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SCHEDULES

SCHEDULE 3

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 1999 No. 1, ss. 12(4), 38(2)(3) (with ss. 33, 37, 38(5)(6))

PART VI

APPEALS AND DISQUALIFICATIONS

[^{F1} Enrolment Appeal]

Textual Amendments

F1 Sch. 3 rules 36–36B substituted for rule 36 by S.I. 1989/2094, para. 12

[^{F2}43] (1) There shall be a right of appeal with regard to—

- (a) any enrolment, or refusal of enrolment, on the roll of a parish or the registers of lay or clerical electors;
- (b) the removal of any name, or the refusal to remove any name, from the roll of a parish or the registers of lay or clerical electors.

(2) The following persons shall have a right of appeal under this rule—

- (a) a person who is refused enrolment on the roll or register;
- (b) a person whose name is removed from the roll or register; or
- (c) any person whose name is entered on the roll or register who wishes to object to the enrolment or removal of the name of any other person on that roll or register.

(3) In an appeal concerning the roll of a parish, notice of the appeal shall be given in writing to the lay chairman of the deanery synod and in an appeal concerning the register of lay or clerical electors notice of the appeal shall be given in writing to the Chairman of the House of Laity or the Chairman of the House of Clergy of the diocesan synod as the case may be.

(4) Notice of appeal shall be given not later than fourteen days after the date of enrolment, removal or refusal or if the appeal arises on the revision of the roll or

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register or the preparation of a new roll or register, not later than fourteen days after the first publication of the revised or new roll or register.

- (5) In any appeal arising under this rule the chairman of the House concerned of the Diocesan Synod or the lay chairman of the deanery synod, as the case may be, shall within fourteen days refer any appeal to the bishop's council and standing committee of the diocese unless within that period the appellant withdraws the appeal in writing. The said bishop's council shall appoint three or a greater number being an odd number of their lay members or clerical members as the case may be to consider and decide the appeal.

Textual Amendments

F2 Sch. 3 rule 43 (originally 36) renumbered (1.1.1995) by [S.I. 1994/3118](#), [para. 41](#).

[^{F3} Election Appeals]

Textual Amendments

F3 Sch. 3 rules 36–36B substituted for rule 36 by [S.I. 1989/2094](#), [para. 12](#)

- ^{F4}44] (1) There shall be a right of appeal with regard to—
- (a) the allowance or disallowance of any vote given or tendered in an election of a churchwarden or in an election under these rules or to a body constituted under or in accordance with these rules;
 - (b) the result of any election of a churchwarden or of any election or choice held or made or purporting to be held or made under these rules, or any election or choice of members of a body constituted under or in accordance with these rules.
- (2) The following persons shall have a right of appeal under this rule—
- (a) an elector in the said election;
 - (b) a candidate in the said election; or
 - (c) the chairman of the House of Laity or of the House of Clergy of the diocesan synod or, in an election to the House of Laity of the General Synod, the chairman and vice-chairman of that House of Laity ^{F5}. . . [^{F6}as specified in paragraph (5) of this rule.].
- (3) The provisions of this rule (except paragraph [^{F7}(6) of this rule]), insofar as they confer a right of appeal by any person referred to in paragraph (2) above against the result of an election and provide for notice of an appeal and the determination thereof, shall apply in relation to an election to the House of Laity of the General Synod by the diocesan electors of the diocese in Europe.
- (4) [^{F8}Subject to paragraph (6) of this rule]in the case of an appeal arising out of an election to the House of Laity of the General Synod or the diocesan synod notice of the appeal shall be given in writing to the chairman of the House of Laity of the diocesan synod. In any other case concerning the laity, notice of the appeal shall be given in writing to the lay chairman of the deanery synod. Notices under this paragraph shall be given:

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- (a) in the case of an appeal against the allowance or disallowance of a vote, not later than fourteen days after such allowance or disallowance;
- (b) in the case of an appeal against the result of an election or choice, not later than fourteen days after the result thereof has been announced by the presiding officer.

[^{F9}(5) The Chairman and Vice-Chairman of the House of Laity of the General Synod shall each have a right of appeal under this rule in accordance with paragraph (1) of this rule in respect of any election to the House of Laity of the General Synod in either of the Provinces of Canterbury and York and he shall give notice in writing of such appeal to the presiding officer concerned not later than three months after the result of the election has been declared by the said presiding officer. Provided that if the office of Chairman or Vice-Chairman is vacant when the result of the election is published the person who last held office shall be deemed to hold that office for the purposes of this rule.]

[^{F10}(6) An error in the electoral roll or the registers of clerical or lay electors shall not be a ground of appeal against the result of any election unless—

- (a) either it has been determined under this rule that there has been such an error or the question is awaiting determination under rule [^{F11}43]; and
- (b) the error would or might be material to the result of the election;

and the allowance or disallowance of a vote shall not be a ground of appeal against the result of an election unless the allowance or disallowance would or might be material to the result of the election.

[^{F10}(7) An error in the electoral roll of a chaplaincy or in the register of lay electors in the diocese in Europe shall not be a ground of appeal against the result of an election to the House of Laity of the General Synod by the diocesan electors of that diocese unless—

- (a) either it has been determined under the rule which applies in that diocese and corresponds with rule [^{F12}43] that there has been such an error or the question is awaiting determination under that rule; and
- (b) the error would or might be material to the result of that election;

and the allowance or disallowance of a vote shall not be a ground of appeal against the result of such an election unless the allowance or disallowance would or might be material to the result of the election.

[^{F13}(8) An appeal arising out of an election or choice of members of the House of Laity of the General Synod shall, within the period of fourteen days of the appeal being lodged, be referred to the Chairman and Vice-Chairman of that House unless, within that period, the appellant withdraws the appeal in writing. Subject to paragraph (9) of this rule, the Chairman and Vice-Chairman acting jointly shall appoint three persons from an appeal panel consisting of the Dean of the Arches and Auditor, the Vicar General of the Province of Canterbury, the Vicar General of the Province of York and twelve members of the House of Laity of the General Synod nominated by the Appointments Committee of the Church of England to consider and decide the appeal.]

[^{F10}(9) Where the chairman or vice-chairman of the House of Laity has given notice of appeal ^{F14}. . . [^{F15}under paragraph (5) of this rule or where he or] a member of the [^{F16}General Synod] comes from the diocese to which the appeal relates, he shall not be appointed to hear the appeal.

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[^{F10}(10)] In any appeal arising under this rule except an appeal arising out of an election to the House of Laity of the General Synod, the Chairman of the House of Laity of the diocesan synod or the lay chairman of the deanery synod, as the case may be, shall refer any appeal to the bishop's council and standing committee of the diocese [^{F17}who shall appoint three or a greater number, being an odd number, of their lay members to consider and decide the appeal.]

[^{F10}(11)] In any appeal arising under this rule to the House of Clergy of the diocesan synod the Chairman of the House of Clergy of the said synod shall refer any appeal to the bishop's council and standing committee of the diocese who shall appoint three or a greater number, being an odd number, of their clerical members to consider and decide the appeal.

[^{F18}(12)] Where an appeal is pending under this rule in respect of an election to any synod any person who was declared elected in accordance with rule 33 but whose election is or may be affected by the appeal shall for all purposes be deemed to be a member of that Synod until the appeal is heard and disposed of.]

Textual Amendments

- F4** Sch. 3 rule 44 (originally 36A) renumbered (1.1.1995) by [S.I. 1994/3118, para. 41](#).
- F5** Words in Sch. 3 rule 44 para. (2)(c) omitted (1.1.1995) by virtue of [S.I. 1994/3118, para. 41](#).
- F6** Words in Sch. 3 rule 44 para. (2)(c) inserted (1.1.1995) by [S.I. 1994/3118, para. 41](#).
- F7** Words in Sch. 3 rule 44(3) amended (1.1.1995) by [S.I. 1994/3118, para. 63, Sch.](#)
- F8** Words in Sch. 3 rule 44 para. (4) inserted (1.1.1995) by [S.I. 1994/3118, para. 42](#).
- F9** Sch. 3 rule 44 para. (5) inserted (1.1.1995) by [S.I. 1994/3118, para. 43](#).
- F10** Sch. 3 rule 44 paras. (6)-(11) (originally (5)-(10)) renumbered (1.1.1995) by [S.I. 1994/3118, para. 43](#).
- F11** Figure in Sch. 3 rule 44(6) amended (1.1.1995) by [S.I. 1994/3118, para. 63, Sch.](#)
- F12** Figure in Sch. 3 rule 44(7) amended (1.1.1995) by [S.I. 1994/3118, para. 63, Sch.](#)
- F13** [Sch. 3 rule 44](#) para. (8) substituted (1.1.1999) by 1998 No. 1, s. 13(1), [Sch. 5 para. 2\(c\)](#); Instrument dated 14.10.1998 made by [Archbishops of Canterbury and York](#).
- F14** Words in [Sch. 3 rule 44](#) para. (9) omitted (1.1.1995) by virtue of [S.I. 1994/3118, para. 44](#).
- F15** Words in [Sch. 3 rule 44](#) para. (9) inserted (1.1.1995) by [S.I. 1994/3118, para. 44](#).
- F16** Words in [Sch. 3 rule 44](#) para. (9) substituted (1.1.1999) by 1998 No. 1, s. 13(1), [Sch. 5 para. 2\(d\)](#); Instrument dated 14.10.1998 made by [Archbishops of Canterbury and York](#).
- F17** Words in Sch. 3 rule 44 para. (10) inserted (1.1.1995) by [S.I. 1994/3118, para. 45](#).
- F18** Sch. 3 rule 44 para. (12) inserted (1.1.1995) by [S.I. 1994/3118, para. 46](#).

[^{F19}
^{F20}45] For the purpose of the consideration and decision of any appeal under rules [^{F21}43 and 44], the persons appointed to consider and decide the appeal—

- (a) shall consider all the relevant circumstances and shall be entitled to inspect all documents and papers relating to the subject matter of the appeal and be furnished with all information respecting the same which they may require;
- (b) shall give to the parties to the appeal an opportunity of appearing before them in person or through a legal or other representative;
- (c) shall have power at any time to extend the time within which a notice of appeal is given;
- (d) shall, unless by consent of the persons appointed the appeal is withdrawn, determine the matter at issue and, in an election appeal shall determine whether—

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- (i) the person or persons whose election is complained of was or were duly elected;
 - (ii) the facts complained of amount to a minor infringement of the rules which did not affect the outcome of the election in which event the appeal shall be dismissed; or
 - (iii) the election was void. The determination so certified shall be final as to the matters at issue and, in any case in which there has been no valid election, the members shall direct a fresh election to be held and shall give such directions in connection therewith as they may think necessary;
- (e) shall have power at any time to consent to the withdrawal of the appeal by an appellant subject to a determination in respect of costs in accordance with paragraph ^{F22}(f) of this rule];
- (f) shall have power to direct that any party to an appeal shall be entitled to payment of costs by any other party or by the diocesan board of finance and to direct that a party shall be responsible for the reasonable expenses of the persons appointed to hear the appeal; save that in so far as the same have not been paid by any other person, the diocesan board of finance shall pay all expenses of the persons appointed to hear the appeal provided that the said board shall first be satisfied that they are reasonable in amount.]

Textual Amendments

- F19** Sch. 3 rules 36–36B substituted for rule 36 by S.I. 1989/2094, para. 12
- F20** Sch. 3 rule 45 (originally 36B) renumbered (1.1.1995) by S.I. 1994/3118, para. 47.
- F21** Words in Sch. 3 rule 45 amended (1.1.1995) by S.I. 1994/3118, para. 63, Sch.
- F22** Words in Sch. 3 rule 45(e) amended (1.1.1995) by S.I. 1994/3118, para. 63, Sch.

Vacation of Seat by Member ceasing to be Qualified for Election

^{F24}~~[46]~~^{F25}[1] Where—

- (a) any lay member of a deanery synod, being a parochial representative or a representative under rule ^{F25}[27], ceases to be entered on the roll of the parish by which he was elected or, as the case may be, to be declared under the said rule to be a habitual worshipper at the cathedral church;
- (b) any member of a diocesan synod elected by the house of clergy of a deanery synod ceases to be qualified for election by that house;
- (c) any lay member of a diocesan synod elected by the house of laity of a deanery synod ceases to have the qualification of entry on the roll of any parish in that deanery or (in appropriate cases) of being declared a habitual worshipper at the cathedral church of the diocese under rule ^{F25}[27];
- (d) any elected member of the House of Laity of the General Synod ceases to have the qualification of entry on the roll of any parish in the diocese for which he was elected or of being declared a habitual worshipper as aforesaid;
- ^{F26}(e) any elected member of the House of Laity of the General Synod takes any paid office or employment as provided by rule ^{F27}[37(2)];

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[^{F28}(f) any member of a diocesan synod or of the House of Laity of the General Synod has his election declared void in accordance with the provision of rule [^{F29}45].]

his seat shall [^{F30}subject to the following provisions of this rule] forthwith be vacated:

... ^{F31}

[^{F32}(2) If the name of a person to whom paragraph 1(a) of this rule applies is entered on the roll of any parish in the diocese other than that of the parish [^{F33}referred to in that paragraph] or if he is declared under rule [^{F33}27] to be a habitual worshipper at the cathedral church of the diocese, his seat shall not be vacated under this rule if, before the vacancy occurs, the parochial church council so resolve.

(3) If a person to whom paragraph 1(b) of this rule applies continues to work or reside in the diocese, his seat shall not be vacated under this rule if, before the vacancy occurs, the clerical members of the standing committee of the deanery synod so resolve.

(4) If the name of a person to whom paragraph 1(c) of this rule applies is entered on the roll of any parish in the diocese other than that of the parish [^{F34}referred to in that paragraph] or if he is declared under rule [^{F34}27] to be a habitual worshipper at the cathedral church of the diocese, his seat shall not be vacated under this rule if, before the vacancy occurs, the lay members of the standing committee of the deanery synod so resolve.]

[^{F35}(5) If [^{F36}the lay members of] the bishop's council and standing committee has determined [^{F36}before the vacancy occurs] that a person to whom paragraph 1(d) of this rule applies [^{F37}is able and willing to continue to discharge to their satisfaction the duties of a member of the House of Laity elected for that diocese.], [^{F38}neither his seat as a member of that House nor his seat as a lay member of the diocesan synod shall] be vacated under this rule.]

[^{F39}(6) This rule shall apply in relation to a member of the House of Laity of the General Synod elected for the diocese in Europe with the substitution for the words in paragraph 1(d) from "roll" to "aforesaid" of the words "electoral roll of any chaplaincy in that diocese"].

Textual Amendments

- F23** Sch. 3 rule 46 (originally 37) renumbered (1.1.1995) by S.I. 1994/3118, **para. 47**.
- F24** "(1)" inserted by S.I. 1973/1865, **para. 25(1)**.
- F25** Words in Sch. 3 rule 37(1)(a)(c) amended (1.1.1995) by S.I. 1994/3118, **para. 63, Sch.**
- F26** Rule 37(1)(e) inserted by S.I. 1984/1039, **para. 26(1)**.
- F27** Words in Sch. 3 rule 37(1)(e) amended (1.1.1995) by S.I. 1994/3118, **para. 63, Sch.**
- F28** Sch. 3 rule 37(1)(f) inserted by S.I. 1989/2094, **para. 13(1)**.
- F29** Words in Sch. 3 rule 37(1)(f) amended (1.1.1995) by S.I. 1994/3118, **para. 63, Sch.**
- F30** Words inserted by S.I. 1973/1865, **para. 25(2)**.
- F31** Rule 37(1) proviso repealed by S.I. 1973/1865, **para. 25(1)**.
- F32** Rule 37(2)–(4) substituted for rule 37(2)(3) by S.I. 1984/1039, **para. 26(2)**.
- F33** Words in Sch. 3 rule 37(2) amended (1.1.1995) by S.I. 1994/3118, **para. 63, Sch.**
- F34** Words in Sch. 3 rule 37(4) amended (1.1.1995) by S.I. 1994/3118, **para. 63, Sch.**
- F35** Rule 37(5) (originally 37(4) substituted for proviso by S.I. 1973/185, **para. 25(2))** renumbered by S.I. 1984/1039, **para. 26(2)**.

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- F36** Words inserted by S.I. 1984/1039, **para. 26(3)**.
F37 Words substituted by S.I. 1989/2094, **para. 13(2)**.
F38 Words substituted by S.I. 1980/178, **para. 15**.
F39 Rule 37(5) inserted by Diocese in Europe Measure 1980 (No. 2, SIF 21:1), **Sch. 2 para. 5**; renumbered 37(6) by S.I. 1984/1039, **para. 26(2)**.

VALID FROM 01/01/2000

- [^{F40}46A] (a) A person shall be disqualified from being nominated, chosen or elected or from serving as a churchwarden, a member of a parochial church council, a district church council or any synod under these rules if he is disqualified from being a charity trustee under section 72(1) of the Charities Act 1993 and the disqualification is not for the time being subject to a general waiver by the Charity Commissioners under subsection (4) of that section or to a waiver by them under that subsection in respect of all ecclesiastical charities established for purposes relating to the parish concerned.

In this paragraph “ecclesiastical charity” has the same meaning as that assigned to that expression in the Local Government Act 1894;

- (b) A person shall also be disqualified from being nominated, chosen or elected or from serving as a churchwarden or member of a parochial church council if he has been so disqualified from holding office under section 10(6) of the Incumbents (Vacation of Benefices) Measure 1997;
- (c) A person shall be disqualified from being nominated for election or from continuing to serve as a member of the General Synod if he holds or takes any paid office or employment appointment to which is or may be made or confirmed by the General Synod, the Convocations, the Archbishops’ Council, the Central Board of Finance, the Church Commissioners for England (except that such disqualification shall not apply to any Commissioner so appointed in receipt of a salary or other emoluments), the Church of England Pensions Board or the Corporation of the Church House.]

Textual Amendments

- F40** Sch. 3 rule 46A inserted (1.1.2000) by [The Church Representation Rules \(Amendment\) Resolution 1999 \(S.I. 1999/2112\)](#), **paras. 18, 24(3)**

Ex-Officio Membership not to Disqualify for Election

- [^{F41}47] No . . . ^{F42} person shall be disqualified from being elected or chosen a member of any body under these rules by the fact that he is also a member ex-officio of that body; and no . . . ^{F42} person shall be deemed to vacate his seat as such an elected or chosen member of any body by reason only of the fact that subsequently to his election or choice he has become a member of that body ex-officio.

Textual Amendments

- F41** Sch. 3 rule 47 (originally 38) renumbered (1.1.1995) by [S.I. 1994/3118](#), **para. 47**.

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F42 Word repealed by [S.I. 1973/1865](#), [para. 26](#)

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