

Status: Point in time view as at 14/03/2012.

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SCHEDULES

SCHEDULE 3 **E**

CHURCH REPRESENTATION RULES

Modifications etc. (not altering text)

- C1** Sch. 3 modified by [Cathedrals Measure 1963 \(No. 2\)](#), s. 12(3) (as substituted (1.6.1992) by [Church of England \(Miscellaneous Provisions\) Measure 1992 \(No. 1\)](#), s. 17(1), [Sch. 3 para. 10](#); Instrument dated 27.5.1992 made by [Archbishops of Canterbury and York](#).
Sch. 3 modified (30.6.1999) by [Cathedrals Measure 1999 \(No. 1\)](#), ss. 12(4), 38(2)(3) (with ss. 33, 37, 38(5)(6))

PART VII **E**

SUPPLEMENTARY AND INTERPRETATION

Casual Vacancies

- [^{F1}48] [^{F2} Casual vacancies among the parochial representatives elected to the parochial church council or deanery synod shall be filled as soon as practicable after the vacancy has occurred. Where the annual parochial church meeting is not due to be held within the next two months following the occurrence of the vacancy, a vacancy among the parochial representatives elected to the parochial church council may be filled, and a vacancy among the parochial representatives elected to the deanery synod shall be filled, by the election by the parochial church council of a person qualified to be so elected. Returns of parochial representatives of the laity elected to fill one or more casual vacancies on the deanery synod shall be sent by the secretary of the parochial church council to the diocesan electoral registration officer and to the Secretary of the deanery synod.]
- (1) [^{F3}]
- (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 [^{F4}and elections to fill such casual vacancies shall be] conducted in the same manner as ordinary elections. [^{F5}The qualifying date for diocesan electors shall be determined in accordance with rule 35(5).]
- (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.]

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- [^{F6}(5) (a) Subject to the provisions of this rule, an election to fill a casual vacancy in the House of Laity shall be completed, so far as possible, within six months from the occurrence of the vacancy and, in the event of the vacancy not being filled within that period, the Chairman of the House of Laity of the General Synod may give directions to the presiding officer as to the date by which the vacancy must be filled.
- (b) Where a casual vacancy occurs in the House of Laity of the General Synod and the period for holding a general election to that House is due to begin within twelve months of the vacancy, the vacancy shall not be filled unless the lay members of the bishop's council and standing committee, acting in accordance with any directions of the diocesan synod, otherwise direct.
- (c) Where a casual vacancy in the House of Laity of the General Synod occurs within the period of two years—
- (i) beginning with 1st August in the year of the last general election to that House, or
- (ii) beginning with the date of the declaration of the result of an election to fill a casual vacancy where the election was conducted by voting papers in the same manner as a general election;]
- . . . [^{F7}the election to fill the casual vacancy shall be conducted by those papers in accordance with paragraph (6) of this rule.]
- [^{F8}(6) (a) Where the election is to be conducted by the voting papers of a general election, the number of persons to be elected shall be the same as in the general election, provided that no continuing candidate elected during the original count shall be excluded.
- (b) Where the election is to be conducted by the voting papers of an election other than the general election, the number of persons to be elected shall be calculated by adding together the number of persons previously elected using these voting papers who are still continuing as elected persons, and the number of casual vacancies to be filled, provided that no continuing candidate elected during the original count shall be excluded.
- (c) The presiding officer for the area in question shall ask every candidate not elected in the previous election who is still qualified for election for the diocese in question if he consents to serve.
- (d) If the number of candidates is the same as the places to be filled and he or they so consent or only one of those candidates so consents he shall be elected to fill the casual vacancy.
- (e) If more candidates than places to be filled so consent the votes validly cast in the preceding election shall be recounted from the beginning in accordance with the rules mentioned in rule 39(8), the presiding officer having first withdrawn those candidates who do not consent or are no longer eligible for election.]
- [^{F9}(7) An election to fill a casual vacancy in either house of the diocesan synod shall be completed [^{F10}so far as possible] within six months from the occurrence of the vacancy, provided that where a casual vacancy occurs in either house and the period for holding a general election to that house is due to begin within nine months of the vacancy, the vacancy shall not be filled unless the members of the bishop's council and standing committee who are from the same house otherwise direct.]

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[^{F11}(8)] The preceding provisions of this rule shall apply, so far as applicable and with the necessary modifications, to the choosing of persons under these rules as it applies to the election of persons thereunder, and shall also apply to the election or choosing of members of any body constituted under or in accordance with these rules.

[^{F11}(9)] Any person elected to fill a casual vacancy shall hold office only for the unexpired portion of the term of office of the person in whose place he is elected or chosen.

^{F12}(10)

[^{F13}[In calculating the period of six months referred to in paragraphs (5) and (7) of this
^{F14}(11)] rule—

- (a) where during the course of an election irregularities are found which are of such a kind that the presiding officer is of the opinion that he should declare the proceedings null and void, he shall so declare and shall notify all electors of the declaration and shall cause a fresh election to be held which shall be completed within the period of six months from the date of the notice to the electors of the fresh election;
- (b) where in an appeal a determination is made that there has been no valid election and the presiding officer is directed to hold a fresh election, the period of six months shall run from the date of such direction.

[In this rule the expression “casual vacancy” includes the case where insufficient
^{F14}(12)] candidates have been nominated to fill the places available.]

Textual Amendments

- F1** Sch. 3 rule 48 (originally 39) renumbered (1.1.1995) by S.I. 1994/3118, **para. 47**.
- F2** Rule 39(1)—(4) substituted for Rule 39(1) by S.I. 1973/1865, **para. 27(1)**.
- F3** Sch. 3 rule 39(1) substituted by S.I. 1989/2094, **para. 14(1)**.
- F4** Words substituted by S.I. 1989/2094, **para. 14(2)**.
- F5** Words in Sch. 3 rule 48 para. (3) inserted (1.1.1995) by S.I. 1994/3118, **para. 47**.
- F6** Sch. 3 rule 39(5) substituted for paras. (5)(6) by S.I. 1989/2094, **para. 14(3)**.
- F7** Words in Sch. 3 rule 48 para. (5)(c) inserted (1.1.1995) by S.I. 1994/3118, **para. 48**.
- F8** Sch. 3 rule 48(6) substituted (1.1.2000) by virtue of *The Church Representation Rules (Amendment) Resolution 1999 (S.I. 1999/2112)*, **paras. 19, 24(3)**
- F9** Sch. 3 rule 39(7) inserted by S.I. 1989/2094, **para. 14(5)**.
- F10** Words in Sch. 3 rule 48 para. (7) inserted (1.1.1995) by S.I. 1994/3118, **para. 50**.
- F11** Rule 39(8)(9) (originally 39(3)(4)) re-numbered by S.I. 1973/1865, **para. 27(4)**.
- F12** Sch. 3 rule 48 para. (10) omitted (1.1.1995) by virtue of S.I. 1994/3118, **para. 50**.
- F13** Sch. 3 rule 39 paras. (11)(12) inserted by S.I. 1989/2094, **para. 14(7)**.
- F14** Sch. 3 rule 48 paras. (10)-(11) (originally (11)-(12)) renumbered (1.1.1995) by S.I. 1994/3118, **para. 50**.

Resignations

[^{F15}[
^{F16}49] 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.]

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Textual Amendments

- F15** Rule 40 substituted by S.I. 1973/1865, **para. 28**
F16 Sch. 3 rule 49 (originally 40) renumbered (1.1.1995) by S.I. 1994/3118, **para. 51**.

Notices

- [^{F17}50] Any notice or other document required or authorised to be sent or given under these rules shall be deemed to have been duly sent or given if sent through the post addressed to the person to whom it is required or authorised to be sent or given at that person's last known address.

Textual Amendments

- F17** Sch. 3 rule 50 (originally 41) renumbered (1.1.1995) by S.I. 1994/3118, **para. 51**.

^{F18} Constraints in Elections

Textual Amendments

- F18** Sch. 3 rule 41A inserted by S.I. 1989/2094, **para. 15**

- [^{F19}51] (1) If in any election conducted in accordance with these rules it is a requirement that a given number or not less than a given number of places of those elected shall be filled by candidates of a named category, the presiding officer shall follow the procedure set out in paragraphs (2) to (4) of this rule.
- (2) The presiding officer shall examine the nomination papers to ascertain if the number of candidates nominated in any named category is less than or equal to the required given number.
- (3) If the number of candidates nominated in any named category is less than or equal to the required given number, those candidates shall be declared to be elected and their names shall not be included on the voting paper and thereafter the requirement shall be disregarded and the election shall proceed with the number of seats to be filled being reduced by the number of persons declared elected.
- (4) The presiding officer shall circulate with the voting papers a separate notice giving the names of any who have been declared elected in accordance with paragraph [^{F20}(3) of this rule].]

Textual Amendments

- F19** Sch. 3 rule 51 (originally 41A) renumbered (1.1.1995) by S.I. 1994/3118, **para. 51**.
F20 Words in Sch. 3 rule 51(4) amended (1.1.1995) by S.I. 1994/3118, **para. 63, Sch.**

Revocation and Variation of Rules, etc.

- [^{F21}52] Subject to the provisions of these rules any power conferred by these rules to make, approve, frame, pass or adopt any rule, order, resolution, determination, decision,

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appointment or scheme, or to give any consent or settle any constitution, or to prescribe the manner of doing anything, shall be construed as including a power, exercisable in a like manner and subject to the like conditions, to revoke or vary any such rule, order, resolution, determination, decision, appointment, scheme, consent or constitution, or anything so prescribed.

Textual Amendments

F21 Sch. 3 rule 52 (originally 42) renumbered (1.1.1995) by S.I. 1994/3118, para. 51.

Special Provisions

- [^{F22}53](1) In the carrying out of these rules in any diocese the bishop of such diocese shall have power:—
- (a) to make provision for any matter not herein provided for;
 - (b) to appoint a person to do any act in respect of which there has been any neglect or default on the part of any person or body charged with any duty under these rules;
 - (c) so far as may be necessary for the purpose of giving effect to the intention of these rules, to extend or alter the time for holding any meeting or election or to modify the procedure laid down by these rules in connection therewith [^{F23}provided that such power shall not be exercised in relation to the conduct of the elections referred to in Rules [^{F24}39 and 48] of these Rules;]
 - [^{F25}(d) [^{F26}Subject to [^{F27}paragraph (1)(c) of this rule]] in any case in which any difficulties arise, to give any directions which he may consider expedient for the purpose of removing the difficulties.]
- (2) The powers of the bishop under this rule shall not enable him:—
- (a) to validate anything that was invalid at the time when it was done;
 - (b) to give any direction that is contrary to any resolution of the General Synod.
- (3) No proceedings of any body constituted under these rules shall be invalidated by any vacancy in the membership of that body or by any defect in the qualification, election or appointment of any members thereof.
- (4) No proceedings shall be invalidated by the use of a form which differs from that prescribed by these rules if the form which has in fact been used is to a substantially similar effect. Any question as to whether the form which has been used is to a substantially similar effect shall be determined by the bishop.
- (5) In the case of an omission in any parish to prepare or maintain a roll or form or maintain a council or to hold the annual meeting, the rural dean upon such omission being brought to his notice shall ascertain and report to the bishop the cause thereof.
- [^{F28}(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 [^{F29}president of] the diocesan synod, shall be

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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 [^{F29}president of] 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 [^{F30}president of the diocesan synod are delegated under paragraph [^{F31} (10) of this rule]], 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.]
- [^{F32}(12) The preceding provisions of this rule shall have effect in the diocese in Europe as if the references to such of these rules as apply in that diocese, and subject to paragraph (6) of the rule, the powers of an archbishop under this rule shall, as respects that diocese, be exercisable by the Archbishop of Canterbury.]

Textual Amendments

- F22** Sch. 3 rule 53 (originally 43) renumbered (1.1.1995) by S.I. 1994/3118, **para. 51**.
- F23** Words inserted by S.I. 1984/1039, **para. 28**
- F24** Words in Sch. 3 rule 53(1)(c) amended (1.1.1995) by S.I. 1994/3118, **para. 63, Sch.**
- F25** Sch. 3 rule 43(1)(d) omitted and para. (e) renumbered (d) as provided by S.I. 1989/2094, **para. 16(1)(2)**
- F26** Words inserted by S.I. 1989/2094, **para. 16(1)(2)**
- F27** Words in Sch. 3 rule 53(1)(d) amended (1.1.1995) by S.I. 1994/3118, **para. 63, Sch.**
- F28** Rule 43(6)—(11) substituted for rule 43(6)(7) by S.I. 1973/1865, **para. 29**
- F29** Words substituted by S.I. 1980/178, **para. 16(1)**
- F30** Words substituted by S.I. 1980/178, **para. 16(2)**
- F31** Words in Sch. 3 rule 43(11) amended (1.1.1995) by S.I. 1994/3118, **para. 63, Sch.**
- F32** Rule 43(12) inserted by Diocese in Europe Measure 1980 (No. 2, SIF 21:1), **Sch. 2 para. 7**

Meaning of Minister, Parish and other words and phrases

[^{F33}54](1) In these rules:—

F34

...

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...

[^{F35}“actual communicant” means a person 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

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the date of his election or appointment being a person whose name is on the roll of a parish and is either—

- (a) confirmed or ready and desirous of being confirmed; or
- (b) receiving the Holy Communion in accordance with the provisions of Canon B 15A paragraph 1(b)]

[^{F36} ‘auditor’ shall mean a person eligible as the auditor of a charity under [^{F37}section 144(2) of the Charities Act 2011];

‘independent examiner’ shall mean a person as defined in [^{F38}section 145(1)(a) of the Charities Act 2011];]

“the Measure” means the Synodical Government Measure 1969;

“minister” means:—

- (a) the incumbent of a parish;
- (b) a curate licensed to the charge of a parish or a minister acting as priest-in-charge of a parish in respect of which rights of presentation are suspended; and
- (c) a vicar in a team ministry to the extent that the duties of a minister are assigned to him by a ^{F39} . . . [^{F40}pastoral scheme or order] or his license from the bishop;

“parish” means:—

- (a) an ecclesiastical parish; and
- (b) a district which is constituted a “conventional district” for the cure of souls . . . ^{F41} .
- (c) [^{F42}in relation to the Diocese in Europe, a chaplaincy which is constituted as part of the diocese.]
- (d) ^{F43} . . .

“public worship” means public worship according to the rites and ceremonies of the Church of England.

(2) Any reference in these rules to the laity shall be construed as a reference to persons other than Clerks in Holy Orders, and the expression “lay” in these rules shall be construed accordingly.

[^{F44}(3) Where a person has executed a deed of relinquishment under the ^{M1}Clerical Disabilities Act 1870 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 registry under the ^{M2}Clerical Disabilities Act 1870 (Amendment) Measure 1934, that person shall be deemed not to be a clerk in Holy Orders for the purpose of paragraph [^{F45}(2) of this rule] or of any other provision of these rules which refers to such a clerk.]

[^{F46}(4) References in these rules to the cathedral church of the diocese shall include, in the case of the dioceses of London and Oxford, references to Westminster Abbey and St. George’s Chapel, Windsor, respectively.

[^{F46}(5) If any question arises . . . ^{F47} whether a Church is a . . . ^{F47} Church in communion with the Church of England, it shall be conclusively determined for the purposes of these rules by the Archbishops of Canterbury and York.

[^{F46}(6) In these rules words importing residence include residence of a regular nature but do not include residence of a casual nature.

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- [^{F46}(7)] Any reference herein to “these rules” shall be construed as including a reference to Appendices hereto.
- [^{F48}(8) (a) In these rules any matters or regulations to be prescribed shall be prescribed by the [^{F49}Business Committee of the General Synod] of the General Synod in accordance with the following procedure.
- (b) Any matters or regulations made under this rule shall be laid before the General Synod and shall not come into force until they have been approved by the General Synod, whether with or without amendment.
- (c) Where the [^{F49}Business Committee of the General Synod] determines that matters or regulations made under this rule do not need to be debated by the General Synod then, unless—
- (i) notice is given by a member of the General Synod in accordance with Standing Orders that he wishes the business to be debated, or
- (ii) notice is so given by any such member that he wishes to move an amendment to the business,
- the matters or regulations shall for the purposes of sub-paragraph (b) above be deemed to have been approved by the General Synod without amendment.]

Textual Amendments

- F33** Sch. 3 rule 54 (originally 44) renumbered (1.1.1995) by [S.I. 1994/3118, para. 51](#).
- F34** Sch. 3 rule 54 para. (1): Definitions of “actual communicant member of the Church of England” and “actual communicant member of a Church in communion with the Church of England” omitted (1.1.1995) by virtue of [S.I. 1994/3118, para. 51\(a\)](#).
- F35** Sch. 3 rule 54 para. (1): Definition of “actual communicant” inserted (1.1.1995) by [S.I. 1994/3118, para. 51\(a\)](#).
- F36** Sch. 3 rule 54 para. (1): Definitions of “auditor” and “independent examiner” inserted (1.5.1996) by [S.I. 1995/3243, para. 8](#).
- F37** Words in [Sch. 3 rule 54\(1\)](#) substituted (14.3.2012) by [Charities Act 2011 \(c. 25\), s. 355, Sch. 7 para. 21\(3\)\(a\)](#) (with [s. 20\(2\), Sch. 8](#))
- F38** Words in [Sch. 3 rule 54\(1\)](#) substituted (14.3.2012) by [Charities Act 2011 \(c. 25\), s. 355, Sch. 7 para. 21\(3\)\(b\)](#) (with [s. 20\(2\), Sch. 8](#))
- F39** Sch. 3 rule 54 para. (1): Words in definition of “minister” omitted (1.1.1995) by virtue of [S.I. 1994/3118, para. 51](#).
- F40** Sch. 3 rule 54 para. (1): Words in definition of “minister” inserted (1.1.1995) by [S.I. 1994/3118, para. 51](#).
- F41** Words repealed by [S.I. 1980/178, para. 17\(1\)](#).
- F42** Sch. 3 rule 54 para. (1): para. (c) in definition of “parish” inserted (1.1.1995) by [S.I. 1994/3118, para. 51\(b\)](#).
- F43** Words in [Sch. 3 rule 54\(1\)](#) omitted (1.1.2004) by virtue of [Synodical Government \(Amendment\) Measure 2003 \(No. 1\), ss. 1\(2\), 4\(2\), Sch. para. 8](#); 2003 No. 2, Instrument made by Archbishops
- F44** Rule 44(3) inserted by [S.I. 1980/178, para. 17\(2\)](#).
- F45** Words in [Sch. 3 rule 54\(3\)](#) amended (1.1.1995) by [S.I. 1994/3118, para. 63, Sch.](#)
- F46** Rule 44(4)—(7) (originally 44(3)—(6)) renumbered by [S.I. 1980/178, para. 17\(3\)](#).
- F47** Words repealed by [S.I. 1973/1865, para. 30\(2\)](#).
- F48** Sch. 3 rule 54 para. (8) inserted (1.5.1996) by [S.I. 1995/3243, para. 9](#).
- F49** Words in [Sch. 3 rule 54 para. \(8\)\(a\)\(c\)](#) substituted (1.1.1999) by [1998 No. 1, s. 13\(1\), Sch. 5 para. 2\(e\)](#); Instrument dated 14.10.1998 made by Archbishops of Canterbury and York.

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Marginal Citations

M1 1870 c.91 (21:5).

M2 1934 No. 1 (21:5).

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