
STATUTORY INSTRUMENTS

1995 No. 3243

ECCLESIASTICAL LAW, ENGLAND

**The Church Representation Rules
(Amendment) Resolution 1995**

<i>Made (passed by the General Synod with the requisite majority in each House)</i>	<i>30th November 1995</i>
<i>Laid before Parliament</i>	<i>14th December 1995</i>
<i>Coming into force</i>	
<i>paragraphs 1, 5, 6, 7 and 15</i>	<i>1st January 1996</i>
<i>paragraphs 4, 8, 9 and 11</i>	<i>1st May 1996</i>
<i>remainder</i>	<i>1st May 1997</i>

In pursuance of the powers conferred by section 7(1) of the Synodical Government Measure 1969⁽¹⁾ to amend by resolution of the General Synod the Church Representation Rules, that is to say, the rules contained in Schedule 3 to the said Measure, as amended by the Church Representation Rules (Amendment) Resolutions 1973 to 1994⁽²⁾ by the Diocese in Europe Measure 1980⁽³⁾ and by the Care of Churches and Ecclesiastical Jurisdiction Measure 1991⁽⁴⁾ the General Synod hereby resolve that the said rules should be amended as follows:

1. In rule 1, paragraph (4) the word “14(1)(e)” shall be omitted and there shall be inserted the word “14(1)(f)”, and in rule 6, paragraph (3)(d) the word “14(1)(g)” shall be omitted and there shall be inserted the word “14(1)(h)”.

2. In rule 9, paragraph (1) sub-paragraphs (b) to (e) shall be omitted and there shall be inserted—

- “(b) an annual report on the proceedings of the parochial church council and the activities of the parish generally;
- (c) the financial statements of the parochial church council for the year ending on the 31st December immediately preceding the meeting, independently examined or audited as provided by paragraph (3) hereof;”

and sub-paragraphs (f) and (g) shall be renumbered as (d) and (e).

(1) 1969 No. 2.

(2) S.I.1973/1865, 1980/178, 1981/959, 1950, 1984/1039, 1040, 1989/2094, 2095, 1994/3118.

(3) 1980 No. 2.

(4) 1991 No. 1.

3. In rule 9, paragraphs (2) and (3) shall be omitted and there shall be inserted—

“(2) The council shall cause a copy of the said roll to be available for inspection at the meeting.

(3) The said financial statements shall—

- (a) be independently examined or audited in such manner as shall be prescribed in accordance with rule 54(8);
- (b) be considered and, if thought fit, approved by the parochial church council and signed by the chairman presiding at the meeting of the council; and
- (c) be displayed for a continuous period of at least seven days before the annual meeting, including at least one Sunday when the church is used for worship, on a notice-board either inside or outside the church.

(4) The annual report referred to in paragraph (1)(b) above and the said financial statements shall be prepared in such form as shall be prescribed in accordance with rule 54(8) hereof for consideration by the annual meeting. Following such meeting the council shall cause the annual report and statements to be published and displayed in the parish in such manner as may be prescribed in accordance with rule 54(8) and shall cause copies to be sent within twenty eight days of the annual meeting to the secretary of the diocesan board of finance for retention by the board.”

and paragraphs (4) to (8) shall be re-numbered as (5) to (9).

4. In rule 9, paragraph (5) (as re-numbered) sub-paragraph (d) shall be omitted and there shall be inserted—

“(d) appoint the independent examiner or auditor to the council for a term of office ending at the close of the next annual meeting, provided that such person shall not be a member of the council.”

5. In rule 14 in paragraph (1), sub-paragraphs (bb) to (g) shall be renumbered as paragraphs (c) to (h).

6. In rule 25 in paragraph (3) the words “and inform him of any provision for the separate representation of such a district as aforesaid” shall be omitted.

7. In rule 30, paragraph (7) shall be omitted and there shall be inserted—

“(7) No person shall be entitled to be a member of more than one diocesan synod at the same time except—

- (a) the chancellor of the diocese;
- (b) a suffragan bishop appointed to act as a provincial episcopal visitor for the purposes of the Episcopal Ministry Act of Synod 1993 who, in addition, to membership of the diocesan synod of the diocese of which he is suffragan, may be invited by the bishop of the diocese where he resides to be a member of that diocesan synod in accordance with paragraph (2) or paragraph (4)(a)(i) of this rule provided that he shall exercise his vote on a matter referred by the General Synod under Article 8 of the Constitution only in the diocesan synod of the diocese of which he is suffragan.”

8. In rule 54 in paragraph (1) after the definition of “actual communicant” there shall be inserted—

“‘auditor’ shall mean a person eligible as the auditor of a charity under section 43(2) of the Charities Act 1993(5);

‘independent examiner’ shall mean a person as defined in Section 43(3)(a) of the Charities Act 1993;”.

9. In rule 54, at the end there shall be inserted—

- (a) “(8) In these rules any matters or regulations to be prescribed shall be prescribed by the Standing Committee 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 Standing Committee 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.”

10. In Appendix I, in section 4, the words “For the appointment of sidesmen and the Auditor” shall be omitted and there shall be inserted the words “For the appointment of Sidesmen and the Independent Examiner or Auditor.”

11. In Appendix I, in section 4 paragraphs (b) to (e) shall be omitted and there shall be inserted—

- “(b) an Annual Report on the proceedings of the parochial church council and the activities of the parish generally;
- (c) The Financial Statements of the Council for the year ending on the 31st December immediately preceding the meeting audited or independently examined.”

and paragraph (f) and (g) shall be re-numbered as (d) and (e).

12. In Appendix II, paragraph 1(g) shall be omitted and there shall be inserted—

- “(g) If an independent examiner or auditor to the Council is not appointed by the annual meeting or if an independent examiner or auditor appointed by the annual meeting is unable or unwilling to act, an independent examiner or auditor (who shall not be a member of the council) shall be appointed by the council for a term of office ending at the close of the next annual meeting. The remuneration (if any) of the independent examiner or auditor shall be paid by the council.”

13. In Appendix II, paragraph 12(e) shall be omitted and there shall be inserted—

- “(e) The independent examiner or auditor of the council’s financial statements, the bishop, the archdeacon and any person authorised by one of them in writing shall have access to the approved minutes of council meetings without the authority of the council.”

14. In Appendix II, after paragraph 15 there shall be inserted as a new paragraph—

- “(16) An independent examiner or auditor of the Council’s financial statements shall—
 - (a) have a right of access with respect to books, documents or other records (however kept) which relate to the said financial statements;
 - (b) have a right to require information and explanations from past or present treasurers or members of the council and, in case of default, the independent examiner or auditor may apply to the Charity Commissioners for an order for

directions pursuant to section 44(2) of the Charities Act 1993 or any statutory modification thereof for the time being in force.”

and paragraphs 16 and 17 shall be re-numbered as 17 and 18.

Citation, interpretation and commencement

15.—(1) This resolution may be cited as the Church Representation Rules (Amendment) Resolution 1995; and the Church Representation Rules (Amendment) Resolutions 1973 to 1994 and this Resolution may be cited together as the Church Representation Rules (Amendment) Resolutions 1973 to 1995.

(2) Any reference in this Resolution to a numbered rule or Appendix is a reference to the rule or Appendix, as the case may be, bearing that number in the Church Representation Rules, as amended by the Church Representation Rules (Amendment) Resolutions 1973 to 1994, by the Diocese in Europe Measure 1980, and by the Care of Churches and Ecclesiastical Jurisdiction Measure 1991.

(3) This Resolution shall come into force as follows—

- (a) paragraphs 1, 5, 6, 7 and 15 on the first day of January 1996
- (b) paragraphs 4, 8, 9 and 11 on the first day of May 1996
- (b) the remainder on the first day of May 1997.

30th November 1995

P. J. C. Mawer
Secretary-General

EXPLANATORY NOTE

(This note is not part of the Resolution)

This Resolution of the General Synod of the Church of England, which was passed in accordance with section 7(1) of the Synodical Government Measure 1969, amends the Church Representation Rules contained in Schedule 3 to that Measure. The changes include making provision for independent examiners and auditors as required by the Charities Act 1993, and for modifications to the Rules concerning provincial episcopal visitors appointed under the Episcopal Ministry Act of Synod 1993.