if the Dean of the Arches and Auditor declines or is unable to act as such, the Vicar-General of the Province of Canterbury or the Vicar-General of the Province of York, or
  - (c) if each of them declines or is unable to act as such, the chancellor of the diocese concerned.

#### **Summary election appeal: parties**

- 60B.**—(1) On a summary election appeal, each of the following is a party to the appeal (in addition to the appellant)—
- (a) the presiding officer;
  - (b) any person to whom a notification is given under Rule 60A(1)(c);
  - (c) each relevant person.
- (2) Each of the following is a relevant person—
- (a) on an appeal under Rule 58(1) or (2), the person whose nomination is the subject of the appeal;
  - (b) on an appeal under Rule 58A(1)(a) or (b), the person whose election is the subject of the appeal;
  - (c) on an appeal under Rule 58A(4), any person to whom a notification is given under Rule 60A(1)(b).

#### **Summary election appeal: determination**

- 60C.**—(1) The relevant judge (referred to in this Rule as “the judge”), having had a notice of appeal referred under Rule 60A(1), must decide whether the grounds of the appeal are established to the judge’s satisfaction.
- (2) The judge, in deciding the matter at issue, may consider only—

- (a) the notice of appeal and any accompanying written submissions, and
  - (b) any representations or explanation made in accordance with Rule 60A(5).
- (3) A decision under this Rule must be made within seven days of the referral of the notice of appeal.
- (4) Where the judge decides on an appeal under Rule 58(1) that a nomination is valid, or decides on an appeal under Rule 58(2) that a nomination is not valid, the judge must—
- (a) give directions for the appointment of a new period for voting in the election, and
  - (b) give whatever further directions the judge thinks necessary.
- (5) Where, on an appeal under Rule 58A(1)(a) or (b) or (4), the judge decides that the election as a whole is void, the judge must—
- (a) direct that a fresh election is to be held, and
  - (b) give whatever further directions the judge thinks necessary.
- (6) Where, on an appeal under Rule 58A(1)(a) or (b) or (4), the judge allows the appeal but does not decide that the election as a whole is void, the judge must give whatever directions the judge thinks necessary.
- (7) The judge on a summary appeal must otherwise decide one of the following—
- (a) that the matter at issue amounts to a minor infringement which did not affect the outcome of the election and the appeal should accordingly be dismissed;
  - (b) that the matter at issue amounts to a procedural irregularity in the conduct of the election but the appeal should nonetheless in all the circumstances be dismissed;
  - (c) that the appeal is wholly without merit and should accordingly be dismissed.”