

## GENERAL SYNOD

## DRAFT CHURCH REPRESENTATION, ECUMENICAL RELATIONS AND MINISTERS MEASURE

## Explanatory Memorandum

*Background and summary*

1. The draft Church Representation, Ecumenical Relations and Ministers Measure gives effect to proposals contained in the second report of the Simplification Task group<sup>1</sup>.
2. The Measure replaces the Church Representation Rules contained in Schedule 3 to the Synodical Government Measure 1969 with a new set of Rules.
3. It amends the Church of England (Ecumenical Relations) Measure 1988 which provides for the participation of the Church of England in ecumenical activity.
4. It also makes amendments to the law concerning ordination, and to the statutory provision which prescribes criteria for eligibility for certain ecclesiastical appointments.

*Notes on the clauses of the draft Measure*

5. Detailed drafting notes on the new Rules have been prepared by Legislative Counsel and are contained in the Appendix to this explanatory memorandum.
6. **Clause 1(1) and Schedule 1** amend the Synodical Government Measure 1969 by substituting a new Schedule 3 to that Measure containing new Church Representation Rules.
7. The new Church Representation Rules, while preserving various basic features of the old Rules – for example by providing for church electoral rolls, annual parochial church meetings, the membership and business of parochial church councils, elections to deanery and diocesan synod and to the House of Laity of the General Synod – implement a range of reforms.
8. Various procedural requirements relating to the church electoral roll have been eliminated. The rules relating to parish governance are now all set out in a self-contained part of the Rules. Those rules take the form of model rules which represent a simplified form of the existing rules. It will be open to a parochial church meeting to amend, supplement or replace the model rules by way of a scheme made by the meeting, subject to obtaining the approval of the bishop's council. Where a parish does not make a scheme, the model rules will automatically apply. Various provisions that were considered not to be necessary have not been carried forward in the model rules.
9. The new Rules make provision for the creation of joint councils covering two or more connected parishes (for example, parishes in multi-parish benefices). The joint council takes the place of the individual PCCs which go into abeyance. This differs from the provision for joint councils under the old Rules where joint councils represented an additional layer of governance.
10. The forms to be used under the Rules have been updated.

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<sup>1</sup> Available at [https://www.churchofengland.org/media/2867478/ac\\_16\\_59\\_-\\_simplification\\_task\\_group.pdf](https://www.churchofengland.org/media/2867478/ac_16_59_-_simplification_task_group.pdf)

11. **Clause 1(2) and Schedule 2** make amendments to other legislation that are consequential on the new Rules.
12. **Clause 1(3) and Schedule 3** make transitional provision in relation to the new Rules.
13. **Clause 2** amends section 1 of the Church of England (Ecumenical Relations) Measure 1988 (“ERM 1988”) and extends the scope of ecumenical provision which may be made by Canon. In particular, it allows for any member of any church which subscribes to the doctrine of the Holy Trinity but which could otherwise not be designated under the Measure to read a lesson, lead prayers or to lead intercessions at Holy Communion. It also permits members of the Salvation Army to preach at a Church of England service.
14. Clause 2 also extends the provision of existing section 4 (overseas clergy) to all churches which are in communion with the Church of England, rather than simply the “United Church”, as at present.
15. Clause 2 also amends section 6 and replaces the description “local ecumenical project” with “local ecumenical co-operative scheme”, makes necessary consequential amendments and updates the cross-references to other enactments. It also adds co-operation in matters of mission and worship to the elements of such a scheme.
16. **Clause 3** inserts a new section 5A into the ERM 1988 to provide that a bishop may designate a church as one to which the Measure applies for a limited period of up to seven years. New section 5A sets out the conditions subject to which any such designation must be made and makes provision for the renewal and revocation of a designation.
17. Clause 3 also provides that a bishop’s power of designation may be exercised by a suffragan, assistant or area bishop or another bishop with a mandate during a vacancy in See or during a diocesan bishop’s absence from the diocese. This power applies where a suffragan bishop is authorised to discharge the functions of a diocesan bishop.
18. **Clause 4** inserts a new section 5B into the ERM 1988 to require the House of Bishops to issue a Code of Practice to which any cleric, deaconess, lay reader or reader of the Church of England must have regard when they exercise a function under the Measure or new Canon B43. The Code of Practice (and any amendment) must be laid before and approved by General Synod.
19. **Clause 5** amends the law relating to the titles of those of are to be admitted to holy orders.
20. As the law currently stands, a bishop may ordain a person as a deacon or priest only if the bishop is satisfied that the person will be provided with an ecclesiastical office in the bishop’s diocese where he or she may assist in the cure of souls. That office is known as a ‘title’. The current rule is set out in paragraph 1 of Canon C 5. The Legal Advisory Commission has advised that this rule – which is a rule of the pre-Reformation Canon law which became part of the law of England – means that a person may only be ordained to serve as an assistant curate licensed to a parish.
21. The provision contained in clause 5 enables the General Synod to provide by Canon for the range of title posts to which a person can be ordained to be expanded so that it includes any ecclesiastical office which is to be held under Common Tenure. The offices which are held under Common Tenure include any office in which ordained ministry is exercised in accordance with a licence from the bishop issued under any Canon of the Church of

England.<sup>2</sup> The office of assistant curate is therefore an office under Common Tenure: see Canon C 12. Canon C 12 also provides for the bishop to grant a licence to a person to serve for the purposes of, or in connection with, a mission initiative endorsed by a bishop's mission order. Provision made by Canon under clause 5 would therefore allow a person to be ordained to a title, for example, as a pioneer minister in connection with a mission initiative without the need for that person to be attached to a particular parish.

22. **Clause 6** amends section 27 of the Ecclesiastical Commissioners Act 1840 to remove the requirement that a person must have been in holy orders for six years to be eligible for appointment as a dean, archdeacon or residentiary canon. It retains the requirement of that section that a person must be in priest's orders to be eligible for appointment as a dean or archdeacon.
23. **Clause 7** makes provision for the short title and the commencement of the Measure and for its extension to the Channel Islands and the Isle of Man.

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<sup>2</sup> Section 1(1)(g) of the Ecclesiastical Offices (Terms of Service) Measure 2009.

**CHURCH REPRESENTATION, ECUMENICAL RELATIONS AND MINISTERS MEASURE**

**SCHEDULE 1 – NEW CHURCH REPRESENTATION RULES**

**DRAFTING NOTES**

**General**

1. The proposed new version of the Church Representation Rules, contained in Schedule 1 to the draft Church Representation, Ecumenical Relations and Ministers Measure, includes significant new provisions – in particular, new Rules 9 to 11, 49 and 52 and the Model Rules in Part 9.
2. In these Notes, “the CRRs” means the version of the Church Representation Rules currently in force, and “CRR [x]” means the provision of those Rules numbered “[x]”.
3. The new Rules are subject to transitional provisions in Schedule 3 to the draft Measure, which will ensure, for example, that existing bodies, offices, memberships, rules, standing orders and so on will continue as before.

**Rule 1 (compilation of church electoral roll)**

4. Paragraph (2)(c) refers to a “successful” application for enrolment, making express what is currently implied by CRR 1(2).
5. Paragraphs (4)(c) and (5)(c) refer to the six months preceding the declaration. The effect of the reference in CRR 1(2)(b) and (c) to the six months before enrolment is not clear. When the declaration is made, enrolment will not have taken place; so it is not possible to ascertain the end of the six-month period or therefore its beginning.
6. Paragraph (7) enables a person to enrol on becoming 16, but acknowledges the need for a successful application, again making express what is implied by CRR 1(2).
7. Paragraph (8) includes an express reference to the electoral roll officer, whose appointment is dealt with under new Rule M18. The new Rules emphasise the distinction in the CRRs between the PCC, which has the function of keeping the roll, and the electoral roll officer, who discharges that function under the PCC’s direction.
8. Paragraph (12) and subsequent provisions along the same lines provide for inspection of the roll by a person who makes “a reasonable request” instead of a “bona-fide enquirer”, the rather legalistic description used in CRR 1(1).

### **Rule 3 (reporting and publication of additions and removals)**

9. Paragraph (1) seeks to remove the duplication in CRR 1(7) and Appendix 2 paragraph 1(f) of provision relating to the electoral roll officer, and instead provides merely for what the officer is to do when changes are made to the roll.

### **Rule 4 (revision of church electoral roll)**

10. Paragraph (2) and subsequent provisions do not restate the reference to affixing the notice to the principal door of a place licensed for public worship as it is not apt in certain cases (a school, for example). Instead, the new Rules provide for the notice to be “displayed” in a location that is “readily visible” to the congregation.
11. The reference to a building licensed for public worship is defined in new Rule 74(4) for the new Rules as a whole. The equivalent provision in the CRRs applies to certain provisions only, but it is not thought appropriate to retain that limited application.
12. Paragraph (7) is expressed to be subject to new Rule 1(2)(b) and (7). The effect of the reference in CRR 2(3) to CRR 1(2) is not clear but it is thought to be a reference to the proviso to CRR 1(2). The same point arises on new Rule 6(5).

### **Rule 6 (publication of new church electoral roll)**

13. Paragraphs (1) to (3) make new provision for the publication of the roll.

### **Rules 9 to 11 (parish governance: model rules)**

14. New Rules 9 to 11 and the model Rules in Part 9 set out a new scheme for parish governance, which builds on CRR Appendix 2 and introduces new provision.
15. On new Rule 10, paragraph (1) enables a parish meeting to vary the new scheme as it applies to the parish. But paragraph (2) ensures that certain key provisions in the model Rules are protected from amendment.
16. The new Rules do not restate CRR Appendix 2 paragraph 18, which gives the bishop of a diocese power to decide questions of interpretation on the application of the provisions of the Appendix in the diocese. It is not thought to be a satisfactory provision. In so far as it ousts a court’s jurisdiction to interpret the law, the rule in *Anisminic Ltd. v. Foreign Compensation Commission* [1969] 2 AC 147 applies so as to protect the bishop’s decisions only if they have been properly taken. Even so, the power seems capricious, in that it could lead to different, possibly conflicting decisions on matters of interpretation being taken in different dioceses. Moreover, it is not clear why a function of interpreting the law has been given to bishops.

### **Rule 13 (deanery synod: house of clergy)**

17. Paragraph (2) follows CRR 24(2)(e) in not specifying who has the function of proposing (for approval by the bishop) whether the members concerned are to be elected or chosen and what the manner of the election or choice is to be. There is a policy question as to whether a person should be specified and, if so, who it should be.
18. Paragraph (3) follows CRR 24(4) in referring to a rural dean. The reference in CRR 24(4) is glossed by section 12(4) of the Church of England (Miscellaneous Provisions) Measure 2000 to include an area dean. It is thought that section 12(4) is intended to apply to future enactments and that the gloss will therefore apply here. The same point arises on new Rule 23(2)(a).

### **Rule 14 (deanery synod: house of laity)**

19. This new Rule does not include provision equivalent to new Rule 13(5) to require the deanery synod secretary to give the electoral registration officer the names of the members of the house of laity. There is a policy question as to whether it should.

### **Rule 19 (deanery synod: scheme for variation of membership)**

20. Paragraph (1) follows CRR 26(1) in referring to “the preceding provisions” of the Rules which “relate” to membership. It is not clear whether that is intended to refer only to CRR 24 or also to CRR 25, on the basis that elections “relate” to membership. There is a policy question as to what is wanted here.

### **Rule 21 (scheme for representation of persons to whom mission orders apply)**

21. This new Rule is based on CRR 27A, which was inserted by section 49(4) of the Dioceses, Pastoral and Mission Measure 2007. Section 49 was repealed and reenacted by the consolidation in the Mission and Pastoral Measure 2011, though without any saving for section 49(4). But the intention of the 2011 Measure looks clear; and as a consolidation is presumed not to change the law, the effect of section 49(4) can accordingly be assumed to continue.

### **Rule 25 (deanery synod: casual vacancies)**

22. This provision follows CRR 48(1) in not making express provision for what is to happen if a vacancy in a deanery synod is not filled. There is a policy question as to whether, for example, a specified person should have power to give directions for what must happen to fill the vacancy (see, by way of comparison, SO 134(6) in the Standing Orders of the General Synod). The same point arises on new Rules 40(3) and M15.

### **Rule 28 (diocesan synod: house of clergy)**

23. Paragraph (1)(d) refers to a theological education institution as well as to a university, so as to provide a consequential amendment missed on the most recent electoral review exercise (see SI 2014/2133 in particular).

### **Rule 29 (diocesan synod: house of laity)**

24. Paragraph (2)(c) restates CRR 30(5)(c). That provision was amended by paragraph 9 of SI 2004/1889; but the amendment was not correct in that it purported to replace a textual reference to “eighteen” in text which instead referred more obliquely to the voting age at a Parliamentary election. The intention appears clear enough though.

### **Rule 31 (diocesan synod: restrictions on membership)**

25. Paragraph (1) does not restate the reference in CRR 30(7)(b) to the provincial episcopal visitor, given that the Episcopal Ministry Act of Synod 1993 was rescinded in 2014 as part of the package of reforms on women bishops. But the House of Bishops’ Declaration on the Ministry of Bishops and Priests, part of the same package, suggests that the functions of the provincial episcopal visitor should remain the same. Accordingly, paragraph (1)(b) expressly provides for suffragan bishops who are chosen to undertake ministry in a parish which has passed a resolution under the Declaration.

### **Rule 36 (diocesan synod: nomination)**

26. Paragraphs (1) to (4) restate CRR 32(4). It appears, on the second sentence of CRR 32(4), that the amendment made by paragraph 10 of SI 1999/2112 removed too much of the text, with the result that one proposition merges into another.

### **Rule 37 (diocesan synod: conduct of election)**

27. Paragraph (7) provides for the deadline of 1 August to apply to both duties. CRR 32(10) is not clear on the point but that is thought to be the intention.

### **Rule 41 (House of Laity of General Synod: membership)**

28. Paragraph (1)(e) seeks to resolve the ambiguity in CRR 35(1)(d) by providing for the election or choice, rather than the determination of that election or choice, to take place “as soon as reasonably practicable after any dissolution of the General Synod”.

### **Rule 47 (timing)**

29. Paragraph (3) follows CRR 39(1) by conferring a power which could provide for significantly different outcomes. It would, in accordance with the usual administrative law principles, have to be exercised reasonably and proportionately. But there is a policy question as to whether it should be made subject to any express restrictions.

### **Rule 49 (power to make election rules)**

30. This provides for the matters currently in CRR 35(3) to (6), 39(2) (part) and (3) to (13) and 40 to be made instead by the Synod in procedural rules. The matters to be covered correspond to those in the Clergy Representation Rules. There is a policy question as to whether the power should instead be a duty. The same point arises on new Rule 52. The transitional provision in paragraph 6 of Schedule 3 to the draft Measure ensures that the current provisions in the CRRs remain in force until the new procedural rules themselves come into force.

### **Rule 50 (enrolment appeals)**

31. Paragraph (7)(b) is based on CRR 43(4), as amended by paragraph 14 of SI 1999/2112. The effect of the reference in CRR 43(4) to publication of a new roll “as provided by rule 2(3)” is not clear. CRR 2(3) relates to the publication of a revised register, while CRR 2(6) relates to the publication of a new register and CRR 1(8) relates to the publication of additions or removals. The reference to CRR 2(3) is therefore not apt for the registers of electors. It is thought that the intention was nonetheless for CRR 43(4) to apply to those registers and the new Rule provides accordingly.

### **Rule 51 (election appeals)**

32. This new Rule is based on CRR 44 but without provision for appeals relating to elections to the House of Laity of the General Synod or to elections of churchwardens. Paragraphs (11) and (12) provide signposts to where those provisions are instead to be found, namely the new Rule 52 and the new section 5A of the Churchwardens Measure 2001 in paragraph 21 of Schedule 2 to the draft Measure.
33. Paragraph (2) refers to a choice made under the Rules, as well as an election. It is not clear from the current provision to which choices it applies. Perhaps, for example, it is intended to apply to the choice of a chair by an annual meeting under CRR 8(1). There is a policy question as to whether the reference to a choice should be limited.
34. Paragraph (2) also restates the current reference to an election or choice “purporting to be made”. But the meaning of that reference is not clear. Perhaps it is intended to refer to a case where an election has been held but not all the formalities have been observed. It is also not clear why there is not an equivalent reference in CRR 44(1)(a). There is a policy question as to whether there is a point which needs to be covered.
35. Paragraph (3) is based on CRR 44(6) but does not include the reference to a determination under “this rule” (namely, CRR 44), which looks to be a mistake. Read literally, it produces a circularity; there cannot be an appeal under CRR 44 on the ground of an error in the roll or register unless it has been determined on an appeal under CRR 44 that there has been an error in the roll or register. The reference to “this rule” also jars with the subsequent reference to a pending determination under CRR 43 (which suggests that an enrolment or removal could have been made in error).

36. The history of CRR 44(6) shows how the mistake has arisen. It derives from the previous rule 36A(5), which was inserted by SI 1989/2094. The reference there to “this rule” looks to be left over from the original rule 36(3), which also referred to “this rule”. But that reference was correct as rule 36 dealt with both enrolment appeals and election appeals. It is also worth noting that CRR 44(7), which makes special provision for the diocese in Europe, refers to the rule that corresponds with rule 43.
37. Paragraph (5) follows CRR 44(12) but does not refer to a declaration “in accordance with rule 39”. But CRR 39 does not provide for a declaration; paragraph (9) implies that a declaration will follow the count and paragraph (11) provides for a period to begin with the declaration. It is thought that the reference to CRR 39 is superfluous.
38. Paragraph (6) is based on CRR 44(4), which is expressed to be subject to CRR 44(6). It is thought that the reference should instead be to CRR 44(5) on the basis that it provides an exception to the general rule for giving notice of appeal. The new Rule is though drafted in a way which avoids the need for the reference at all.
39. Paragraphs (6) and (7) seek to resolve the ambiguity of the reference in CRR 44(4) to “the House of Laity of the General Synod or the diocesan synod” by providing for appeals relating to the house of laity and appeals relating to the house of clergy. There is a policy question as to whether paragraphs (6) and (7) produce the right result.
40. Paragraph (6) follows CRR 44(4) in providing that notice of an appeal by the chair of the house of laity of a diocesan synod must be given by the chair himself or herself. But there is a policy question as to whether that is the right result.
41. Paragraph (10) follows CRR 44(4)(b) by setting the period for bringing an appeal by reference to the day on which the election result is declared. But it is not clear how that is intended to work in the case of a choice. Nor is it clear how it is intended to work in a case where an enrolment appeal is brought first; it may well not have been determined within 14 days of the declaration of the result.

### **Rule 53 (referral of appeal to bishop’s council)**

42. Paragraph (1) provides for the period of 14 days to begin to run when the notice of appeal is received. CRR 43(5) does not say when the period begins. There is a policy question as to what the right result is. There is also a policy question as to whether notice of withdrawal is to be given to the person to whom notice of appeal was given.
43. Paragraph (3) is based on CRR 45(1)(e) but seeks to bring out more clearly what is thought to be the intention, namely that, until the appeal panel is appointed, the appellant is free to withdraw the appeal but, once the panel has been appointed, the appellant can withdraw the appeal only with the panel’s consent.

#### **Rule 54 (determination of appeal)**

44. Paragraph (1)(b) follows CRR 45(1)(a) in giving the appeal panel the right to require the production of information. But it is not clear what the sanction is to be for failure to comply with such a requirement. There is a policy question as to what it should be.
45. Paragraph (3) restates CRR 45(1)(c) but the intended effect of the current provision is not clear. The appeal panel will have been appointed after the appeal was lodged, and therefore after the notice of appeal was given. Perhaps the intention is to provide retrospective validity for a notice given late or to enable a party to join an appeal after it has been brought. There is a policy question as to what provision is needed here.
46. Paragraph (8) restates the closing part of CRR 45(1)(f). If the panel and the diocesan board of finance disagree about what is a reasonable amount, it is not clear how the disagreement is to be resolved. Perhaps the assumption is that in practice an agreement will be reached. There is a policy question as to whether there should be further provision here.

#### **Rule 55 (disqualifications)**

47. This new Rule restates part of CRR 46A, though does not include express provision for disqualification of a person who is disqualified under the general law as a charity trustee. Given that a PCC is a charity, a person disqualified as a charity trustee would necessarily be disqualified from membership of the PCC whether as an elected or as an ex officio member. Accordingly, CRR 46A(1)(a) does not add anything. Paragraph (5) seeks to remove any doubt there might otherwise be as to whether the general law will continue to apply to membership of a PCC.
48. This new Rule also does not include provision for disqualification of a person disqualified as a charity trustee from being a member of the House of Laity of the General Synod. That removes the current inconsistency between the Houses, as disqualification as a charity trustee is not a bar to membership of the House of Bishops or the House of Clergy; there is no provision to that effect in Canon H2 or H3 or in the Convocations (Elections to Upper House) Rules or the Clergy Representation Rules. There is a policy question as to whether the disqualification for members of the House of Laity should nonetheless be retained.

#### **Rule 70 (delegation by bishop or archbishop)**

49. In paragraphs (3) and (4), the words in brackets seek to remove the lack of clarity in CRR 53(7) and (8) as to which powers are, or are not, capable of delegation. There is a policy question as to whether these new provisions produce the right result.

### **Rule M1 (annual meeting: timing and attendance)**

50. Paragraph (3)(c) does not restate the words at the end of CRR 6(3)(c) (“without prejudice...”) on the basis that it is not clear how the renewal could be prejudiced.

### **Rule M5 (annual meeting: business)**

51. Paragraph (10) provides a signpost to the new provision for the appointment of sidesmen to be inserted in section 2(2) of the Parochial Church Councils (Powers) Measure 1956 by paragraph 10(2) of Schedule 2 to the draft Measure.

### **Rule M16 (chair and vice-chair)**

52. Paragraph (3) updates the reference in CRR Appendix 2 paragraph 1(h) to section 20(8A) of the Pastoral Measure 1983, so as to make express the non-textual amendment effected by section 17(2) of the Interpretation Act 1978.

### **Rule M17 (secretary and treasurer)**

53. Paragraph (5) seeks to remove the inconsistencies in CRR Appendix 2 paragraph 1 as to whether the PCC “shall” or “may” pay remuneration “(if any)”, by giving the PCC power to pay whatever remuneration (if any) it thinks appropriate.
54. Also on paragraph (5), the words in brackets make express what appears to be implied by the current provision.

### **Rule M21 (PCC meetings: notice)**

55. Paragraph (7) removes the ambiguity in CRR Appendix 2 paragraph 4(c) by requiring notice of the reconvened meeting to be given within 14 days of the original meeting date, rather than requiring the meeting itself to be held within those 14 days.

### **Rule M24 (PCC meetings: minutes)**

56. Paragraph (4) does not restate the distinction in CRR Appendix 2 paragraph 12(d) between “minutes” and “past minutes” but instead entitles a member of the PCC to have access to the minutes of any of its meetings.

### **Rule M25 (audit of financial statements)**

57. Paragraph (2) does not restate the reference in CRR Appendix 2 paragraph 16 to “any statutory modification” of section 155 of the Charities Act 2011. It is not thought that there are or have been modifications of that provision or those from which it derives. The reference is therefore omitted on the basis that including it for this provision only could raise a contrary intention for the purposes of section 20(2) of the Interpretation Act 1978 and lead to difficulties interpreting references to other statutory provisions.

### **Rule M26 (standing committee)**

58. Paragraph (3) provides for the removal of a person appointed by resolution to be by resolution itself, making express what is thought to be implied by CRR Appendix 2 paragraph 14(a).
59. Paragraphs (5) and (6) are new provisions which seek to define the proper remit of the standing committee. They reflect the position stated in an opinion of the Legal Advisory Commission entitled "Parochial Church Councils" (revised May 2003, further revised October 2016, paragraphs 18 to 21).

### **Rule M27 (other committees)**

60. Paragraph (2) gives the minister a power to choose whether to serve on committees; the current provision, in requiring the minister to serve on them, is regarded as burdensome in practice.

### **Rule M29 (parishes with more than one place of worship)**

61. Paragraph (3) provides for the scheme itself to delegate functions rather than providing a mechanism for that to be done. The reference in CRR 18(4) to "provision for the delegation" of functions does not accurately reflect the policy intention.

### **Rules M30 to M33 (joint councils)**

62. These new Rules make significant new provision which is to replace the current provisions enabling the creation of joint councils in addition to individuals PCCs. Instead, any two or more connected parishes (with "connection" being defined in new Rule M30(4)) are to have power to make a scheme for forming a joint council in place of the separate PCCs. Where such a scheme is in force, the property, rights and liabilities of the PCCs concerned will automatically vest in the joint council. Each PCC will continue to exist but will, in effect, be abeyance and will not carry out any functions. By virtue of new Rule 68, the scheme can be varied or revoked.

### **Part 10 (Forms)**

63. These provisions reproduce the existing Forms with whatever consequential amendments to the Notes etc. are required. New Rule 75(2) provides the necessary link between this Part and the references in the new Rules to particular Forms. The transitional provision in paragraph 9 of Schedule 3 ensures that existing forms can continue to be used.

### **Schedule 2: consequential amendments**

64. Paragraph 5(2) and (3) amend the City of London (Guild Churches) Act 1952 so as to replace each reference to a ruri-decanal conference with a reference to a deanery synod. That is the clear intention of section 5(2) of the Synodical Government Measure 1969; the absence of a reference there to Acts, alongside the reference to Measures, is thought to be an oversight.

65. Paragraph 12 inserts a new section 8A in the Parochial Church Councils (Measure) 1956 to include a general provision about filling vacant offices in parishes. The 1956 Measure is thought to provide a more suitable location than the new Rules.
66. Paragraph 21 inserts a new section 5A in the Churchwardens Measure 2001, subsection (4) of which does not restate the right of appeal which CRR 44(2)(c), when read literally, appears to give to the chair of the house of laity or house of clergy.