
STATUTORY INSTRUMENTS

2020 No. 406

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

PART 2

APPEALS

Full appeals

7. For Rule 61 substitute—

“Full election appeal: notice of appeal

61.—(1) Notice of a full 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 full election appeal must be given to the presiding officer for the election.

(3) Notice of an appeal under Rule 58A(1)(c) or (2) must be given no later than 14 days after the day on which the result of the election is declared.

(4) Notice of an appeal under Rule 58A(3) must be given no later than 14 days after—

- (a) the day on which the result of the election is declared, or
- (b) if an enrolment appeal has yet to be determined, the day on which that appeal is determined.

Full election appeal: referral to bishop’s council and standing committee

61A.—(1) Where notice of a full election appeal is given, the person to whom it is given must without delay (and in any event within 48 hours of receiving it unless in the meantime written notice is given to withdraw the appeal)—

- (a) give a written notification to each candidate in the election,
- (b) 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
- (c) refer the notice to the bishop’s council and standing committee.

(2) Where a purported notice of a full election appeal is given out of time, the person to whom it is given must without delay (and in any event within 48 hours of receiving it unless in the meantime written notice is given to withdraw the appeal)—

- (a) give a written notification to each person referred to in paragraph (1)(a) and (b), and
- (b) refer the purported notice to the bishop’s council and standing committee.

(3) A person to whom a notification is given under paragraph (1)(a) is entitled to make written representations to the panel appointed under Rule 61C(1) on a decision to which the appeal relates.

(4) The presiding officer is entitled to provide that panel with a written explanation of the reasons for any decision made by the officer to which the appeal relates.

(5) A person to whom a notification is given under paragraph (1)(b) is entitled to provide that panel with a written explanation of the reasons for the decision which that person made.

(6) Representations under paragraph (3) or an explanation under paragraph (4) or (5) must be made within 28 days of referral of the notice of appeal.

(7) The presiding officer and any person to whom a notification is given under paragraph (2)(a) are each entitled to make written representations to the panel appointed under Rule 61C(2) on the question of whether the panel should consider the appeal.

(8) Representations under paragraph (7) must be made within seven days of the notification under paragraph (2)(a) being given.

(9) A notification under paragraph (1)(a) or (b) or (2)(a) must include an explanation of the entitlement to make representations or an explanation (as the case may be).

(10) Once a notice is referred under this Rule, the appellant may withdraw it only with the consent of the panel appointed under Rule 61C to decide the matter.

Enrolment appeal or full election appeal: parties

61B.—(1) On an enrolment appeal, each of the following is a party to the appeal (in addition to the appellant)—

- (a) the person to whom the notice of appeal is given;
- (b) any person to whom a notification is given under Rule 57A(1)(c);
- (c) on any appeal under Rule 57(3), the person to whose enrolment or removal from the roll or register the objection is made.

(2) On a full 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 61A(1)(b);
- (c) each relevant person.

(3) Each of the following is a relevant person—

- (a) on an appeal under Rule 58A(1)(c), the person whose election is the subject of the appeal;
- (b) on an appeal under Rule 58A(2) or (3), any person to whom a notification is given under Rule 61A(1)(a).

Enrolment appeal or full election appeal: appointment of panel

61C.—(1) The bishop's council and standing committee, on receiving a referral under Rule 57A(1) or 61A(1), must appoint a Chair and two other persons to serve as a panel to consider the appeal.

(2) The bishop's council and standing committee, on receiving a referral under Rule 57A(2) or 61A(2), must appoint a Chair and two other persons to serve as a panel to decide whether, even though the purported notice of appeal was given out of time, the panel will nonetheless consider the appeal.

(3) In making the appointments under this Rule, the bishop's council and standing committee must be satisfied that the persons appointed, taken together, have suitable legal or other experience or expertise.

(4) A person may not be appointed under this Rule if the person might have a benefit from the outcome of the election.

(5) Appointments under this Rule must be made before the end of 28 days beginning with the day on which the notice of appeal is given under Rule 57 or 61.

Enrolment appeal or full election appeal: preliminary assessment

61D.—(1) A panel appointed under Rule 61C(1) must conduct a preliminary assessment of the appeal.

(2) A preliminary assessment of an appeal is an assessment as to whether there are arguable grounds of appeal; and, in conducting a preliminary assessment, the panel may consider only—

- (a) the notice of appeal and any accompanying written submissions, and
- (b) any representations or explanation made in accordance with Rule 57A(6) or 61A(6).

(3) If the panel considers that there are arguable grounds of appeal, the appeal stands referred to the panel for—

- (a) in the case of an enrolment appeal, consideration and determination under Rules 61F and 61G;
- (b) in the case of a full election appeal, consideration and determination under Rules 61F and 61H.

(4) If the panel considers that there are no arguable grounds of appeal, the appeal is dismissed.

(5) The panel's decision on the preliminary assessment is final.

(6) The panel must give a written notification to the parties to the appeal of the decision on the preliminary assessment of the appeal and the reasons for the decision.

Enrolment appeal or full election appeal: appeal out of time

61E.—(1) A panel appointed under Rule 61C(2) may decide to consider the appeal only if, having regard to all the circumstances, it is satisfied that there is a good reason to allow the appeal to proceed.

(2) The matters which the panel considers in making that decision must include—

- (a) the purported notice of appeal and any accompanying written submissions (whether on the question of why notice of appeal was not given within the required period or on any other point), and
- (b) any representations made in accordance with Rule 57A(8) or 61A(8).

(3) Where the panel decides to consider the appeal—

- (a) the period under Rule 57 or 61 for giving notice of appeal in that case is to be treated as having been extended so far as necessary,
- (b) the appeal is to be treated as having been referred to the panel for decision, and
- (c) the panel must ensure that each notification required under Rule 57A(1)(b) or (c) or 61A(a) or (b) is given to the person concerned (and, once that has been done,

Rule 57A(4) to (6) and (9) or Rule 61A(3) to (6) and (9) applies in relation to the notification).

(4) Where the panel has decided to consider the appeal and the period for making representations in accordance with Rule 57A(6) or 61A(6) has expired, the panel may proceed to conduct a preliminary assessment of the appeal under Rule 61D.

(5) The panel must give a written notification to the parties to the appeal of the decision on whether the panel will consider the appeal and the reasons for the decision.

Enrolment appeal or full election appeal: consideration of matters at issue

61F.—(1) The panel to which an enrolment appeal or a full election appeal is referred must, in deciding the matter at issue, consider all the circumstances; and for that purpose the panel—

- (a) may inspect documents or other papers relating to the subject-matter of the appeal, and
- (b) is entitled to be provided with such information relating to the appeal as the panel may require.

(2) The panel must give each party to the appeal an opportunity—

- (a) to appear before the panel in person or by a legal or other representative, or
- (b) if that party does not wish to take that opportunity, to make written representations on the matter at issue.

(3) A hearing under paragraph (2) is to be held in public unless the panel, having regard to all the circumstances, is satisfied that it would be in the interests of justice for the hearing to be held in private.

Enrolment appeal: determination

61G.—(1) On an enrolment appeal, the panel must decide whether the grounds of appeal are established to the panel's satisfaction.

(2) Where the panel allows the appeal, it must—

- (a) direct that the roll of the parish or the register of clerical or lay electors is to be revised as the panel specifies, and
- (b) give whatever further directions the panel thinks necessary.

Full election appeal: determination

61H.—(1) On a full election appeal, the panel must decide whether the grounds of appeal are established to the panel's satisfaction.

(2) Where the panel decides that the election as a whole is void, it must—

- (a) direct that a fresh election is to be held, and
- (b) give whatever further directions the panel thinks necessary.

(3) Where the panel allows the appeal but does not decide that the election as a whole is void, it must give whatever directions it thinks necessary.

(4) The panel on a full election 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.”