

DISQUALIFICATION ETC.

Disqualifications

62 (1) A person is disqualified from being nominated or elected or from serving as a member of the General Synod if the person holds or takes a paid office or employment the appointment to which is, or may be, made or confirmed by –

(a) the General Synod,

(b) the Convocations,

(c) the Archbishops’ Council,

(d) the Church Commissioners,

(e) the Church of England Pensions Board, or

(f) the Corporation of the Church House.

(2) A person is not disqualified under paragraph (1)(d) merely because the person is appointed as a Church Commissioner in receipt of a salary or other emoluments.

(3) A person is disqualified from being nominated, chosen or elected or from serving as a member of a PCC if the person has been disqualified from holding office under section 10(6) of the Incumbents (Vacation of Benefices) Measure 1977 (breakdown of pastoral relationships).

(4) Nothing in this Part of these Rules, so far as relating to membership of a PCC, affects the application of any enactment providing for the disqualification of a person from being a trustee of a charity^{*} (and, accordingly, from being a member of a PCC).

(5) For further provision as to disqualification, see Rule 68 (safeguarding).

(6) For provision as to disqualification from being elected as a churchwarden, see section 2 of the Churchwardens Measure 2001.

Vacation of seat on deanery synod

63 (1) The seat of a clerical member of a deanery synod who is a member under sub-paragraph (a) to (f) or (h) of Rule 15(1) is vacated if the member ceases to be eligible for membership under that sub-paragraph and is not eligible for membership under another sub-paragraph of Rule 15(1).

(2) The seat of a lay member of a deanery synod is vacated in each of the following five cases.

(3) The first case is where the member –

(a) was elected as a parochial representative of the laity, but

(b) ceases to have his or her name on the roll of the parish by which he or she was elected.

(4) The second case is where the member –

(a) became a representative under Rule 23(1) (cathedral church), but

(b) ceases to have his or her name on the community roll of the cathedral church concerned.

(5) The third case is where the member –

(a) became a representative under a scheme under Rule 23(2) (royal peculiar etc.), but

(b) ceases to be declared by the dean concerned to be a habitual worshipper.

(6) The fourth case is where the member –

(a) became a representative under a scheme under Rule 24 (mission initiative), but

(b) ceases to be declared by the leader of the mission initiative concerned to be part of the worshipping community involved in the initiative.

(7) The fifth case is where the member becomes a clerk in Holy Orders.

(8) A lay member's seat is not vacated under paragraph (3) if –

(a) the member satisfies a condition under paragraph (9), and

(b) before the vacancy arises, the PCC resolves that the member's seat is not to be vacated.

(9) The conditions are as follows –

(a) that the member's name is entered on the roll of a parish* in the diocese;

(b) that the member's name is entered on the community roll of the cathedral church of the diocese or, where the diocese has more than one cathedral church, on the community roll of any of them;

(c) that the leader of a mission initiative in the diocese declares the member to be part of the worshipping community involved in the initiative.

(10) A member's seat on a deanery synod is vacated if it is decided on an appeal under [Rule 58](#) that the member's election is void.

(11) For further cases where a member's seat on a deanery synod is vacated, see [Rule 68](#) (safeguarding etc.).

Vacation of seat on diocesan synod

64 (1) The seat of a clerical member of a diocesan synod who was elected by the house of clergy of a deanery synod in the diocese is vacated if the member ceases to be qualified for election by that house.

(2) But a member's seat is not vacated under paragraph (1) if –

(a) the member continues to work or reside in the diocese, and

(b) before the vacancy arises, the clerical members of the standing committee of the deanery synod resolve that the member's seat is not to be vacated.

(3) The seat of a lay member of a diocesan synod who was elected by the house of laity of a deanery synod in the diocese is vacated in each of the following five cases.

(4) The first case is where the member –

(a) qualified for election under [Rule 36\(3\)\(a\)](#) (parish roll), but

(b) ceases to have his or her name on the roll of a parish in the deanery.

(5) The second case is where the member –

(a) qualified for election under [Rule 36\(3\)\(b\)](#) (cathedral church), but

(b) ceases to have his or her name on the community roll of the cathedral church concerned.

(6) The third case is where the member –

(a) qualified for election under [Rule 36\(3\)\(c\)](#) (royal peculiar etc.), but

(b) ceases to be declared by the dean to be a habitual worshipper.

(7) The fourth case is where the member –

(a) qualified for election under [Rule 36\(3\)\(d\)](#) (mission initiative), but

(b) ceases to be declared by the leader of the mission initiative concerned to be part of the worshipping community involved in the initiative.

(8) The fifth case is where the member becomes a clerk in Holy Orders.

(9) A lay member's seat is not vacated under paragraph (4) if –

(a) the member satisfies a condition in [Rule 63\(9\)](#), and

(b) before the vacancy arises, the lay members of the standing committee of the deanery synod resolve that the member's seat is not to be vacated.

(10) If a lay member of a diocesan synod is also an elected member of the House of Laity of the General Synod, the member's seat on the diocesan synod is not vacated under this Rule if the bishop's council and standing committee make the decision referred to in [Rule 65\(7\)](#) (member willing and able to serve) in that member's case.

(11) A member's seat on a diocesan synod is vacated if it is decided on an appeal under [Rule 58](#) that the member's election is void.

(12) For further cases where a member's seat on a diocesan synod is vacated, see [Rule 68](#) (safeguarding etc.).

Vacation of seat in House of Laity of General Synod

65 (1) The seat of an elected member of the House of Laity of the General Synod is vacated in each of the following five cases.

(2) The first case is where the member –

(a) qualified for election under [Rule 50\(5\)\(a\)](#) (parish roll), but

(b) ceases to have his or her name on the roll of a parish in the diocese concerned.

(3) The second case is where the member –

(a) qualified for election under [Rule 50\(5\)\(b\)](#) (cathedral church), but

(b) ceases to have his or her name on the community roll of the cathedral church of the diocese or, where the diocese has more than one

cathedral church, on the community roll of any of them.

(4) The third case is where the member –

(a) qualified for election under [Rule 50\(6\)](#) (royal peculiar etc.), but

(b) ceases to be declared by the dean concerned to be a habitual worshipper.

(5) The fourth case is where the member –

(a) qualified for election under [Rule 50\(7\)](#) (mission initiative), but

(b) ceases to be declared by the leader of the mission initiative concerned to be part of the worshipping community involved in the initiative.

(6) The fifth case is where the member becomes a clerk in Holy Orders.

(7) But a member's seat is not vacated under paragraphs (2) to (5) if, before the vacancy arises, the lay members of the bishop's council and standing committee decide that the member is willing and able to discharge to their satisfaction the duties of a member of the House of Laity of the General Synod elected for that diocese.

(8) Where a decision under paragraph (7) is made, the lay members of the bishop's council and standing committee must, no later than one year after making the decision and annually after that –

(a) review the member's membership of the House of Laity of the General Synod, and

(b) decide whether he or she is still willing and able as mentioned in paragraph (7).

(9) The seat of an elected member of the House of Laity of the General Synod is vacated if the member is disqualified under [Rule 62\(1\)](#).

(10) The seat of an elected member of the House of Laity of the General Synod is vacated if it is decided on an appeal under rules under [Rule 59](#) that the member's election is void.

(11) For further cases where a member's seat in the House of Laity of the General Synod is vacated, see [Rule 68](#) (safeguarding etc.).

Ex officio membership

66 (1) A person is not disqualified from being elected or chosen as a member of a body under these Rules merely because the person is also a member of that body ex officio.

(2) A person elected or chosen as a member of a body under these Rules does not vacate his or her seat merely because the person has become a member of that body ex officio.

Resignation

67 (1) A person holding office under these Rules or who is a member of a body constituted by or under these Rules may resign the office or membership by giving notice in writing to the secretary of the body of which the person is an officer or member.

(2) A resignation under this Rule takes effect –

(a) on the date specified in the notice, or

(b) if no date is specified in the notice, on the date on which the secretary receives the notice.

Safeguarding cases: disqualification and vacation of seat

68 (1) If a person is included in a barred list, the person is disqualified –

(a) from being nominated, chosen or elected as, or from serving as, a member of a PCC, a deanery synod, a diocesan synod or the General Synod;

(b) from being appointed to act as, or from acting as, secretary or treasurer of a PCC.

(2) If a person is convicted of an offence mentioned in Schedule 1 to the Children and Young Persons Act 1933, the person is disqualified –

(a) from being nominated, chosen or elected as, or from serving as, a member of a PCC, a deanery synod, a diocesan synod or the General Synod;

(b) from being appointed to act as, or from acting as, secretary or treasurer of a PCC.

(3) If a person disqualified under paragraph (1) or (2) is a member of a PCC, a deanery synod, a diocesan synod or the House of Laity of the General Synod, the member's seat is vacated.

(4) A person's disqualification under paragraph (2) may be waived by the bishop of the diocese in question giving the person notice in writing; and the notice must specify the bishop's reasons for giving the waiver.

(5) Where a person whose seat has been vacated under paragraph (3) has his or her disqualification waived under paragraph (4), the person may

resume his or her seat if it has remained vacant.

(6) A waiver under paragraph (4) –

(a) is of unlimited duration, and

(b) has effect in every diocese.

(7) Before deciding whether to give a waiver under paragraph (4), the bishop must consult –

(a) the diocesan safeguarding advisor, and

(b) such other persons as the bishop considers appropriate.

(8) On giving a notice under paragraph (4), the bishop must give a copy of the notice to the registrar of the diocese; and the registrar must file the copy in the diocesan registry.

Safeguarding cases: suspension

69 (1) This Rule applies where a member of a PCC or the secretary or treasurer of a PCC or a member of a deanery synod, a diocesan synod or the General Synod –

(a) is arrested on suspicion of committing an offence mentioned in Schedule 1 to the Children and Young Persons Act 1933, or

(b) is charged with an offence mentioned in that Schedule without being arrested.

(2) This Rule also applies where the bishop of a diocese is satisfied, on the basis of information provided by a local authority or the police, that a person of a description given in paragraph (1) presents a significant risk of harm.

(3) The bishop may suspend the person from the position in question by giving the person notice in writing; and the notice must specify the bishop's reasons for imposing the suspension.

(4) The bishop may at any time revoke the suspension by giving the person notice in writing.

(5) For the purposes of paragraph (2), a person presents a significant risk of harm if there is a significant risk that the person may –

(a) harm a child or vulnerable adult,

(b) cause a child or vulnerable adult to be harmed,

(c) put a child or vulnerable adult at risk of harm,

(d) attempt to harm a child or vulnerable adult, or

(e) incite another person to harm a child or vulnerable adult.

(6) Before deciding whether to suspend a person under paragraph (3), or to revoke a suspension made under that paragraph, the bishop must consult –

(a) the diocesan safeguarding advisor, and

(b) such other persons as the bishop considers appropriate.

(7) A suspension in a case within paragraph (1) continues (unless revoked under paragraph (4)) until the earlier of –

(a) the expiry of three months beginning with the day on which the notice is given, and

(b) the conclusion of the matter.

(8) Where a person is suspended in a case within paragraph (1) and the matter is not concluded before the expiry of the three-month period referred to in paragraph (7)(a), a further notice of suspension may be given under paragraph (3); and paragraph (7) and this paragraph apply to the further suspension as they applied to the earlier suspension or suspensions.

(9) A suspension in a case within paragraph (2) continues (unless revoked under paragraph (4)) until the expiry of three months beginning with the day on which the notice is given.

(10) Where a person is suspended in a case within paragraph (2), a further notice of suspension may be given under paragraph (3); and paragraph (9) and this paragraph apply to the further suspension as they applied to the earlier suspension or suspensions.

(11) Having given a notice of suspension or revocation under this Rule, the bishop must give each of the following written notification –

(a) the clergy who hold office in the parish,

(b) the churchwardens of the parish,

(c) the registrar of the diocese,

(d) the diocesan safeguarding advisor, and

(e) such other persons as the bishop considers appropriate.

(12) The registrar must file a notification given under paragraph (11)(c) in the diocesan registry.

(13) For the purposes of this Rule, a matter is concluded when –

(a) a decision is taken not to charge the person with the offence in question, or

(b) where the person is charged with the offence, the proceedings for the offence are concluded.

Safeguarding cases: appeal against suspension

70 (1) A person who is given a notice of suspension under Rule 69(3) may appeal against the suspension in accordance with rules for the time being in force under section 83 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018.

(2) An appeal under this Rule must be made to the president of tribunals (as to whom, see section 4 of the Clergy Discipline Measure 2003).

(3) On an appeal under this Rule, the president of tribunals may, within 28 days following the lodging of the appeal, either confirm or revoke the suspension.

Safeguarding cases: interpretation

71 (1) In this Part of these Rules –

‘barred list’ has the same meaning as in the Safeguarding Vulnerable Groups Act 2006;

‘child’ means a person aged under 18;

‘diocesan safeguarding advisor’ means the person appointed as such under Canon C 30 for the diocese in question;

‘vulnerable adult’ has the same meaning as in the Safeguarding and Clergy Discipline Measure 2016.

(2) A reference in this Part of these Rules to an offence mentioned in Schedule 1 to the Children and Young Persons Act 1933 is a reference to an offence which is –

(a) mentioned in that Schedule as amended, extended or applied from time to time, or

(b) treated by an enactment (whenever passed or made) as if it were mentioned in that Schedule.

Notes

* See Part 9 of the Charities Act 2011 (available at <http://www.legislation.gov.uk/>).

* A person whose name is on the roll of a guild church in the City of London is treated for this purpose as if his or her name is also on the roll of the parish in which the guild church is situated: see Rule 83(7) and (8).

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