

GENERAL SYNOD

**THE CHURCH REPRESENTATION RULES (AMENDMENT) RESOLUTION
2009**

**THE CLERGY REPRESENTATION RULES (AMENDMENT) RESOLUTION
2009**

Explanatory Memorandum

Background

1. The Elections Review Group ('the Group') was set up by the Business Committee following the 2005 elections to the General Synod to review the rules governing elections, in the context of the Business Committee's overall responsibility for keeping the detailed aspects of Synodical Government under review.
2. The Group first reported in May 2008 to the Business Committee, which accepted its recommendations. The Group's report was circulated to Synod members and diocesan offices for comment in June 2008. Following the receipt of a number of responses, the Group produced a further report ('the report') in November 2008. The report contained a revised list of recommendations to the Business Committee, which the Business Committee also accepted.
3. A number of the Group's recommendations in the report require legislation to give effect to them; and the Church Representation Rules (Amendment) Resolution 2009 and the Clergy Representation Rules (Amendment) Resolution 2009 are accordingly laid before the General Synod to that end.

The Church Representation Rules (Amendment) Resolution 2009 (GS 1738)

4. **Paragraph 1** deals with citation, interpretation and commencement.
5. **Paragraph 2** gives effect to recommendation (m) in the report, to the effect that Rule 13 Church Representation Rules ('CRR') should be amended to clarify the relationship between the provisions of the CRR and the Churchwardens Measure 2001.
6. The Group's original recommendation in this connection was to the effect that the relation of Rule 13(1) CRR to Rule 11(2) CRR needed clarifying to make clear that Rule 11 does not apply in the case of elections of churchwardens in so far as it allows nominations to be made at the meeting. On further analysis, however, it emerged that the Churchwardens Measure 2001 does not in fact allow provision to be made in the CRR to regulate the procedure for the election of churchwardens at the meeting of parishioners. The Group accordingly recommended the amendment of Rule 13 CRR so as simply to require that

elections of churchwardens are to be conducted at the meeting of parishioners “in accordance with the provisions of sections 4 and 5 of the Churchwardens Measure 2001”.

7. **Paragraph 3** gives effect to recommendation (j) of the report, to the effect that Rules 19, 20 and 21 CRR should be amended to bring greater consistency to the provisions relating to joint, team and group councils.
8. Correspondence from Salisbury Diocese pointed to anomalies in these rules, which are inconsistent and not entirely satisfactory in so far as they make no provision that would enable readers or churchwardens to serve *ex officio* on joint, team and group councils. The Group accepted those criticisms, agreeing that the CRR should be more consistent and allow local flexibility in the composition of councils beyond the *ex officio* clergy members for which schemes must already provide.
9. **Paragraph 4** gives effect to recommendation (i) of the report, to the effect that Rule 31(8) CRR should be amended so that the minimum permitted size of diocesan synods is reduced to 100.
10. In view of the low take-up of places on diocesan synods in some dioceses, the Diocesan Secretaries Liaison Group canvassed the possibility of reducing the minimum permitted size for diocesan synods; and a number of diocesan secretaries indicated their support for a minimum size of around 80. The Group’s view was that some further reduction below the present requirement of 120 was desirable in order to confer further flexibility on smaller dioceses, but that a significant reduction in the minimum size was undesirable, in the light of the considerations that (a) diocesan synods needed to be sufficiently large to discharge their functions in relation to Article 8 and financial business and (b) following the Synodical Government Review, the Synodical Government (Amendment) Measure 2003 had already reduced their minimum membership from 150 to 120.
11. **Paragraph 5** gives effect to recommendation (h) of the report, to the effect that the nominations period for diocesan synod elections should be increased from 14 to 21 days.
12. The provisions for elections to diocesan synods and by the House of Laity specify 14 days for nominations and 14 and 21 days, respectively, for voting. Elections under Standing Order 120 and by the House of Clergy, in contrast, have nominations periods of 21 days and voting periods of 14 days, and General Synod elections nominations and voting periods of 28 and 21 days respectively. The Group favoured an increase in the nominations period for diocesan synod elections to 21 days (a recommendation accepted by the Diocesan Secretaries Liaison Group) on the basis that there is some practical advantage in nominations periods being longer than voting periods. (The Group accepted that elections to General Synod are a special case, warranting longer periods for both nominations and voting because of the time of year at which elections are held.)

13. **Paragraph 6** gives effect to recommendation (g) of the report, to the effect that the requirement contained in Rule 39(5)(b) CRR and Rule 20(3)(b) Clergy Representation Rules to supply candidates in elections to the General Synod with e-mail addresses should be repealed.
14. In the elections to General Synod in 2005 a number of dioceses had noted with concern the impact of the Data Protection Act in relation to the new requirement to communicate electors' e-mail addresses to candidates where electors had authorised the use of such an address. Those implications arose in terms of (a) the need for the explicit consent of individual electors to be obtained to allow their e-mail addresses to be circulated to candidates and (b) the need to protect electors from subsequent over disclosure of their e-mail addresses by candidates. The Group took the view that the requirement to supply e-mail addresses placed a disproportionate cost on dioceses in relation to the theoretical benefit that might be gained if a candidate asked for the list, as the sparsity of e-mail addresses made it ineffective as a resource for electioneering purposes. Additionally, while everyone had a postal address of some kind, there were still people who did not have e-mail addresses, and so it would be impossible to require either electors or candidates to provide them.
15. **Paragraph 7** gives effect to recommendation (l) of the report, to the effect that the incorrect reference to Rule 22 in paragraph of the Appendix 2 of the CRR should be deleted.

Clergy Representation Rules (Amendment) Resolution 2009 (GS 1739)

16. **Paragraph 1** makes a change to the Clergy Representation Rules, which relate to elections to the House of Clergy, corresponding to that made by paragraph 6 of the Church Representation Rules (Amendment) Resolution 2009 in relation to elections to the House of Laity – namely the removal of the current requirement to supply candidates with e-mail addresses. (See paragraphs 13 and 14 above.)
17. **Paragraph 2** deals with citation, interpretation and commencement.

The Legal Office
Church House
Westminster
London SW1

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