



Churchwardens (Appointment and Resignations) Measure (repealed 1.1.2002)1964

1964 No. 3

1 Number and qualifications of churchwardens.

- (1) Subject to the provisions of this Measure there shall be two churchwardens of every parish.
- (2) The churchwardens of every parish shall be chosen from persons who are resident in the parish or whose names are on the church electoral roll of the parish.
- (3) Such persons shall be actual communicant members of the Church of England except where the bishop shall otherwise permit and of twenty-one years of age and upwards.
- (4) No person shall be chosen as a churchwarden unless he has signified his consent to serve.

2 Time and manner of choosing churchwardens.

- (1) The churchwardens of a parish shall be chosen annually [^{F1}not later than the 30th April in each year].
- (2) Subject to the provisions of this Measure the churchwardens of a parish shall be chosen by the joint consent of the minister of the parish and a meeting of the parishioners if it may be; such joint consent shall be deemed to have been signified:—
 - (a) if any motion stating the names of the persons to be chosen as churchwardens or the name of either of them shall be declared by the person presiding over the meeting to have been carried; and
 - (b) if in respect of any such motion the minister shall have announced his consent to the choice of the person or persons named therein either before the putting of the motion to the meeting or immediately upon the declaration of the result thereof:

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Churchwardens (Appointment and Resignations) Measure (repealed 1.1.2002)1964. (See end of Document for details)

Provided that no person shall be deemed to have been chosen as a churchwarden under the provisions of this subsection unless both churchwardens have been so chosen.

- (3) If the minister of the parish and the meeting of the parishioners cannot agree on the choice of both churchwardens by joint consent as provided in the foregoing subsection or if after due opportunity has been given no motions or insufficient motions have been moved in accordance with the provisions of that subsection then one churchwarden shall be appointed by the minister and the other shall then be elected by the meeting of the parishioners.
- (4) During any period when there is no minister both the churchwardens shall be elected by the meeting of the parishioners.
- (5) A person may be chosen to fill a casual vacancy among the churchwardens at any time.
- (6) Any person chosen to fill a casual vacancy shall be chosen in the same manner as was the churchwarden in whose place he is appointed.

Textual Amendments

F1 Words substituted by [Synodical Government Measure 1969 \(No. 2\), Sch. 3 para. 11\(2\)](#)

3 Meeting of the parishioners.

- (1) A joint meeting of:—
 - (a) the persons whose names are entered on the church electoral roll of the parish; and
 - (b) the persons resident in the parish whose names are entered on a register of local government electors by reason of such residence:
 shall be deemed to be a meeting of the parishioners for the purposes of this Measure.
- (2) The meeting of the parishioners shall be convened by the minister or the churchwardens of the parish by a notice signed by the minister or a churchwarden.
- (3) The notice shall state the place, day and hour at which the meeting of the parishioners is to be held.
- (4) The notice shall be affixed on or near to the principal door of the parish church and of every other building licensed for public worship in the parish for a period including the last two Sundays before the meeting.
- (5) The minister, if present, or, if he is not present, a chairman chosen by the meeting of the parishioners, shall preside thereat.
- (6) In case of an equal division of votes the chairman of the meeting of the parishioners shall have a casting vote.
- (7) The meeting of the parishioners shall have power to adjourn, and to determine its own rules of procedure.
- (8) A person appointed by the meeting of the parishioners shall act as clerk of the meeting and shall record the minutes thereof.

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Churchwardens (Appointment and Resignations) Measure (repealed 1.1.2002)1964. (See end of Document for details)

Modifications etc. (not altering text)

- C1 S. 3(6) does not apply to elections of Churchwardens: [Synodical Government Measure 1969 \(No. 2\)](#), [Sch. 3](#), para. 11(2)(c)

4—6 ^{F2}

Textual Amendments

- F2 Ss. 4—6, 11(3) repealed by [Synodical Government Measure 1969 \(No. 2\)](#), [Sch. 3 para. 11\(2\)\(b\)](#)

7 Admission of churchwardens.

- (1) At a time and place to be appointed by the ordinary each person chosen for the office of churchwarden shall appear before the ordinary, or his substitute duly appointed, and be admitted to the office of churchwarden after subscribing the declaration that he will faithfully and diligently perform the duties of his office, and making the same in the presence of the ordinary or his substitute. No person chosen for the office of churchwarden shall become churchwarden until such time as he shall have been admitted to office in accordance with the provisions of this section.
- (2) Subject to the provisions of this Measure the churchwardens so chosen and admitted as aforesaid shall continue in their office until they, or others as their successors, be admitted in like manner before the ordinary.

8 Resignation of churchwardens.

- (1) If a churchwarden wishes to resign his office he may, with the consent in writing of the minister and any other churchwarden of the parish, resign his office by an instrument in writing addressed to the bishop, and if the bishop accepts his resignation his office shall forthwith be vacated.
- (2) Subject to the provisions of this section a churchwarden shall not be entitled to resign his office.

9 Vacation of office.

The office of churchwarden shall be vacated if the churchwarden is not resident in the parish and if his name is not on the church electoral roll of the parish.

10 Guild Churches.

- (1) In the case of every church in the City of London designated and established as a Guild Church under the ^{M1}City of London (Guild Churches) Acts 1952 and ^{M2}1960 the churchwardens shall, notwithstanding anything to the contrary contained in those Acts, be actual communicant members of the Church of England except where the bishop shall otherwise permit.

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Churchwardens (Appointment and Resignations) Measure (repealed 1.1.2002)1964. (See end of Document for details)

- (2) Subject to the provisions of subsection (1) of this section, nothing in this Measure shall apply to the churchwardens of any church designated and established as a Guild Church under the City of London (Guild Churches) Acts 1952 and 1960.

Marginal Citations

M1 1952 c. xxxviii.
M2 1960 c. xxx.

11 Special provisions.

- (1) In the carrying out of this Measure 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 this Measure;
 - (c) so far as may be necessary for the purpose of giving effect to the intentions of this Measure, to extend or alter the time for holding any meeting or election or to modify the procedure laid down by this Measure in connection therewith;
 - (d) in any case in which there has been no valid choice to direct a fresh choice to be made, and to give such directions in connection therewith as he may think necessary; and
 - (e) in any case in which any difficulty arises, to give any directions which he may consider expedient for the purpose of removing the difficulty.
- (2) The powers of the bishop under this section shall not enable him to validate anything that was invalid at the time it was done.
- (3) F3
- (4) During a vacancy in a diocesan see the powers by this section conferred upon a bishop of the diocese shall be exercisable by the guardian of the spiritualities.

Textual Amendments

F3 Ss. 4–6, 11(3) repealed by Synodical Government Measure 1969 (No. 2), **Sch. 3 para. 11(2)(b)**

12 Savings.

- (1) Subject to the provisions of section ten of this Measure, nothing in this Measure shall be deemed to amend, repeal or affect any local act or any scheme made under any enactment affecting the churchwardens of a parish:
 Provided that for the purposes of this Measure the ^{M3}Parish of Manchester Division Act, 1850, shall be deemed to be a general act.
- (2) In the case of any parish where there is an existing custom which regulates the number of churchwardens or the manner in which the churchwardens are chosen, nothing in this Measure shall affect that custom:
 Provided that in the case of any parish where in accordance with that custom any churchwarden is chosen by the vestry of that parish either alone or jointly with any

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Churchwardens (Appointment and Resignations) Measure (repealed 1.1.2002)1964. (See end of Document for details)

other person or persons that churchwarden shall be chosen by the meeting of the parishioners, either alone or jointly with the other person or persons, as the case may be.

- (3) Nothing in this Measure shall affect a churchwarden in office before the passing of this Measure during the period for which he was chosen.
- (4) Nothing in this Measure shall be deemed to authorise the choice of any person as churchwarden who under the existing law is disqualified from being chosen for that office.

Marginal Citations

M3 1850 c. xli.

13 Interpretation.

In this Measure, except in so far as the context otherwise requires:—

“existing custom” means a custom existing at the commencement of this Measure which has continued for a period including the last forty years before its commencement;

“Rules for the Representation of the Laity” means the Rules for the Representation of the Laity contained in [^{F4}Schedule 3 to the ^{M4}Synodical Government Measure 1969];

“actual communicant member”, “minister”, “parish” and “public worship” have the same meanings respectively as those assigned to those expressions in Rule [^{F4}44] of the Rules for the Representation of the Laity.

Textual Amendments

F4 Words substituted by virtue of [Interpretation Measure 1925 \(No. 1\), s. 1](#)

Marginal Citations

M4 1969 No. 2.

14 Repeal.

Section twelve of the New Parishes Measure, 1943, and Rule 10 of the Rules for the Representation of the Laity are hereby repealed.

Modifications etc. (not altering text)

C2 The text of s. 14 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

15 Short title, extent and commencement.

- (1) This Measure may be cited as the Churchwardens (Appointment and Resignation) Measure, 1964.

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Churchwardens (Appointment and Resignations) Measure (repealed 1.1.2002)1964. (See end of Document for details)

(2) This Measure shall extend to the whole of the provinces of Canterbury and York except for the Channel Islands and the Isle of Man:

Provided that—

- (a) this Measure may be applied to the Channel Islands as defined in the ^{M5}Channel Islands (Church Legislation) Measures 1931 and ^{M6}1957 or either of them in accordance with those Measures;
- (b) if an Act of Tynwald so provides this Measure shall extend to the Isle of Man subject to such modifications, if any, as may be specified in such Act of Tynwald.

(3) This Measure shall come into force on the first day of January next after the date on which it receives the Royal Assent.

Marginal Citations

M5 1931 No. 4.

M6 1957 No. 1.

Status:

Point in time view as at 01/02/1991.

Changes to legislation:

There are currently no known outstanding effects for the Churchwardens (Appointment and Resignations) Measure (repealed 1.1.2002)1964.