



THE CHURCH
OF ENGLAND

THE GENERAL SYNOD

General Synod Elections 2015

Election Rules of the Three Houses

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The law in this booklet is that in force on 1 March 2015.

CANON H 3

Of the Constitution of the Upper Houses of the Convocations

1. Whenever the Lord Archbishop of Canterbury shall summon a Convocation of that Province, the following persons, and they only, shall henceforth be cited to appear in the Upper House of the said Convocation:

- (a) the diocesan bishops of the Province;
- (b) the Bishop of Dover;
- (bb) the Bishop to the Forces, if chosen by the Armed Forces Synod as soon as practicable after any dissolution of the Convocation;
- (c) five persons elected in such manner as may be provided by rules made under this Canon by and from among the suffragan bishops of the Province (other than the Bishop of Dover) and the other persons in episcopal orders working in a diocese in the Province who are members of the House of Bishops of that diocese;
- (d) other persons in episcopal orders residing in the province who are members of the Archbishops' Council;
- (e) the Chair of the Dioceses Commission, if that person is in episcopal orders and residing in the province;

and those persons together with the said Archbishop shall constitute the said Upper House.

Provided that, where a See is vacant during any meeting of the Upper House, and a suffragan bishop is, during the period of that meeting, exercising functions of the diocesan bishop by virtue of an instrument under section 14 of the Dioceses, Pastoral and Mission Measure 2007, and has not been elected to the Upper House under sub-paragraph (c) above, the suffragan bishop may attend and speak, but not vote, at that meeting in place of the bishop. Where 2 or more persons exercise functions by virtue of such an instrument the archbishop of the province or, if the see of that archbishop is vacant, the archbishop of the other province, shall determine which of those persons may attend and speak at that meeting in place of the bishop.

For the purposes of this Canon and any rules made thereunder the diocese in Europe shall be deemed to be a diocese in the Province of Canterbury.

2. Whenever the Lord Archbishop of York shall summon a Convocation of that Province, the following persons, and they only, shall henceforth be cited to appear in the Upper House of the said Convocation:

- (a) the diocesan bishops of the Province;
- (b) four persons elected in such manner as may be provided by rules made under this Canon by and from among the suffragan bishops of the Province and the other persons in episcopal orders working in a diocese in the Province who are members of the House of Bishops of that diocese;
- (c) other persons in episcopal orders residing in the province who are members of the Archbishops' Council;
- (d) the Chair of the Dioceses Commission, if that person is in episcopal orders and residing in the province;

and those persons together with the said Archbishop shall constitute the said Upper House.

Provided that, where a See is vacant during any meeting of the Upper House, and a suffragan bishop is, during the period of that meeting, exercising functions of the diocesan bishop by virtue of an instrument under section 14 of the Dioceses, Pastoral and Mission Measure 2007, and has not been elected to the Upper House under sub-paragraph (b) above, the suffragan bishop may attend and speak, but not vote, at that meeting in place of the bishop. Where 2 or more persons exercise functions by virtue of such an instrument the archbishop of the province or, if the see of that archbishop is vacant, the archbishop of the other province, shall determine which of those persons may attend and speak at that meeting in place of the bishop.

3. Where any persons, being a member of the Upper House of the Convocation of Canterbury or a member of the Upper House of the Convocation of York ceases to be eligible for such memberships, he shall be deemed to have vacated his seat.

4. An election to fill a casual vacancy shall, except as may be otherwise provided by rules made under this Canon, be conducted in the same manner as an ordinary election.

5. The power to make rules under this Canon shall be exercised by the General Synod in accordance with Standing Orders of the General Synod.

THE CONVOCATIONS (ELECTION TO UPPER HOUSE) RULES 1989 TO 2014

Made 8th November 1989 and amended by the Convocations (Election to Upper House) (Amendment) Rules 1994 (made 29th November 1994) and the Convocations (Election to the Upper House) Rules (Amendment) Resolution 2005 (made 15th February 2005).

In pursuance of the powers conferred by paragraph 5 of Canon H3 enabling the General Synod to make rules for the representation of suffragan bishops and others in episcopal orders in the Upper House of Convocation, the General Synod hereby makes the following rules:

ELECTIONS

1. The presiding officer shall issue citation to the suffragan bishops of each province and the persons in episcopal orders working in a diocese in either of the provinces who are members of the house of bishops of that diocese (in these rules collectively called “the qualified electors”) in respect of the election of five persons from among their number in the Province of Canterbury and of four persons from among their number in the Province of York.

2. Every candidate must be nominated and seconded by a qualified elector in the province in question. All nominations shall be in writing, shall include the year of the candidate’s birth and a statement as to whether the candidate has previously served as a member of the Upper House of the Convocation and, if so, as to the dates of the candidate’s previous service and shall be delivered either by post, as an attachment to electronic mail, by facsimile transmission or in person to the presiding officer, together with evidence of the candidate’s consent to serve, within such period, being a period of not less than twenty-eight days ending on such date as may be specified by the presiding officer.

3. If, in the case of the Province of Canterbury, five persons only are nominated, or, in the case of the Province of York, four persons only are nominated, the presiding officer shall declare them to be duly elected, but if a poll is necessary he shall issue to each qualified elector a voting paper which shall include the year of birth of each candidate and shall specify the time and date by which and the place to which the voting paper is to be returned.

4. The election shall be conducted by voting papers by the method of the single transferable vote under rules to be made from time to time as provided by the Standing Orders of the General Synod.

5. The presiding officer shall send the names of those duly elected to the Secretary-General of the General Synod.

6. The term of office of persons elected as members of the Upper House of Convocation shall be for the lifetime of the said Convocation for which they are elected or chosen, but without prejudice to their acting under Article 3(4) of the Constitution of the General Synod during the period of dissolution or their continuing to be ex officio members of other bodies constituted under the Church Representation Rules during that period.

CASUAL VACANCIES

7. (1) Subject to paragraph (2) below, elections to fill casual vacancies shall be held in like manner as an ordinary election as soon as reasonably practicable after the vacancy has occurred, and shall be completed within six months from the occurrence of the vacancy and in the event of the vacancy not being filled within the period, the Archbishop of the Province may give directions to the presiding officer as to the date by which the vacancy must be filled.

(2) Where a casual vacancy occurs and the period for holding a general election is due to begin within 12 months of the vacancy, the vacancy shall not be filled unless the archbishop of the province otherwise directs and his decision shall be communicated to the presiding officer.

(3) Where a casual vacancy occurs within the period of two years –

- (a) beginning with 1st August in the year of the last general election to the Upper House of the Convocation; or
- (b) beginning with the date of the declaration of the result of an election to fill a casual vacancy where the election was conducted by voting papers in the same manner as a general election;

the election to fill the casual vacancy shall be conducted by those papers in accordance with paragraph (4) hereof.

(4) The presiding officer shall ask every candidate not elected in the preceding election who is still qualified for election, if he consents to serve. If there is only one such candidate and he so consents or only one of those candidates so consents he shall be elected to fill the casual vacancy. If two or more of those candidates so consent the votes validly cast in the preceding election shall be recounted from the beginning in accordance with the rules referred to in rule 4. Provided that no continuing candidate elected during the original count shall be excluded.

(5) In this rule the expression “casual vacancy” includes the case where insufficient candidates have been nominated to fill the places available.

(6) For the purposes of paragraph (2), the time when the period for holding a general election is due to begin is the time when the Convocations of the Provinces are dissolved under section 1(2) of the Church of England Convocations Act 1966.

APPEALS

8. (1) Notice of an appeal arising out of –

- (a) a dispute concerning the eligibility of an elector or of a candidate in an election;
- (b) the allowance or disallowance of any vote given or tendered in an election; or
- (c) the result of any election held or purported to be held under these rules;

shall be given in writing to the Archbishop of the province not later than fourteen days after the decision concerning eligibility or not later than fourteen days after the result of the election has been announced by the presiding officers, as the case may be.

(2) The archbishop shall within fourteen days of the appeal being lodged, refer the appeal to the Standing Committee of the House of Bishops unless within that period the appellant withdraws it in writing. The said Standing Committee shall appoint three or a greater number being an odd number of the diocesan bishops of the province to consider and decide the appeal.

(3) The bishop 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 person appointed the appeal is withdrawn, determine the matter at issue and, in an election appeal shall determine whether –
 - (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 (f) hereof:
- (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 Archbishops' Council and to direct that a party shall be responsible for the reasonable expenses of the bishops appointed to hear the appeal; save that in so far as the same have not been paid by any other person the Archbishops' Council shall pay all expenses of the bishops appointed to hear the appeal provided that the said Board shall first be satisfied that they are reasonable in amount.

(4) Where an appeal is pending under this rule any person who was declared elected in accordance with rule 5 but whose election is or may be affected by the appeal shall for all purposes be deemed to be a member of the house and the General Synod until the appeal is heard and disposed of.

EXPENSES

9. The expenses incurred by the presiding officer shall be paid out of the General Synod fund.

INTERPRETATION

10. In these rules –

“person in episcopal orders” means such persons working in a diocese in either of the said provinces who are members of the house of bishops of that diocese pursuant to Church Representation Rule 30(2) at 6.00 a.m. on the date of dissolution of the General Synod, or, where a casual vacancy is being filled, at 6.00 a.m. on the date on which the nomination papers for the election are issued;

“presiding officer” means the registrar of the province or a person appointed by him;

“suffragan bishop” means a person who holds the office of suffragan bishop in either of the said provinces at 6.00 a.m. on the date of dissolution of the General Synod, or, where a casual vacancy is being filled, at 6.00 a.m. on the date on which the nomination papers for the election are issued.

REVOCATION AND CITATION

11. The Convocations (Election of Suffragan Bishops) Rules 1975 and 1984 are hereby revoked.

12. These rules may be cited as the Convocations (Election to Upper House) Rules 1989 to 2014.

CANON H 2

Of the Representation of the Clergy in the Lower House of the Convocations

(This is a conflated text of two parallel Canons promulgated by the Convocations of Canterbury and York. Wording which appears only in the Canterbury or the York version is distinguished by the paragraph heading or shown in square brackets.)

CANTERBURY

1. Whenever the Lord Archbishop of Canterbury shall summon a Convocation of that Province, the following persons, and they only shall henceforth be cited to appear in the Lower House of the said Convocation:

- (a) three persons elected by and from among the deans of all the cathedral churches in the province, the deans of the two collegiate churches of St Peter in Westminster and of St George, Windsor, and the Dean of the Cathedral Church of the Holy Trinity in Gibraltar in such manner as may be provided by rules made under this Canon;
- (b) either the Dean of Jersey or the Dean of Guernsey as may be determined in such manner as may be provided by rules made under this Canons;
- (c) *repealed*;
- (d) not less than three nor more than four persons in holy orders elected or chosen from among the chaplains of the armed forces in such manner as may be determined by the Armed Forces Synod as soon as practicable after any dissolution of the Convocation, provided that the total number of persons elected or chosen under this subparagraph, paragraph 1(bb) of Canon H 3 and Rule 35(1)(d) of the Church Representation Rules shall not exceed seven;
- (dd) the Chaplain General of Prisons or, where the holder of that office is not a person in holy orders, such prison chaplain as may be nominated by the Archbishop of Canterbury;
- (e) proctors of the clergy who shall be elected in accordance with the following provisions of this Canon provided that not more than one archdeacon shall be elected for any diocese or, where a diocese is divided into electoral areas, for any such area;
- (f) not more than two persons chosen by and from the priests and deacons who are members of religious communities having their

mother house in the province in such manner as may be provided by rules made under this Canon;

- (g) each of the following persons, if he is a priest or deacon, the Dean of the Arches and Auditor, the Vicar-General of the Province, the Third Church Estates Commissioner, the Chairman of the Church of England Pensions Board and any member of the Archbishops' Council beneficed, licensed or resident in the province;
- (h) the Chair of the Dioceses Commission, if that person is a priest or deacon residing in the province

and those persons, together with any persons co-opted under paragraph 11 hereof, shall constitute the said Lower House. For the purposes of this Canon and any rules made thereunder the diocese in Europe shall be deemed to be a diocese in the Province of Canterbury and references to a diocese, shall be construed accordingly.

YORK

1. Whenever the Lord Archbishop of York shall summon a Convocation of that Province, the following persons, and they only, shall henceforth be cited to appear in the Lower House of the said Convocation:

- (a) two persons elected by and from among the deans of all the cathedral churches in the province in such manner as may be provided by rules made under this Canon;
- (b) *repealed*;
- (c) proctors of the clergy who shall be elected in accordance with the following provisions of this Canon provided that not more than one archdeacon shall be elected for any diocese or, where a diocese is divided into electoral areas, for any such area;
- (d) not more than two persons chosen by and from the priests and deacons who are members of religious communities having their mother house in the province in such manner as may be provided by rules made under this Canon;
- (e) each of the following persons, if he is a priest or deacon, the Vicar-General of the Province and any member of the Archbishops' Council beneficed, licensed or resident in the province;

- (f) the Chair of the Dioceses Commission, if that person is a priest or deacon residing in the province

and those persons, together with any person co-opted under paragraph 11 hereof, shall constitute the said Lower House.

BOTH CONVOCATIONS

1A. A person in episcopal orders shall not be qualified to be elected, appointed, chosen or co-opted to be a member of the Lower House and no person who is a member of the House of Bishops of a diocesan synod shall be entitled to elect or choose a member or members of the Lower House; and any member of the Lower House who is ordained or consecrated as a bishop shall be deemed to have vacated his seat.

2. Each diocese in the Province shall be an electoral area, and the number of persons elected for a diocese shall be in such proportion to the number of electors in that diocese as shall be determined from time to time by the General Synod:

Provided that

- (a) The total number of proctors directly elected and specially elected from the dioceses in the Province shall not exceed [133 in the case of the Province of Canterbury] [58 in the case of the Province of York] and no diocese shall have fewer than three directly elected proctors [except the diocese of Sodor and Man which shall have one proctor – York]. The priests and deacons chosen for the electoral area constituted under paragraph 3, the priests and deacons chosen from the members of the religious communities, the chaplains mentioned in paragraph 1(d) of the provisions relating to the Convocation of Canterbury and ex officio and co-opted proctors shall be additional to the said total number.

In this paragraph “proctors specially elected” means [the deans and the Dean of Jersey or Guernsey as the case may be – Canterbury] [the Deans – York] and they shall be included in the said total number;

“ex-officio proctors” means the proctors referred to in [paragraph 1(dd) and (g) – Canterbury] [paragraph 1(e) – York] of this Canon; and

“co-opted proctors” means the proctors referred to in paragraph 11 of this Canon.

- (b) It shall be competent for the Archbishop of the province on the petition of the electors in any diocese to divide the diocese into electoral areas and to assign a number of proctors to each area from the number allowed to the whole diocese; the division and assignment to be made in such manner that no electoral area will have fewer than three proctors and the number of proctors assigned to each area will be proportionate to the number of electors within that area.
 - (c) In determining the number of proctors to be assigned to or elected for an electoral area such divisor method as may from time to time be specified by the Business Committee of the General Synod shall be used.
- 3. (1) The universities and theological education institutions in each province shall together constitute a single electoral area.
 - (2) Four proctors shall be elected for that area; and (provided that there is at least one candidate in each province) at least one of them shall be elected from a university or theological education institution in the Province of Canterbury and at least one from a university or theological education institution in the Province of York.
 - (3) In this paragraph, “theological education institution” means an institution recognised by the House of Bishops as an institution for training candidates for ordination as ministers of the Church of England.
- 4. Where a diocese or part thereof is an electoral area, the electors shall be -
 - (a) all clerks in holy orders exercising the office of Assistant Bishop in the area,
 - (b) all archdeacons holding office in the area,
 - (c) all clerks in holy orders beneficed in the area,
 - (d) all clerks in holy orders holding office in a cathedral church in the area or, in the case of the Province of Canterbury, either of the two collegiate churches referred to in paragraph 1(a) above; and
 - (e) all clerks in holy orders licensed under seal by the bishop of the diocese and all clerks in holy orders who are members of a deanery synod in the area and have written permission from the bishop of the diocese to officiate within that diocese,

but excluding members of the House of Bishops of the diocesan synod, deans, in the case of the Province of Canterbury the chaplains mentioned in paragraphs 1(d) and (dd) above and members of the religious communities.

Provided that no person shall be entitled to vote in more than one electoral area.

CANTERBURY

4A. (1) In its application to the diocese in Europe, paragraph 4 has effect as if the reference in sub-paragraph (e) to a deanery synod included a reference to an archdeaconry synod.

(2) The reference in paragraph 5 to a deanery synod is, in the case of the diocese in Europe, to be read accordingly.

YORK

4A. (1) In its application to the diocese of Sodor and Man, paragraph 4 has effect as if the reference in sub-paragraph (e) to a deanery synod were a reference to the diocesan synod.

(2) The reference in paragraph 5 to a deanery synod is, in the case of Sodor and Man, to be read accordingly.

BOTH CONVOCATIONS

5. Subject to paragraphs 5A, 5B and 5C of this Canon the persons eligible as proctors for an electoral area shall be those who have been admitted to Deacon's or Priest's Orders and are entitled to vote in that electoral area or would have been so entitled under paragraph 4(e) above had they been members of a deanery synod.

Provided that a person shall be disqualified from serving as proctor for an electoral area if he holds 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 Church Commissioners for England (except that such disqualification shall not apply to any Commissioner in receipt of a salary or other emoluments), the Church of England Pensions Board or the Corporation of the Church House.

5A. Where any person, being a clergyman who

- (a) is beneficed in, or licensed to, any parish in an electoral area consisting of a diocese or part of a diocese, or

- (b) is licensed to serve as a vicar in a team ministry established for the area of any benefice in that electoral area,

would be entitled to vote in that electoral area but for the fact that he is entitled to vote in the electoral area constituted under paragraph 3, then, subject to paragraphs 5B and 5C of this Canon, that person shall be eligible as a proctor for such one of those electoral areas as he may elect before any election.

5B. No person shall be entitled to offer himself for election in more than one electoral area.

5C. Where any person makes an election under paragraph 5A of this Canon in a general election of proctors for either of the electoral areas referred to in that paragraph, or in an election to fill a casual vacancy in the proctors elected for either of those areas, then, if he is a candidate in any subsequent election to fill such a vacancy which occurs before the next following general election of proctors for the said areas, he shall be eligible as a proctor only for the electoral area for which he was eligible by virtue of the election made by him under the said paragraph 5A.

6. Elections of proctors shall, subject to the foregoing provisions of this Canon, be conducted in accordance with rules made under this Canon.

7. Any proctor elected for a diocese or part thereof who ceases to be eligible under paragraph 5 and 5A of this Canon for that diocese or any part thereof shall, unless the clerical members of the Bishop's Council and Standing Committee of the diocese have determined before the vacancy occurs or as provided below that he is able and willing to continue to discharge to their satisfaction the duties of a member of the Lower House elected for that diocese, be deemed to have vacated his seat.

Provided that there shall be no power for the Bishop's Council to make a determination under this paragraph where the seat is vacated by virtue of the proviso to paragraph 5 hereof.

And provided further that the clerical members of the Bishop's Council and Standing Committee of the diocese shall not later than one year after any such determination and annually thereafter review the proctor's membership and determine whether he is able and willing as aforesaid.

8. Where any person:

- (a) being a member of the Lower House under paragraph [1(a), (b), (dd) or (g) – Canterbury] [1(a) or (e) – York] of this Canon, vacates the

office by virtue of which he was eligible for or entitled to such membership;

- (b) having been chosen under paragraph 1 [(f) – Canterbury] [(d) – York], ceases to be a member of a religious community in the Province;

[(bb) having been nominated by the Archbishop of Canterbury under paragraph 1(dd) either vacates his office or a Clerk in Holy Orders is admitted to the office referred to in the said paragraph – Canterbury];

- (c) having been elected under paragraph 3, ceases to be eligible for the electoral area constituted under that paragraph;

- (d) being a member of the said Lower House has his election or choice declared void in accordance with rules made under this Canon;

he shall be deemed to have vacated his seat.

9. Subject to the provisions of this paragraph an election, appointment, or choice of a person to fill a casual vacancy shall, except as may be otherwise provided by rules made under this Canon, be conducted in the same manner as an ordinary election, appointment or choice and shall be completed, so far as possible, within six months of the occurrence of the vacancy and in the event of the vacancy not being filled within that period, the Prolocutor of the Lower House may give directions to the presiding officer as to the date by which the vacancy must be filled.

Provided that where a casual vacancy occurs less than twelve months before an ordinary election to the Lower House will be held, the vacancy shall not be filled unless the clerical members of the bishop's council and standing committee so direct.

10. The powers to make rules under this Canon shall be exercised by the General Synod in accordance with Standing Orders of the General Synod.

11. The Lower House of the Convocation shall have power to co-opt not more than [three – Canterbury] [two – York] persons who have been admitted to priest's orders to be members of that House. The House may, in the case of any such member, fix a period of membership shorter than the lifetime of the Convocation.

THE CLERGY REPRESENTATION RULES 1975 TO 2014

Made pursuant to paragraph 10 of Canon H2 by the General Synod on 6th February 1975 as amended by the Clergy Representation (Amendment) Rules 1980 (made 12th February 1980), by the Clergy Representation (Amendment) Rules 1984 (made 7th July 1984), by the Clergy Representation (Amendment) Rules 1989 (made 8th November 1989) by the Clergy Representation (Amendment) (Rules) 1994 (made 29th November 1994), by the Clergy Representation (Amendment) Rules 1999 (made 12th July 1999), the Clergy Representation Rules (Amendment) Resolution 2004 (made 10th July 2004) and the Clergy Representation Rules (Amendment) Resolution 2014 (made 15th July 2014) .

ELECTION OF DEANS

1. The presiding officer shall issue citation to the Deans of all the cathedral churches in each province and, in the Province of Canterbury, the Deans of the two collegiate churches of St Peter in Westminster and St George, Windsor in respect of the election of three persons from among their number in the Province of Canterbury and two persons from among their number in the Province of York.
2. The presiding officer shall be the registrar of the province or a person appointed by him.
3. If, in the case of the Province of Canterbury, three persons only are nominated, or, in the case of the Province of York, two persons only are nominated, the presiding officer shall declare them to be duly elected, but if more candidates are nominated than the seats to be filled the election shall be conducted in accordance with these rules.
4. The Dean of Guernsey and the Dean of Jersey shall agree and, in default of agreement, the Bishop of Winchester shall determine, which of them shall represent the Channel Islands in the Lower House of Convocation next constituted after the making of these Rules and the same procedure shall be adopted in the case of each subsequent Convocation.
5. If the office of either Dean falls vacant during his membership of the Lower House, the other Dean shall take his place as member of the Lower House for the remainder of the life of that Convocation.

Rules 6 and 7 repealed.

ELECTION OF PROCTORS FOR DIOCESES

8. (a) The electors in the each diocese, or part of a diocese being a separate electoral area, shall be those who are qualified as such under

paragraph 4 of Canon H2 at 6.00 a.m. on the date of the dissolution of the Convocation.

- (b) The diocesan electoral registration officer appointed under rule 29 of the Church Representation Rules shall record the names and addresses of all electors who are qualified as such under paragraph 4 of Canon H2 in a register (in these rules referred to as “the register of Convocation electors”); the members co-opted to the Houses of Clergy of the Deanery Synods in the diocese shall be listed separately in the said register.
- (c) The register of Convocation electors shall be open to inspection at the diocesan office and any errors and omissions in the list may be corrected until the close of nominations. Thereafter no names may be added or removed until the declaration of the result of the election and those persons whose names are entered in the register shall be the qualified electors entitled to vote in that election.

9. On receipt of the citation from the registrar of the province the bishop of each diocese shall cause the electors in his diocese to proceed to the election of proctors to the number specified in the citation or, in the case of an electoral area being part of the diocese, the number assigned to that electoral area under paragraph 2 of Canon H2.

10. The presiding officer shall be the registrar of the diocese or a person appointed by him with the approval of the registrar of the province.

11. If the number nominated is equal to the number to be elected the presiding officer shall declare those nominated to be duly elected, but if more candidates are nominated than the seats to be filled the election shall be conducted in accordance with these rules.

ELECTION OF PROCTORS FOR UNIVERSITIES AND THEOLOGICAL EDUCATION INSTITUTIONS

12. (1) The electors in the electoral area constituted under paragraph 3 of Canon H2 shall be the persons whose names are included in the register of electors maintained for the purposes of this paragraph.

(2) The presiding officer—

(a) shall establish and maintain the register of electors, and

(b) shall secure that the up-to-date register of electors is published on the Church of England website.

(3) A person shall be entitled to have his name included in the register of electors if he makes a written declaration to the presiding officer that he meets the first and second conditions and, where applicable, the third.

(4) The first condition is that the person is a priest or deacon of the Church of England who is authorised by a bishop to officiate in a diocese in either province.

(5) The second condition is that the person—

- (a) is employed to teach and research by a university in one of the provinces or by a college of such a university,
- (b) is the head or a fellow of a college of such a university, or
- (c) is employed to teach and research by a theological education institution in one of the provinces that is recognised by the House of Bishops as an institution for training candidates for ordination as ministers of the Church of England (referred to in these Rules as a “TEI”).

(6) The third condition is that—

- (a) where the university in question is Oxford University, the person is a member of Congregation;
- (b) where the university in question is Cambridge University, the person is a member of the Regent House;
- (c) where the university in question is Durham University, the person is a member of Convocation.

(7) The reference in paragraph (5)(a) to the college of a university includes, in the case of Oxford University, a reference to the Cathedral Church of Christ in Oxford.

(8) The reference in paragraph (5)(b) to the fellow of a college includes a reference to a Canon or Student of the Cathedral Church of Christ in Oxford; but the reference to the head of a college does not include a reference to the Dean of Christ Church.

(9) The reference in paragraph (5)(c) to being employed to teach and research by a TEI is a reference to being so employed on at least a half-time basis.

(10) A declaration under paragraph (3) must include an explanation of how the person meets the conditions.

(11) The presiding officer shall be entitled to regard a declaration under paragraph (3) as accurate unless its inaccuracy in some respect is readily apparent.

(12) The presiding officer shall give reasonable notice of an election in the electoral area (including one to fill a casual vacancy, unless the election is to be conducted by the voting papers of a previous election) inviting applications for inclusion in the register of electors.

(13) Any question as to the location of a university or TEI is to be determined for the purposes of these Rules by the presiding officer.

13. The presiding officer for the electoral area shall be the Joint Registrar of the Provinces of Canterbury and York or a person appointed by him.

14A. (1) This paragraph applies where, in the case of either province, no candidates from the universities or TEIs in that province are nominated.

(2) If no more than three candidates from the universities or TEIs in the other province are nominated—

- (a) the presiding officer shall declare the candidate or candidates concerned to be elected, and
- (b) the remaining vacancy or vacancies are to be filled as casual vacancies.

(3) Where there is only one vacancy to be so filled, it must be filled by a candidate nominated from the universities or TEIs in the province from which no candidates have so far been nominated; and where there is more than one vacancy, at least one must be filled by a candidate of that description.

(4) If more than three candidates from the universities or TEIs in the other province are nominated—

- (a) an election shall proceed for the purpose of filling three vacancies, and
- (b) the fourth vacancy is to be filled as a casual vacancy by a candidate of the description given in paragraph (3).

14B. (1) This paragraph applies where, in the case of either province, only one candidate from the universities or TEIs in that province is nominated.

(2) The presiding officer shall declare that candidate to be elected.

(3) If no candidates from the universities or TEIs in the other province are nominated, paragraph 14A(2) and (3) applies.

(4) If only one or two candidates from the universities or TEIs in the other province are nominated—

(a) the presiding officer shall declare that candidate or those candidates to be elected, and

(b) the remaining vacancy or vacancies are to be filled as casual vacancies (by a candidate or candidates nominated from the universities or TEIs in either province).

(5) If only three candidates from the universities or TEIs in the other province are nominated, the presiding officer shall declare those candidates to be elected.

(6) If more than three candidates from the universities or TEIs in the other province are nominated, an election shall proceed for the purpose of filling three vacancies.

14C. A candidate elected shall be eligible to appear only in the Lower House of Convocation of the province in which the university or TEI in question is situated.

CHOICE OF REPRESENTATIVE OF RELIGIOUS COMMUNITIES

15. On the dissolution of the Convocation the secretary of the Advisory Council for Religious Communities shall furnish to the registrar of the Province of Canterbury a list of the religious communities whose mother house is situated in each province and whose members include clergymen of the Church of England, and in the following rules “Religious Community” means a religious community specified in the list.

16. The electors shall be priests or deacons of the Church of England who are certified by the head of a religious community to be members of that community and are resident either in the Province of Canterbury or in the Province of York.

17. The presiding officer shall be the registrar of the Province of Canterbury or a person appointed by him.

18. On receipt of the citation from the registrar the head of each religious community shall –

- (a) inform the presiding officer in writing of the number of members of the community who are qualified electors;
- (b) send to the presiding officer by the time and date specified in the citation the name and year of birth of any candidates, being qualified electors who have been admitted to Deacon's or Priest's Orders, duly nominated and seconded by qualified electors of a religious community in either province.

19. If only two candidates are nominated, the presiding officer shall declare them to be elected, but if a poll is necessary, he shall issue to the head of each religious community a number of voting papers equal to the number of members who are qualified electors specifying in the voting papers the year of birth of each candidate and the time and date by which and the place to which the voting papers are to be returned by the electors to the presiding officer.

19A. The candidates elected shall be eligible to appear only in the Lower House of Convocation of the province in which the mother house of their community is situated.

CONDUCT OF ELECTIONS

20. (1) On receipt of the names and addresses of the qualified electors from the diocesan electoral registration officer (which shall, in the case of each elector who has notified the diocesan electoral registration officer that he wishes to receive and send nomination papers and receive election addresses by electronic mail, include the electronic mail address which the elector has authorised for those purposes), the presiding officer shall ensure that in respect of the election –

- (a) those persons are sent or given nomination papers (which, in the case of a person who has authorised the use of an electronic mail address, shall be sent to that address); and
- (b) only such persons are sent or given voting papers at the address entered against their names in the register of electors or at some other address notified in writing to the presiding officer by the person concerned before the close of nominations.

The presiding officer shall also send nomination papers to any other person who requests them (and, if the person making the request authorises the use of an electronic mail address, the papers shall be sent to that address).

(2) Every candidate must be nominated and seconded by electors qualified to vote in the constituency in which the candidate is seeking to be elected. All nominations shall be in writing, shall include the year of the candidate's birth and a statement as to whether the candidate has previously served as a member of a Convocation and, if so, as to the dates of the candidate's previous service and shall be delivered either by post, as an attachment to electronic mail, by facsimile transmission or in person to the presiding officer of the constituency, together with evidence of the candidate's consent to serve, within such period, being a period of not less than twenty-eight days ending on such date as may be specified by the presiding officer.

(3) It shall be the duty of the presiding officer –

- (a) to scrutinise nomination papers as soon as they have been lodged and shall, without delay, inform the candidate concerned whether the nomination is valid. Where the nomination is invalid the presiding officer shall give his reasons for so ruling and if, by the close of the nomination period, no valid nomination is received, the candidate shall be excluded from the election;
- (b) to supply free of charge to a duly nominated candidate in the election one copy of the names and addresses of the qualified electors (including, if an elector has authorised the use of an electronic mail address, that address) within seven days of receiving his written request.

(4) If any of the candidates so request the presiding officer shall despatch to every elector election addresses from those candidates being not more than one sheet of A4 paper of which one copy shall be provided by the candidates at their own expense and be delivered or sent by electronic mail to the presiding officer by such date as he shall determine being not less than seven days after the close of nominations. The presiding officer shall be under no obligation to despatch to electors election addresses which are received after the due date or which are not in the prescribed form.

(4A) It shall also be the duty of the presiding officer, before voting papers are issued, to post or cause to be posted on the website of the diocese concerned copies of all election addresses received by the due date in the prescribed form, together with a list of all the candidates.

(5) It shall be the duty of the presiding officer in any election under these rules to seek to ensure that during the period beginning with the date on which nominations are invited and ending on the last date for the return of voting papers,

no papers or other literature except election addresses prepared by the candidates under paragraph (4) of this rule shall be circulated to the electors by him or by or under authority of the diocesan synod or the deanery synod or distributed at a synod meeting which in his opinion are likely to prejudice the election. The rural dean and the lay chairman and secretary of the deanery synod shall also be under a duty to seek to ensure that during the election period no papers or other literature form part of an official circulation or are distributed at a synod meeting which in the opinion of any of them are likely to prejudice the election.

(5A) The presiding officer for the electoral area constituted under paragraph 3 of Canon H2 shall not add a name to, or remove a name from, the register of electors under rule 12 during the period—

- (a) beginning with the sending of nomination papers under paragraph (1)(a) for an election in the electoral area, and
- (b) ending with the declaration of the result of the election.

(6) If more candidates are nominated for the constituency than there are seats to be filled, the election shall be conducted by voting papers by the method of the single transferable vote under rules to be made from time to time as provided by the Standing Orders of the General Synod. Every voting paper, which shall include the year of birth of each candidate and a statement as to whether the candidate has previously served as a member of a Convocation and, if so, as to the dates of the candidate's previous service, shall be marked and signed on the reverse thereof by the elector and shall be returnable to the presiding officer within such period, being a period of not less than twenty-one days after the date on which the voting paper is issued, as that officer may specify, provided that a voting paper sent by facsimile transmission shall not be counted as a valid vote.

(7) A candidate or a person nominated by him has the right to be present at the counting of the votes in order to scrutinise the count but shall take no part in it. The presiding officer shall give not less than seven days notice in writing to each candidate of the time and place at which the votes are to be counted.

(8) Where within seven days of a count being completed the presiding officer is of the opinion that a recount should take place because of a possible irregularity or inaccuracy in the count, he may, with the concurrence of the registrar of the province, order such a recount and shall give notice in writing to each candidate of the time and place at which the votes are to be recounted.

(9) A full return of the result of any election and of the result sheet shall be sent by the presiding officer within four working days of the declaration of the result to every candidate in the election, the Clerk to the General Synod and an election scrutineer appointed by the Business Committee of the General Synod.

The scrutineer shall have power within ten days of the declaration of the result to order a recount of the voting papers if in his opinion this might be material to the result of the election.

(10) The full return of the result and the result sheet shall, until the end of the first group of sessions of the new Synod—

- (a) in the case of an election in a diocese or part of a diocese, be displayed in the diocesan office, posted on the diocese's website and displayed at the General Synod office;
- (b) in the case of any other election, be displayed at the General Synod office and posted on the Church of England website.

(11) The presiding officer in each constituency shall ensure that the valid voting papers received by him for the purpose of any election to convocation are preserved for a period of not less than two years beginning with the date of the election.

21. The term of office of persons elected or chosen as members of the Lower House of Convocation shall be for the lifetime of the said convocation for which they are elected or chosen, but without prejudice to their acting under Article 3(4) of the Constitution of the General Synod during the period of dissolution or to their continuing to be ex officio members of other bodies constituted under the Church Representation Rules during that period.

RESIGNATION

22. Any person being an elected, appointed, chosen or co-opted member of a Convocation may resign his membership by notice in writing signed by him and sent or given to the registrar of the province, and his resignation shall take effect on the date specified in the notice or, if no date is so specified, on the receipt of the notice by the said registrar.

CASUAL VACANCIES

23. (1) Elections to fill casual vacancies shall be held in like manner as an ordinary election as soon as reasonably practicable after the vacancy has occurred, and shall be completed, so far as possible, within six months of the occurrence of the vacancy and, in the event of the vacancy not being filled within that period, the Prolocutor of the Lower House may give directions to the presiding officer as to the date by which the vacancy must be filled; and the relevant rules shall apply accordingly with such modifications as may be necessary.

Provided that where a casual vacancy occurs and the period for holding a general election is due to begin with 12 months of the vacancy, the vacancy shall not be filled unless the clerical members of the bishop's council and standing committee, acting in accordance with any directions of the diocesan synod, otherwise direct, and their decision shall be communicated to the registrar of the province.

(2) In an election to fill casual vacancies the electors in a diocese, or part of a diocese being a separate electoral area, shall be those who are qualified as such under paragraph 4 of Canon H2 at 6.00 a.m. on the date of the issue of the citation by the registrar of the province.

(3) Where a casual vacancy amongst diocesan proctors occurs within the period of two years –

- (a) beginning with 1st August in the year or the last general election to the lower house of convocation; or
- (b) beginning with the date of the declaration of the results of an election to fill a casual vacancy where the election was conducted by voting papers in the same manner as a general election;

the election to fill the casual vacancy shall be conducted by those papers in accordance with paragraph (4) of this rule.

(3A) Paragraphs (1) to (3) of this rule shall apply with regard to a casual vacancy in the deans constituencies, in the universities and TEIs constituency and in the religious communities constituency with the substitution in paragraph (1) for the words “the clerical members of the bishop's council and standing committee acting in accordance with any directions of the diocesan synod otherwise direct and their decision” of the words “the archbishop of the province or the Archbishop of Canterbury as the case may be directs and his decision”.

- (4) (a) Where the election is to be conducted by the voting papers of a general election, the number of persons to be elected shall be the same as in a general election, provided that no continuing candidate elected during the original count shall be executed.
- (b) Where the election is to be conducted by the voting papers of an election other than the general election, the number of persons to be elected shall be calculated by adding together the number of persons previously elected using these voting papers who are still continuing as elected persons, and the number of

casual vacancies to be filled, provided that no continuing candidate elected during the original count shall be excluded.

- (c) The presiding officer for the area in question shall ask every candidate not elected in the previous election who is still qualified for election for the diocese in question if he consents to serve.
- (d) If the number of candidates is the same as the places to be filled and he or they so consent or only one of those candidates so consents he shall be elected to fill the casual vacancy.
- (e) If more candidates than places to be filled so consent the votes validly cast in the preceding election shall be recounted from the beginning in accordance with the rules mentioned in rule 20(6), the presiding officer having first withdrawn those candidates who do not consent or are no longer eligible for election.

(4A) In the case of an election to fill a casual vacancy in a diocese or part of a diocese, the presiding officer shall, within four working days of the declaration of the result to every candidate in the election—

- (a) send a full return of the result and the result sheet to every person already elected in that diocese or part as a member of the Lower House of Convocation or the House of Laity of the General Synod (in addition to sending them to the persons specified in rule 20(9)); and
- (b) post or cause to be posted on the diocese's website the full return of the result and the result sheet.

(5) Any person elected to fill a casual vacancy shall hold office for the unexpired portion of the term of office of the person in whose place he is elected.

(6) In this rule the expression “casual vacancy” includes the case where insufficient candidates have been nominated to fill the places available.

(7) For the purposes of paragraph 23(1), the time when the period for holding a general election is due to begin is the time when the Convocations of the Provinces are dissolved under section 1(2) of the Church of England Convocations Act 1966.

ENROLMENT APPEALS

24. (1) There shall be a right of appeal with regard to –
- (a) any enrolment, or refusal of enrolment, on the register of convocation electors;
 - (b) the removal of any name, or the refusal to remove any name from the said register.
- (2) The following persons shall have a right of appeal under this rule –
- (a) a person who is refused enrolment on the said register;
 - (b) a person whose name is removed from the said register;
 - (c) any person whose name is entered on the said register who wishes to object to the enrolment or removal of the name of any other person on that register.
- (3) Notice of appeal shall be given in writing to the chairman of the House of Clergy of the diocesan synod.
- (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 said register, not later than fourteen days after the first publication of the revised register.
- (5) In any appeal arising under this rule the Chairman of the House of Clergy of the diocesan synod shall within fourteen days 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.

ELECTION APPEALS

25. (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 under these rules; or
 - (b) the result of any election or choice held or made or purporting to be held or made under these rules.
- (2) The following persons shall have a right of appeal under this rule –

- (a) an elector in the election;
- (b) a candidate in the said election;
- (c) a person entitled to take part in the choosing of a proctor under these rules; or
- (d) the Chairman of the House of Clergy of the diocesan synod or, in an election to the Convocation, the Prolocutor as specified in paragraph (3A) of this rule.

(3) Subject to paragraph (3A) of this rule notice of appeal shall be given in writing to the Chairman of the House of Clergy of the diocesan synod. Notice shall be given:

- (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, not later than fourteen days after the day on which the result is declared by the presiding officer.

(3A) The Prolocutor of the Convocation shall have a right of appeal in accordance with paragraph (1) of this rule in respect of any election to the Lower House of Convocation 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 Prolocutor 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.

(4) An error in the register of clerical 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 24; 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.

(5) An appeal arising out of an election or choice of members of the Convocation shall, within the period of fourteen days of the appeal being lodged, be referred to the Chairman and Vice-Chairman of the House of Clergy of the General Synod unless, within that period, the appellant withdraws the appeal in writing. Subject to paragraph (6) of this rule, the Chairman and Vice-Chairman acting jointly shall appoint three persons (one of whom shall be a qualified lawyer) to consider and decide the appeal 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 Clergy of the General Synod nominated by the Appointments Committee of the Church of England.

- (6) (a) Where the Prolocutor has given notice of appeal under paragraph (3A) above or where he comes from the diocese to which the appeal relates, he shall take no part in the appointing of the three persons to hear the appeal and he shall not be appointed to hear the appeal.
- (b) Where a member of the appeal panel comes from the diocese to which the appeal relates or might otherwise have a benefit from the outcome of the election, he shall not be appointed to hear the appeal.

(7) Where an appeal is pending under this rule in respect of an election to Convocation any person who was declared elected in accordance with these rules but whose election is or may be affected by the appeal shall for all purposes be deemed to be a member of Convocation and the General Synod until the appeal is heard and disposed of.

26. For the purposes of the consideration and decision of any appeal under rules 24 and 25, the persons appointed to hear 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 person appointed the appeal is withdrawn, determine the matter at issue and, in an election appeal shall determine whether –
 - (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 facts complained of amount to a procedural irregularity in the conduct of the election, but that in all the relevant circumstances the appeal shall be dismissed; or
 - (iv) 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 (f) hereof;
- (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.

27. (1) Except in regard to their appointment, ex officio and co-opted members of Convocation shall have the same rights and be subject to the same rules as elected members. Where necessary the Business Committee of the General Synod shall designate the diocesan synod of which such proctor shall be a member.

(2) The power of the Business Committee provided by paragraph (1) hereof shall also be applied where necessary in the case of a proctor representing a university or TEI or representing the religious communities.

NOTICES

28. Any notice or other document required or authorised to be sent or given under these rules shall be deemed to have been duly sent or given if sent through the post addressed to the person to whom it is required or authorised to be sent or given at that person's last known address.

SPECIAL PROVISIONS

29. (1) In the carrying out of these rules in a province the archbishop of the province shall have power:

- (a) to make provision for any matter not herein provided for;
- (b) to appoint a person to do any act in respect of which there has been any neglect or default on the part of any persons or body charged with any duty under these rules;
- (c) as far as may be necessary for the purpose of giving effect to the intention of these rules, to extend or alter the time for holding any election or to modify the procedure laid down by these rules in connection herewith provided that such power shall not be exercised in relation to the conduct of the elections referred to in paragraph 9 of Canon H2 and rule 23 of these rules;
- (d) in any case in which there has been no valid election, to direct a fresh election to be held and to give such directions in connection therewith as he may think necessary; and
- (e) in any case in which any difficulties arise, to give any directions which he may consider expedient for the purpose of removing the difficulties.

(2) The powers of the archbishop under this rule shall not enable him:

- (a) to validate anything that was invalid at the time when it was done;
- (b) to give any direction that is contrary to any resolution of the General Synod.

(3) During a vacancy in an archbishopric or where by reason of illness an archbishop is unable to exercise his functions under these rules, those functions

shall be exercisable by the dean of the Province of Canterbury or the Bishop of Durham, as the circumstances require.

(4) During a vacancy in a diocesan bishopric or where by reason of illness a diocesan bishop is unable to exercise his functions under these rules, those functions shall be exercisable by such person, being a person in episcopal orders, as the archbishop of the province may appoint.

EXPENSES

30. The expenses incurred by the presiding officer shall:
- (a) in the case of elections of proctors for dioceses, be paid by the Diocesan Board of Finance, and
 - (b) in the case of other elections under these rules, be paid out of the General Synod Fund.

INTERPRETATION

31. The Interpretation Measure 1925 shall apply for the interpretation of these rules as it applies for the interpretation of a Measure of the General Synod.

REVOCATIONS

32. The Clergy Representation (Convocation of Canterbury) Rules 1969 and the Clergy Representation (Convocation of York) Regulations 1969 are hereby revoked.

CITATION

33. These rules may be cited as the Clergy Representation Rules 1975 to 2014.

HOUSE OF LAITY OF THE GENERAL SYNOD

Extracts from the Church Representation Rules

- (i) *Membership of the House of Laity*
(*Church Representation Rules 35 to 42*)

MEMBERSHIP OF HOUSE OF LAITY

35. (1) The House of Laity of the General Synod shall consist of –
- (a) the members elected by the diocesan electors of each diocese as hereinafter provided;
 - (b) two members chosen by and from the members of religious communities having their mother house in either province in such manner as may be provided by a resolution of the General Synod;
 - (c) such ex-officio and co-opted members as are hereinafter provided.
 - (d) not less than three nor more than four members elected or chosen in such manner as may be determined by the Armed Forces Synod as soon as practicable after any dissolution of the General Synod, being actual communicants, provided that the total number of persons elected or chosen to serve on the General Synod by virtue of this sub-paragraph, paragraph 1(d) of the provisions relating to the Convocation of Canterbury of Canon H 2 and paragraph 1(bb) of Canon H 3 shall not exceed seven.
- (2) For the purposes of this Part of these rules the diocese in Europe shall be deemed to be a diocese in the Province of Canterbury.
- (3) For the purpose of this Part of these rules, the diocesan electors of a diocese other than the diocese in Europe shall be the members of the houses of laity of all the deanery synods in the diocese other than:
- (a) persons co-opted to the deanery synod under rule 24(7); or
 - (b) persons who are lay members of a religious community with separate representation in the General Synod under paragraph 1(b) of this rule.

(4) The diocesan electors of the diocese in Europe shall be such number of persons elected by the annual meetings of the chaplaincies in the said diocese as may be determined by the bishop's council and standing committee of the said diocese, and any lay person who is:

- (a) an actual communicant as defined in rule 54(1),
- (b) of eighteen years or upwards, and
- (c) a person whose name is entered on the electoral roll of such a chaplaincy,

shall be qualified for election as a diocesan elector by the annual meeting of that chaplaincy.

(5) The qualifying date for lay members of religious communities under paragraph (1)(b) of this rule and for diocesan electors under paragraphs (3) and (4) of this rule shall be 6.00 a.m. on the date of the dissolution of the General Synod, save that when a casual vacancy is being filled, the qualifying date shall be 6.00 a.m. on the date on which the nomination papers are issued.

(6) The register of lay electors shall be open to inspection at the diocesan office and any errors and omissions in the list may be corrected until the close of nominations. Thereafter no names may be added or removed until the declaration of the result of the election and those persons whose names are entered in the register shall be the qualified electors entitled to vote in that election.

ELECTION OF MEMBERS

Number of Elected Members

36. (1) The total number of members directly elected and specially elected from the dioceses in the Province shall not exceed 136 for Canterbury and 59 for York and no diocese shall have fewer than three directly elected members (except the diocese of Sodor and Man which shall elect one member). The representatives of the religious communities referred to in rule 35(1)(b), the elected or chosen persons referred to in rule 35(1)(d), ex-officio and co-opted members (as defined in rule 42) shall be additional to the said total number.

In this rule the term 'specially elected' means the representatives of the Channel Islands elected in accordance with the provisions of the Channel Islands (Representation) Measure 1931 and such persons shall be included in the said total number.

(2) The total number of members to be elected by the diocesan electors of all the dioceses shall be fixed by resolution of the General Synod not later than the last day of February in the fifth year after the last preceding election of the House of Laity (but subject as hereinafter provided), and the resolution shall apportion the number so fixed to the Province of Canterbury and York in a proportion of 70 to 30 or as nearly as possible thereto and shall divide the number among the dioceses (using such divisor method as may from time to time be specified for the purpose by the Business Committee of the General Synod) so that the number of members to be elected by the several dioceses are as nearly as possible proportionate to the total number of names on the rolls of the parishes of the diocese in question.

(3) The secretary of each diocesan synod shall, not later than the 1st August in the fourth year after the last preceding election of the House of Laity, certify to the Clerk to the General Synod the total number of names on the rolls of the parishes of the diocese.

(4) The number of members of the House of Laity to be elected by each diocese, when fixed by the General Synod as aforesaid, shall forthwith be certified to the secretaries of the diocesan synods.

(5) If the General Synod is at any time dissolved... before the fixing of numbers under this rule by the General Synod..., the General Synod or the Presidents thereof may give directions with respect to the fixing and certifying of the number of members to be elected to the House of Laity by each diocese, and the directions may provide that the numbers so fixed and certified on the last previous occasion shall be deemed to have been fixed and certified for the purpose of the election following the dissolution and the directions may, if the dissolution is known to be impending, be given before it occurs.

Qualification of Elected Members

37. (1) Subject to the provisions of rule 1(4) and of rule 46A, a lay person shall be qualified for election for any diocese by the diocesan electors of the diocese if –

- (a) he is an actual communicant as defined in rule 54(1) but as if, in that definition, for the words “whose name is on the roll of a parish and” there were substituted the word “who”;
- (b) he is of eighteen years of age on the date of the dissolution of the General Synod or, when a casual vacancy is being filled on the date on which the nomination papers are issued in accordance with rule 39(3);

- (c) his name is at 6.00 a.m. on the date of dissolution of the General Synod or, when a casual vacancy is being filled on the date on which the nomination papers are issued in accordance with rule 39(3) entered on the roll of any parish in the diocese or, in the case of a cathedral which is not a parish church, on the community roll or, in the case of Westminster Abbey, St George's Chapel, Windsor and the cathedral church of Christ in Oxford is a person who at any time within the period of two months beginning one month immediately before that date is declared by the dean of the cathedral church to be an habitual worshipper at that cathedral church.

(1A) *repealed*

(2) *repealed*

(3) Where a diocese is divided into two or more areas in accordance with rule 38(2), any person who under this rule is qualified for election for the diocese shall be qualified for election for any such area whether or not the parish on whose roll his name is entered, or the cathedral church on whose community roll his name is entered, is situated in that area, but no person shall be nominated for more than one such area at the same time.

Electoral Areas

38. (1) Subject to any division of a diocese under this rule every diocese shall be an electoral area for the purposes of elections to the House of Laity.

(2) So far as is consistent with any rule made under the Standing Orders of the General Synod under rule 39(8) and subject to paragraph (3) of this rule, a diocesan synod may, for the purposes of any election, divide a diocese into two or more areas, and apportion the number of members of the House of Laity to be elected for the diocese among such areas, and the election shall be conducted in each area as if such area were a separate diocese. Where a diocese is so divided, a diocesan elector who is a representative of the laity shall vote in the area to which the body by which he was elected belongs, and a diocesan elector who is not a representative of the laity shall vote in such area as the diocesan synod may decide. Any such division shall remain in force until it is revoked by the diocesan synod.

(3) If a diocesan synod decides to divide the diocese into two or more areas in pursuance of this rule the division shall be made in such manner that the number of members to be elected in any such area will be not less than three.

Conduct of Elections

39. (1) Subject to any directions by the General Synod or the Presidents thereof, elections to the House of Laity shall be carried out during the three months immediately following any dissolution of the General Synod and shall be so carried out in each diocese during such period within the said three months as shall be fixed by the archbishops of Canterbury and York.

(2) The presiding officer in each diocese or each area of a diocese shall be the registrar of the diocese or a person appointed by him with the approval of the registrar of the province, except that, if the said registrar is a candidate in the election, the presiding officer shall be a person appointed by the registrar of the province. The expenses of the elections shall be paid out of diocesan funds.

(3) On receipt of the names and addresses of the qualified electors from the diocesan electoral registration officer (which shall, in the case of each elector who has notified the diocesan electoral registration officer that he wishes to receive and send nomination papers and receive election addresses by electronic mail, include the electronic mail address which the elector has authorised for those purposes), the presiding officer shall ensure that in respect of the election –

- (i) those persons are sent or given nomination papers (which, in the case of a person who has authorised the use of an electronic mail address, shall be sent to that address); and
- (ii) only such persons are sent or given voting papers at the address entered against their names in the register of electors or at some other address notified in writing to the presiding officer by the person concerned before the close of nominations.

The presiding officer shall also send nomination papers to any other person who requests them (and, if the person making the request authorises the use of an electronic mail address, the papers shall be sent to that address).

(4) Every candidate must be nominated and seconded by diocesan electors qualified to vote in the area in which the candidate is seeking to be elected. All nominations shall be in writing, shall include the year of the candidate's birth and a statement as to whether the candidate has previously served as a member of the House of Laity and, if so, as to the dates of the candidate's previous service and shall be delivered either by post, as an attachment to electronic mail, by facsimile transmission or in person to the presiding officer of the area, together with evidence of the candidate's consent to serve, within such period, being a period of not less than twenty-eight days ending on such date as may be specified by the presiding officer.

(5) It shall be the duty of the presiding officer –

- (a) to scrutinise nomination papers as soon as they have been lodged and he shall, without delay, inform the candidate concerned whether the nomination is valid. Where the nomination is invalid the presiding officer shall give his reasons for so ruling and if, by the close of the nomination period, no valid nomination is received, the candidate shall be excluded from the election;
- (b) to supply free of charge to a duly nominated candidate in the election one copy of the names and addresses of the qualified electors (including, if an elector has authorised the use of an electronic mail address, that address) within seven days of receiving his written request.

(6) If any of the candidates so request the presiding officer shall despatch to every elector election addresses from those candidates being not more than one sheet of A4 paper. One copy of the address shall be provided by the candidates at their own expense and be delivered or sent by electronic mail to the presiding officer by such date as he shall determine being not less than seven days after the close of nominations. The presiding officer shall be under no obligation to despatch to electors election addresses which are received after the due date or which are not in the prescribed form.

(6A) It shall be the duty of the presiding officer, before voting papers are issued, to post or cause to be posted on the website of the diocese concerned copies of all election addresses received by the due date in the prescribed form, together with a list of all the candidates.

(7) It shall be the duty of the presiding officer in any election under these rules to seek to ensure that during the period beginning with the date on which nominations are invited and ending on the last date for the return of voting papers, no papers or other literature except election addresses prepared by the candidates under paragraph 4 of this rule shall be circulated to the electors by him or by or under authority of the diocesan synod or in the deanery synod or distributed at a synod meeting which in his opinion are likely to prejudice the election. The rural dean and the lay chairman and secretary of the deanery synod shall also be under a duty to seek to ensure that during the election period no paper or other literature form part of an official circulation or are distributed at a synod meeting which in the opinion of any of them are likely to prejudice the election.

(8) Subject to rule 51, if more candidates are nominated for any area than there are seats to be filled, the election shall be conducted by voting papers by the method of the single transferable vote under rules to be made from time to time as

provided by the Standing Orders of the General Synod. Every voting paper, which shall include the year of birth of each candidate and a statement as to whether the candidate is seeking re-election and, if so, as to the dates of the candidate's previous service, shall be marked and signed on the reverse thereof by the elector and shall be returnable to the presiding officer within such period, being a period of not less than twenty-one days after the date on which the voting paper is issued, as that officer may specify, provided that a voting paper sent by facsimile transmission shall not be counted as a valid vote.

(9) A candidate or a person nominated by him has the right to be present at the counting of the votes in order to scrutinise the count but shall take no part in it. The presiding officer shall give not less than seven days' notice in writing to each candidate of the time and place at which the votes are to be counted.

(10) Where within seven days of a count being completed the presiding officer is of the opinion that a recount should take place because of a possible irregularity or inaccuracy in the count, he may, with the concurrence of the registrar of the province, order such a recount and shall give notice in writing to each candidate of the time and place at which the votes are to be recounted.

(11) A full return of the result of any election and of the result sheet shall be sent by the presiding officer within four working days of the declaration of the result to every candidate in the election, the Clerk to the General Synod and an election scrutineer appointed by the Business Committee of the General Synod. The scrutineer shall have power within ten days of the declaration of the result to order a recount of the voting papers if in his opinion this might be material to the result of the election.

(12) The full return of the result and the result sheet shall, until the end of the first group of sessions of the new Synod—

- (a) in the case of an election in a diocese or part of a diocese, be displayed in the diocesan office, posted on the diocese's website and displayed at the General Synod Office;
- (b) in the case of any other election, be displayed at the General Synod Office and posted on the Church of England website.

(13) The presiding officer in each area shall ensure that the valid voting papers received by him for the purposes of any election to the House of Laity are preserved for a period of not less than two years beginning with the date of the election.

Duties and Payment of Presiding Officers

40. (1) Rules defining the duties to be undertaken by the presiding officers in connection with elections to the House of Laity shall be prepared by the provincial registrars acting jointly, but no such rules shall have effect unless approved by the lay members of the Business Committee of the General Synod.

(2) A presiding officer shall be entitled to such fees for the performance by him of the duties aforesaid as may be specified in any order for the time being in force made under the Ecclesiastical Fees Measure 1986; and where with the prior agreement in writing of the bishop's council and standing committee the presiding officer or any other person performs any other duties in connection with elections to the House of Laity he shall be entitled to such fees as may be specified in the agreement.

Term of Office of Membership of General Synod and other Bodies

41. The term of office of elected members of the House of Laity, of the members elected or chosen under rule 35(1)(d) above and of members chosen by the lay members of religious communities shall be for the lifetime of the General Synod for which they are elected or chosen, but without prejudice to their acting under Article 3(4) of the Constitution during the period of the dissolution of the General Synod or to their continuing to be ex-officio members of other bodies constituted under these rules during that period.

Ex-officio and co-opted members of the House of Laity

42. (1) The following person, if they are not in Holy Orders, shall be ex-officio members of the House of Laity –

- (a) the Dean of the Arches and Auditor;
- (b) the Vicar-General of the Province of Canterbury;
- (c) the Vicar-General of the Province of York;
- (d) the three Church Estates Commissioners;
- (e) the Chairman of the Central Board of Finance;
- (f) the Chairman of the Church of England Pensions Board;
- (g) the members of the Archbishops' Council who are actual communicants;

(h) the Chair of the Dioceses Commission.

(2) The House of Laity shall have power to co-opt persons who are actual lay communicants of eighteen years or upwards to be members of the House of Laity:

Provided that –

- (a) the co-opted members shall not at any time exceed five in number; and
- (b) no person shall be qualified to become a co-opted member unless not less than two-thirds of the members of the Standing Committee of the House of Laity shall have first consented to his being co-opted, either at a meeting of the Standing Committee or in writing.

(3) Except in regard to their appointment, the ex-officio and co-opted members shall have the same rights and be subject to the same rules and regulations as elected members:... Where such members are on more than one electoral roll, they shall choose the parochial church council of which they are to be a member.

(4) Co-opted members shall continue to be members of the House of Laity until the next dissolution of the General Synod, but without prejudice to their acting under Article 3(4) of the Constitution during the period of the dissolution or to their continuing to be ex-officio members of other bodies constituted under these rule during that period:

Provided that the House of Laity may, in the case of any co-opted member, fix a shorter period of membership.

(5) The House of Laity may make standing orders for regulating the procedure of and incidental to the appointment of co-opted members and otherwise for carrying this rule into effect.

(ii) Appeals and Disqualifications
(Church Representation Rules 43 to 47)

APPEALS AND DISQUALIFICATIONS

Enrolment Appeals

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 notification of the enrolment, removal or refusal or not later than fourteen days after the last day of the publication (as provided by rule 2(3)) of a new roll or register or of a list of additions or removals from such 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.

Election Appeals

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 as specified in paragraph (5) of this rule.

(3) The provisions of this rule (except paragraph (6)), 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 in the House of Laity of the General Synod by the diocesan electors of the diocese in Europe.

(4) 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 chairmen 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:

- (a) in the case of an appeal against the allowance or disallowance of a vote, not later than fourteen days after such an 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 day on which the result is declared by the presiding officer.

(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 purpose of this rule.

(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 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.

(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 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 the 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.

(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 (one of whom shall be a qualified lawyer) 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.

- (9) (a) Where the Chairman or Vice-Chairman of the House of Laity has given notice of appeal under paragraph (5) above, or where he comes from the diocese to which the appeal relates he shall take no part in the appointing of the three persons to hear the appeal and he shall not be appointed to hear the appeal.
- (b) Where a member of the appeal panel comes from the diocese to which the appeal relates, or might otherwise have a benefit from the outcome of the election, he shall not be appointed to hear the appeal.

(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 who shall appoint three or a greater number, being an odd number, of their lay members to consider and decide the appeal.

(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.

(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 33¹ 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.

45. For the purpose of the consideration and decision of any appeal under rules 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;

¹ Should be rule 39.

- (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 –
 - (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 facts complained of amount to a procedural irregularity in the conduct of the election, but that in all the relevant circumstances the appeal shall be dismissed; or
 - (iv) 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 (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.

Vacation of Seat by Member ceasing to be Qualified for Election

46. (1) Where –

- (a) any lay member of a deanery synod, being a parochial representative or a representative under rule 27, ceases to be

entered on the roll of the parish by which he was elected or, as the case may be, on the community roll of the cathedral church of the diocese or to be declared under the said rule to be an 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 on the community roll of the cathedral church of the diocese or of being declared an habitual worshipper at the cathedral church of the diocese under rule 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, as the case may be, on the community roll of the cathedral church of the diocese or declared an habitual worshipper as aforesaid;
- (e) any elected member of the House of Laity of the General Synod takes any paid office or employment as provided by rule 46A(c);
- (f) any member of a deanery synod, 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 45 or becomes disqualified in accordance with the provision of rule 46A(a) hereof[.]

his seat shall subject to the following provisions of this rule forthwith be vacated.

(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 referred in that paragraph or, as the case may be, on the community roll of the cathedral church of the diocese or if he is declared under rule 27 to be an 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 referred to in that paragraph or, as the case may be, on the community roll of the cathedral church of the diocese or if he is declared under rule 27 to be an habitual worshipper at the cathedral church of the diocese 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 if, before the vacancy occurs, the lay members of the standing committee of the deanery synod so resolve.

(5) If the lay members of the bishop's council and standing committee [has] determined before the vacancy occurs that a person to whom paragraph (1)(d) of this rule applies 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, 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.

(5A) The lay members of the bishop's council and standing committee shall not later than one year after the determination referred to in paragraph (5) above and annually thereafter review the membership of a member to whom paragraph (1)(d) above applies and determine whether he is able and willing as mentioned in paragraph (5) above.

(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'.

Disqualification

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]²;
- (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 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.

Ex-officio Membership not to Disqualify for Election

47. No ... 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 ... 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.

(iii) ***Casual Vacancies and Interpretation
(Church Representation Rules 48 and 54)***

CASUAL VACANCIES

48. (1) Casual vacancies among the parochial representatives elected to the parochial church council or deanery synod shall be filled as soon as practicable after the vacancy has occurred. Where the annual parochial church meeting is not due to be held within the next two months following the occurrence of the vacancy, a vacancy among the parochial representatives elected to the parochial church council may be filled, and a vacancy among the parochial representatives elected to the deanery synod shall be filled, by the election by the parochial church council of a person qualified to be so elected. Returns of parochial representatives of the laity elected to fill one or more casual vacancies on the deanery synod shall be sent by the secretary of the parochial church council to the diocesan electoral registration officer and to the secretary of the deanery synod.

² Should be 1977.

(2) Where a casual vacancy among the members of a diocesan synod elected by either house of a deanery synod occurs, the vacancy may be filled by the election by that house of a person qualified to be so elected, and a meeting of the members of that house who are electors may be held for that purpose.

(3) Subject to paragraphs (1), (2) and (6) of this rule, casual vacancies among persons elected under these rules shall be filled and elections to fill such vacancies shall be conducted in the same manner as ordinary elections. The qualifying date for diocesan electors shall be determined in accordance with rule 35(5).

(4) Elections to fill casual vacancies shall, where possible, be held at such times as will enable all casual vacancies among representatives of the laity who are electors to be filled at the time of every election to the House of Laity of the General Synod, but no such election shall be invalid by reason of any casual vacancies not having been so filled.

- (5) (a) Subject to provisions of this rule, an election to fill a casual vacancy in the House of Laity shall be completed, so far as possible, within six months from the occurrence of the vacancy and, in the event of the vacancy not being filled within that period, the chairman of the House of Laity of the General Synod may give directions to the presiding officer as to the date by which the vacancy must be filled.
- (b) Where a casual vacancy occurs in the House of Laity of the General Synod and the period for holding a general election to that House is due to begin within twelve months of the vacancy, the vacancy shall not be filled unless the lay members of the bishop's council and standing committee, acting in accordance with any directions of the diocesan synod, otherwise direct.
- (c) Where a casual vacancy in the House of Laity of the General Synod occurs within the period of two years –
- (i) beginning with the 1st August in the year of the last general election to that House, or
 - (ii) beginning with the date of the declaration of the result of an election to fill a casual vacancy where the election was conducted by voting papers in the same manner as a general election;

the election to fill the casual vacancy shall be conducted by those papers in accordance with paragraph (6) of this rule.

- (6) (a) Where the election is to be conducted by the voting papers of a general election, the number of persons to be elected shall be the same as in the general election, provided that no continuing candidate elected during the original count shall be excluded.
- (b) Where the election is to be conducted by the voting papers of an election other than the general election, the number of persons to be elected shall be calculated by adding together the number of persons previously elected using these voting papers who are still continuing as elected persons, and the number of casual vacancies to be filled, provided that no continuing candidate elected during the original count shall be excluded.
- (c) The presiding officer for the area in question shall ask every candidate not elected in the previous election who is still qualified for election for the diocese in question if he consents to serve.
- (d) If the number of candidates is the same as the places to be filled and he or they so consent or only one of those candidates so consents he shall be elected to fill the casual vacancy.
- (e) If more candidates than places to be filled so consent the votes validly cast in the preceding election shall be recounted from the beginning in accordance with the rules mentioned in rule 39(8), the presiding officer having first withdrawn those candidates who do not consent or are no longer eligible for election.

Provided that no continuing candidate elected during the original count shall be excluded.

(7) An election to fill a casual vacancy in either house of the diocesan synod shall be completed so far as possible within six months from the occurrence of the vacancy, provided that where a casual vacancy occurs in either house and the period for holding a general election to that house is due to begin within nine months of the vacancy, the vacancy shall not be filled unless the members of the bishop's council and standing committee who are from the same house otherwise direct.

(8) The preceding provisions of this rule shall apply, so far as applicable and with the necessary modifications, to the choosing of persons under these rules

as it applies to the election of persons thereunder, and shall also apply to the election or choosing of members of any body constituted under or in accordance with these rules.

(8A) In the case of an election to fill a casual vacancy in a diocese or part of a diocese, the presiding officer shall within four working days of the declaration of the result to every candidate in the election—

- (a) send a full return of the result and the result sheet to every person already elected in that diocese or part as a member of the Lower House of Convocation or the House of Laity of the General Synod (in addition to sending them to the persons specified in rule 39(11)); and
- (b) post or cause to be posted on the diocese's website the full return of the result and the result sheet.

(9) Any person elected or chosen to fill a casual vacancy shall hold office only for the unexpired portion of the term of office of the person in whose place he is elected or chosen.

(10) In calculating the period of six months referred to in paragraphs (5) and (7) of this rule –

- (a) where during the course of an election irregularities are found which are of such a kind that the presiding officer is of the opinion that he should declare the proceedings null and void, he shall so declare and shall notify all electors of the declaration and shall cause a fresh election to be held which shall be completed within the period of six months from the date of the notice to the electors of the fresh election;
- (b) where in an appeal a determination is made that there has been no valid election and the presiding officer is directed to hold a fresh election,

the period of six months shall run from the date of such direction.

(11) In this rule the expression 'casual vacancy' includes the case where insufficient candidates have been nominated to fill the places available.

(12) For the purposes of paragraph (5)(b), the time when the period for holding a general election is due to begin is the time when the Convocations of the Provinces are dissolved under section 1(2) of the Church of England Convocations Act 1966.

Meaning of Minister, Parish and other words and phrases

54. (1) In these rules –

“actual communicant” means a person who has received Communion according to the use of the Church of England or of a Church in communion with the Church of England at least three times during the twelve months preceding the date of his election or appointment being a person whose name is on the roll of a parish and is either –

- (a) confirmed or ready and desirous of being confirmed; or
- (b) receiving the Holy Communion in accordance with the provisions of Canon B 15A paragraph 1(b).

“parish” means –

- (a) an ecclesiastical parish;
- (b) a district which is constituted a “conventional district” for the cure of souls ...
- (c) in relation to the diocese in Europe, a chaplaincy which is constituted as part of the diocese.
- (d) *repealed*.

“public worship” means public worship according to the rites and ceremonies of the Church of England.

(2) Any reference in these rules to the laity shall be construed as a reference to persons other than clerks in Holy Orders, and the expression “lay” in these rules shall be construed accordingly.

(3) Where a person has executed a deed of relinquishment under the Clerical Disabilities Act 1870 and the deed has been enrolled in the High Court and recorded in the registry of a diocese under that Act then, unless and until the vacation of the enrolment of the deed is recorded in such a registry under the Clerical Disabilities Act 1870 (Amendment) Measure 1934, that person shall be deemed not to be a clerk in Holy Orders for the purpose of paragraph (2) of his rule or of any other provision of these rules which refers to such a clerk.

(4) References in these rules to the cathedral church of the diocese shall include, in the case of the dioceses of London and Oxford, references to Westminster Abbey and St George's Chapel, Windsor, respectively.

(5) If any question arises ... whether a Church is a ... Church in communion with the Church of England, it shall be conclusively determined for the purposes of these rules by the Archbishops of Canterbury and York.

(6) In these rules words importing residence include residence of a regular nature but do not include residence of a casual nature.

(7) Any reference herein to "these rules" shall be construed as including a reference to the Appendices hereto.

(iv) Religious Communities (Lay Representatives) Rules 1984 to 2004

Religious Communities (Lay Representatives)

Made by resolution of the General Synod on the 7th Day of July 1984 pursuant to Church Representation Rule 35(1)(b) as amended by resolutions made on the 8th day of November 1989, the 29th day of November 1994 and the 10th day of July 2004.

Elections

1. On the dissolution of the General Synod the Secretary of the Advisory Council for Religious Communities shall furnish the Registrar of the Province of Canterbury a list of the Religious Communities whose Mother House is situated in each province and whose members include members of the Church of England, and in the following Rules "Religious Communities" means a Religious Community specified in the list.

2. The electors shall be lay persons who are actual communicant members of the Church of England of eighteen years or upwards who are certified by the Head of a Religious community to be members of that community and are resident in either the Province of Canterbury or the Province of York.

3. The presiding officer shall be the Registrar of the Province of Canterbury or a person appointed by him.

4. (1) On receipt of the citation from the Registrar, the Head of each Religious Community shall –

- (a) inform the presiding officer in writing of the number of members of the Community who are qualified electors;

- (b) send to the presiding officer by the date specified in the citation the name and year of birth of any candidates, being qualified electors who have been duly nominated and seconded by qualified electors of a Religious Community in either Province.

(2) 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.

5. If only two candidates are nominated, the presiding officer shall declare them to be elected, but if a poll is necessary, he shall issue to the Head of each Religious Community a number of voting papers equal to the number of members who are qualified electors, specifying therein the year of birth of each candidate and the date by which and the place to which the voting papers are to be returned by the electors to the presiding officer.

6. The method of election shall be that of the single transferable vote and the procedure to be followed shall be in accordance with rules to be made from time to time as provided by the Standing Orders of the General Synod.

7. The presiding officer shall send the names of the persons duly elected to the Secretary-General of the General Synod.

8. The expenses incurred by the presiding officer shall be paid out of the General Synod Fund.

Casual Vacancies

8A. (1) Subject to the provisions of this rule an election to fill a casual vacancy among the lay members of Religious Communities in the House of Laity of the General Synod shall be completed, so far as possible, within six months of the occurrence of the vacancy and in the event of the vacancy not being filled within that period, the Chairman of the House of Laity of the General Synod may give directions to the presiding officer as to the date by which the vacancy must be filled.

(2) Where a casual vacancy occurs and the period for holding a general election is due to begin within 12 months of the vacancy, the vacancy shall not be

filled unless the Standing Committee of the House of Laity of the General Synod otherwise directs and the decision shall be communicated to the Registrar.

(3) In an election to fill casual vacancies the electors shall be those who are qualified as such under paragraph 2 of these Rules on the date of the issue of nomination papers by the registrar.

(4) Where a casual vacancy occurs within the period of two years –

- (a) beginning with 1st August in the year of the last general election to the House of Laity of the General Synod; or
- (b) beginning with the date of the declaration of the result of an election to fill a casual vacancy where the election was conducted by voting papers in the same manner as a general election;

the election to fill the casual vacancy shall be conducted by those papers in accordance with rule 48(6) of the Church Representation Rules.

8B. The provisions of the Church Representation Rules so far as applicable and with the necessary modifications shall apply to the election of lay representatives of religious communities.

Appeals

8C. (1) Notice of an appeal arising out of –

- (a) a dispute concerning the eligibility of an elector or of a candidate in an election;
- (b) the allowance or disallowance of any vote given or tendered in an election; or
- (c) the result of any election held or purported to be held under these rules

shall be given in writing to the Chairman of the House of Laity of the General Synod not later than fourteen days after the decision concerning eligibility or not later than fourteen days after the day on which the result is declared by the presiding officer, as the case may be.

(2) The Chairman shall refer any appeal to the Business Committee of the General Synod who shall appoint three or a greater number, being an odd number,

from the appeal panel referred to in rule 44(8) of the Church Representation Rules to consider and decide the appeal.

(3) Rule 45 of the Church Representation Rules so far as applicable and with the necessary modification shall apply to any appeal under this rule.

9. The Religious Communities (Lay Representatives) Rules 1974 are hereby revoked.

10. These rules may be cited as the Religious Communities (Lay Representatives) Rules 1984 to 2004.

DIOCESAN ELECTORAL REGISTRATION OFFICER

(Church Representation Rule 29)

Diocesan Electoral Registration Officer

29. (1) In every diocese, there shall be a diocesan electoral registration officer who shall be appointed by the bishop's council and standing committee of the diocesan synod and who shall record the names and addresses of all members of the house of clergy and house of laity of the deanery synods in the diocese in two registers (in these rules respectively referred to as 'the register of clerical electors' and 'the register of lay electors'); the members co-opted to the house shall be listed separately in the appropriate register.

(2) The diocesan electoral registration officer shall not later than twenty-one days before the nomination papers are circulated send a copy of the names and addresses of clerical electors and lay electors as recorded by him to the secretary of the deanery synod of which those electors are members and the secretary of the deanery synod shall within seven days of receipt certify in writing to the electoral registration officer that the names and addresses are correct or notify him in writing of any necessary corrections.

(3) The diocesan electoral registration officer shall, not later than seven days before nomination papers are circulated, send a copy of the corrected names and addresses of electors to the appropriate presiding officer in the election.

DUTIES TO BE UNDERTAKEN BY PRESIDING OFFICERS

Rules prepared by the Provincial Registrars under Rule 40 of the Church Representation Rules and approved by the lay member of the Business Committee of the General Synod pursuant thereto.

The duties to be undertaken by the Presiding Officer in connection with an election to the Lower House of the Convocation or to the House of Laity of the General Synod, upon receiving instructions that an election is due to be held, shall be as follows: -

1. To determine:
 - (a) the closing date for nominations.
 - (b) the date of issue of voting papers.
 - (c) the date of return of voting papers.
 - (d) the date, time and place for the counting of votes.
2. To approve the notice addressed to those entitled to vote.
3. To approve the nomination papers.
4. To rule on the validity of nomination papers.
5. To approve the notices to candidates of date, time and place of the counting of the votes.
6. To approve the voting papers.
7. To rule on the validity of voting papers.
8. To preside at the counting of votes.
9. To draft the return of the result of the election and prepare the same for signature and to despatch copies of the return, and the result sheet, to all candidates, the Clerk to the General Synod, the election scrutineer appointed by the Business Committee of the Synod and such other persons as the Bishop may approve.