

The Convocations (Election to Upper House) Rules 2020

In exercise of the powers conferred by paragraphs 1(c), 2(b) and 5 of Canon H3, the General Synod makes the following Rules.

PART 1

INTRODUCTION

Citation, commencement and application

- 1.—(1) These Rules may be cited as the Convocations (Election to Upper House) Rules 2020.
- (2) These Rules come into force on 15th July 2020.
- (3) For the purposes of these Rules, the diocese in Europe is to be treated as a diocese in the province of Canterbury.

Interpretation

- 2.—(1) A reference in these Rules to a numbered Rule with the prefix “CRR” is a reference to the Rule numbered as such in the Church Representation Rules.
- (2) An expression used in these Rules and in the Church Representation Rules has the same meaning in these Rules as it has in those Rules.
- (3) In these Rules, “elections portal” has the meaning given in Rule 3(3).
- (4) A reference in these Rules to the single transferable vote system is a reference to the form of that system that is for the time being provided for in the rules made by the General Synod under its Standing Orders; and a reference in these Rules to “the STV Rules” is a reference to those rules.

PART 2

ELECTRONIC VOTING

Elections portal

- 3.—(1) The Business Committee, having nominated a body under CRR 53(2) (independent body to assist with electronic voting), must nominate that body to assist the presiding officer with the conduct of an election in accordance with these Rules (including the issue of citations and the lodging of nominations).
- (2) The presiding officer must appoint the body nominated under paragraph (1) and may not appoint any other body or any individual for that purpose.
- (3) The presiding officer, with the assistance of the body nominated under paragraph (2), must provide an online facility for the conduct of an election in accordance with these Rules; and a reference in these Rules to “the elections portal” is a reference to that online facility.

PART 3
ORDINARY ELECTION

Application of this Part

4. This Part applies to an ordinary election in either province to the Upper House of Convocation of that province.

Issue of citation

5.—(1) The presiding officer for an election in the province of Canterbury must issue by email to each elector a citation in respect of the election of five persons from among their number.

(2) The presiding officer for an election in the province of York must issue by email to each elector a citation in respect of the election of four persons from among their number.

Qualified electors

6.—(1) The electors in the province of Canterbury are every person who qualifies as an elector under paragraph 1(c) of Canon H3 at 6.00 a.m. on the date of the dissolution of the General Synod.

(2) The electors in the province of York are every person who qualifies as an elector under paragraph 2(b) of Canon H3 at 6.00 a.m. on the date of the dissolution of the General Synod.

Presiding officer

7. The presiding officer is the registrar of the province concerned or a person appointed by the registrar.

Invitations to nominate

8.—(1) The presiding officer for an election must ensure that the citation issued under Rule 5 to each elector is accompanied by an invitation to nominate a candidate for the election.

(2) An invitation to nominate must be contained in the email in which the citation was issued and be in the form of instructions on how to use the elections portal to make a nomination.

(3) The presiding officer must determine the period within which nominations may be made; and the period so determined must be at least 28 days beginning with the day after that on which invitations to nominate are issued.

(4) The presiding officer must ensure that, when an invitation to nominate is issued to a person, the person is also given written notification of when nominations close.

Validity of nominations

9.—(1) A candidate for election must be nominated by two persons, each of whom is an elector.

(2) A nomination of a candidate for the election is valid only if it is made by following the procedure provided for by the elections portal.

(3) The information which must be provided as part of a nomination includes—

- (a) the candidate's full name (including any title and preferred style) and postal address,
- (b) the year of the candidate's birth,

- (c) a statement as to whether the candidate has previously served as a member of the General Synod and, if he or she has, the dates of the candidate's previous service as such and the House of which the candidate was a member, and
 - (d) evidence of the candidate's consent to serve.
- (4) The presiding officer must—
- (a) as soon as each nomination is received, determine whether it is valid, and
 - (b) without delay, notify the candidate and each of the persons who nominated the candidate whether the nomination is valid.

(5) If the presiding officer determines that a nomination is not valid, the officer must give the candidate and each of the persons who nominated the candidate the reasons for the determination when notifying it to each of them under paragraph (4)(b); and that notification must include an explanation of the right of appeal under Rule 24(1) against the determination.

(6) A person is not to be included as a candidate for the election if the presiding officer has not received a valid nomination for that person before the end of the period determined under Rule 8(3).

Requirement for election

10.—(1) If there are no more than five candidates for an election in the province of Canterbury, or no more than four candidates for an election in the province of York, each candidate is declared elected; and the presiding officer must inform each candidate accordingly.

(2) If the number of candidates for an election exceeds the number of places to be filled, an election must be held in accordance with the following provisions of this Part; and the presiding officer must inform each candidate accordingly.

- (3) An election under this Part is to be conducted using the single transferable vote system.

Election address

11.—(1) The presiding officer for an election must give each candidate in the election an opportunity to submit an election address to the presiding officer so that the candidate's election address may be made available to the persons entitled to vote in the election.

(2) If a candidate submits an election address prepared at his or her own expense to the presiding officer, the presiding officer must ensure that a copy of the election address—

- (a) is available by means of the elections portal, and
- (b) is posted on the Church of England website.

(3) An election address must be in electronic form and be capable of being printed in easily legible form on not more than two sides of A4 paper.

(4) The presiding officer must determine the period within which election addresses may be submitted; and that period must be at least seven days beginning with the day after the close of nominations.

(5) The presiding officer is not required to comply with the duty under paragraph (2) in the case of any election address which the presiding officer receives after the end of the period determined under paragraph (4).

(6) The presiding officer must ensure that, before invitations to vote are issued under Rule 13, a list of all the candidates and a copy of each election address received by the end of the period determined under paragraph (4)—

- (a) are available by means of the elections portal, and
- (b) are posted on the Church of England website.

(7) A failure to post on the Church of England website a copy of every election address which is required to be posted under paragraph (2)(b) or (6)(b) in an election does not invalidate the election and is accordingly not a ground of appeal under Part 5.

Prohibition on other election papers

12.—(1) The presiding officer for an election must ensure that, during the election period, no literature which in the opinion of the presiding officer is likely to prejudice the election is circulated to the electors by or under the authority of the presiding officer.

- (2) The “election period” is the period which—
 - (a) begins with the start of the period determined under Rule 8(3) for making nominations, and
 - (b) ends with the end of the period for voting determined under Rule 13(5).
- (3) “Literature” does not include an election address under Rule 11.

Voting

13.—(1) The presiding officer for an election must ensure that each person entitled to vote in the election is issued with an invitation to vote.

(2) Each invitation to vote must be issued by an email containing instructions on how to use the elections portal to vote.

(3) The information which must be displayed in the elections portal includes in relation to each candidate—

- (a) the candidate’s full name (including any title and preferred style) and postal address,
- (b) the candidate’s year of birth, and
- (c) a statement as to whether the candidate has previously served as a member of the General Synod and, if he or she has, the dates of the candidate’s previous service as such and the House of which the candidate was a member.

(4) The elections portal must include an explanation of the right of appeal under Rule 24(2) against the determination that the nomination of a candidate is valid.

(5) The presiding officer must determine the period within which votes may be cast; and that period must be at least 21 days beginning with the day after that on which invitations to vote are issued.

(6) The presiding officer must ensure that each email in which an invitation to vote is issued must also include a notification of the period determined under paragraph (5).

(7) A vote in the election is valid only if the vote is cast by following the procedure provided for by the elections portal.

(8) The presiding officer must ensure that a record of each valid vote cast in the election by means of the elections portal is preserved for at least two years after the declaration of the result of the election.

Result

14.—(1) The presiding officer for an election must—

- (a) determine the time and place at which the votes in the election will be counted, and
- (b) give each candidate at least seven days' written notice by email of the time and place so determined.

(2) Each candidate, or a person nominated by him or her, is entitled to be present at the count in order to scrutinise it but is not entitled to take part in it.

(3) Where, within seven days of the completion of a count, the presiding officer thinks that there should be a recount because of a possible irregularity or inaccuracy in the count, the officer may order a recount.

(4) If the presiding officer orders a recount under paragraph (3), the presiding officer must—

- (a) determine the time and place at which the votes will be recounted, and
- (b) give each candidate notice by email of the time and place so determined.

(5) A notice under paragraph (1) or (4) must include an explanation of the right of appeal under Rule 25 against the result of the election.

(6) The presiding officer in an election must, within four working days of the declaration of the result, send a full return of the result to—

- (a) each candidate in the election, and
- (b) the Clerk to the General Synod.

(7) The presiding officer must prepare a result sheet showing a record of the election; and the result sheet must be in the form specified by the provincial registrar.

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

- (a) be displayed on the Church of England website, and
- (b) be displayed at the General Synod Office.

(9) A copy of the result sheet signed by the presiding officer must be deposited in the office of each provincial registrar and must, for the six months after the date of the count, be available at all reasonable times for inspection by anybody entitled to vote in the election.

Fees and expenses

15. The fees of and expenses incurred by the presiding officer in the conduct of an election or the body nominated under CRR Rule 53(2) in assisting the presiding officer with the conduct of the election are to be paid by the Archbishops' Council.

PART 4

ELECTION TO FILL CASUAL VACANCY

Application of this Part

16.—(1) This Part applies to an election in either province to fill a casual vacancy in the Upper House of the Convocation of that province.

(2) The election is to be conducted as if it were an ordinary election, with the rules in Part 3 applying accordingly but subject to the modifications provided for in this Part.

Issue of citation

17. The presiding officer for the election must issue by email to each elector a citation in respect of the election.

Qualified electors

18. The electors are every person who qualifies as an elector as mentioned in Rule 6 at 6.00 a.m. on the date on which invitations to nominate are issued.

Timing

19.—(1) An election to fill a casual vacancy must be completed, so far as possible, within six months of the occurrence of the vacancy.

(2) But if the Convocations of the Provinces are due to be dissolved under section 1(2) of the Church of England Convocations Act 1966 within twelve months of the occurrence of the vacancy, it is not to be filled unless directions providing otherwise are given to the presiding officer by the archbishop of the province.

(3) If the vacancy is not filled within the period of six months, the archbishop of the province may give directions to the presiding officer as to the date by which it must be filled.

Vacancy occurs within two years of election

20.—(1) Where a casual vacancy occurs in the two years beginning with 1st August in the year of the most recent ordinary election—

- (a) the election to fill the vacancy must be conducted using the voting records of the ordinary election,
- (b) the number of persons to be elected is the same as in the ordinary election, and
- (c) no candidate elected on the original count and continuing to serve is to be excluded.

(2) Where a casual vacancy occurs in the two years beginning with the date on which the result of an election to the Upper House of the Convocation in that province was declared and that election was itself held to fill a previous casual vacancy and was conducted as an ordinary election—

- (a) the election to fill the vacancy must be conducted by using the voting records of the election held to fill the previous casual vacancy,
- (b) the number of persons to be elected is the total of the number who were elected in the election held to fill the previous vacancy and are continuing to serve and the number of casual vacancies to be filled, and

(c) no candidate elected on the original count and continuing to serve is to be excluded.

(3) In a case within paragraph (1) or (2), the presiding officer must ask each candidate who was not elected in the election held to fill the previous vacancy, and who is still qualified for election, if he or she consents to serve.

(4) If the number of candidates does not exceed the number of vacancies to be filled and at least one of the candidates consents to serve, that candidate or, if there is more than one, each of them is declared elected; and the presiding officer must inform the candidate, or each of them, accordingly.

(5) If the number of candidates does not exceed the number of vacancies to be filled—

(a) the presiding officer must withdraw from the election any candidate who has not consented to serve or is no longer qualified for election, and

(b) the valid votes in the election held to fill the previous vacancy must be recounted from the beginning using the single transferable vote system.

(6) “Voting records”, in relation to an election, means the records preserved from that election under Rule 13(8).

Result

21.—(1) A person elected to fill a casual vacancy holds office only for the unexpired part of the term of office to be served in the case of that vacancy.

(2) The presiding officer must, within four working days of the declaration of the result—

(a) send a full return of the result to every person already elected in the province as a member of the Upper House of Convocation (in addition to those to whom a full return of the result is required to be sent under Rule 14(6)), and

(b) post on the Church of England website the full return of the result.

PART 5

APPEALS

Application of this Part

22. This Part applies to any election to which Part 3 or 4 applies.

Appeals relating to eligibility to vote

23.—(1) Where it is decided that a person is not a qualified elector in the province of Canterbury or York, that person may appeal against that decision on the grounds that the person is a qualified elector in that province.

(2) A person who is a qualified elector in the province of Canterbury or York but who objects to the decision that another person is a qualified elector in that province may appeal against the decision on the grounds that the other person is not a qualified elector in the province.

Appeals relating to validity of nomination

24.—(1) An appeal may be made against a determination under Rule 9(4)(a) that a nomination is not valid on the grounds that the nomination is valid and that the person should accordingly be included as a candidate in the election.

(2) An appeal may be made against a determination under Rule 9(4)(a) that a nomination is valid on the grounds that the nomination is not valid and that the person should accordingly not be included as a candidate in the election.

(3) An appeal under paragraph (1) or (2) may be brought only by an elector in the election.

Appeals against election result

25.—(1) An appeal may be made against the result of an election on the grounds that a candidate—

- (a) was not duly elected,
- (b) was not qualified to be a candidate at the time of the election, or
- (c) before the end of the period for voting, misrepresented a material fact in connection with the election.

(2) An appeal may be made against the result of an election on the grounds that the conduct of the election was such as to affect the outcome of the election.

(3) An appeal may be made against the result of an election on the grounds that a vote which was allowed should have been disallowed, or that a vote which was disallowed should have been allowed, but only if the allowance or disallowance of the vote would or might be material to the outcome of the election.

(4) An appeal under this Rule may be brought by—

- (a) a candidate in the election, or
- (b) a person entitled to vote in the election.

(5) On an appeal under this Rule, a person who was declared elected as a member of the Upper House of Convocation but whose election is or may be affected by the appeal is to be regarded for all purposes as a member of the Upper House and of the General Synod pending the determination of the appeal.

Appeal procedures

26.—(1) Each of the following appeals (referred to in these Rules as a “summary election appeal”) is to be dealt with in accordance with Rules 28 to 31 and 38—

- (a) an appeal under Rule 24(1) or (2) (validity of nomination);
- (b) an appeal under Rule 25(1)(a) or (b) (whether person duly elected or qualified to be a candidate);
- (c) an appeal under Rule 25(3) (allowance or disallowance of vote).

(2) Each of the following appeals (referred to in these Rules as a “full election appeal”) is to be dealt with in accordance with Rules 32 to 38—

- (a) an appeal under Rule 23 (eligibility to vote);
- (b) an appeal under Rule 25(1)(c) (misrepresentation of material fact);
- (c) an appeal under Rule 25(2) (conduct of election).

Summary election appeal: notice

27.—(1) Notice of a summary election appeal—

- (a) must be in writing,
- (b) must give brief particulars of the grounds of appeal, and
- (c) may be accompanied by written submissions.

(2) Notice of a summary election appeal must be given to the archbishop of the province.

(3) Notice of an appeal under Rule 24(1) (appeal against determination that nomination not valid) must be given no later than two days after the person to whom the nomination relates is notified of the determination.

(4) Notice of an appeal under Rule 24(2) (appeal against determination that nomination valid) brought by an elector (including one who is a candidate) must be given no later than two days after the day on which the elector receives an invitation to vote in the election.

(5) Notice of an appeal under Rule 25(1)(a) or (b) (whether person duly elected or qualified to be candidate) must be given no later than two days after the day on which the result of the election is declared.

(6) Notice of an appeal under Rule 25(3) (appeal against allowance or disallowance of vote) must be given no later than two days after the day on which the vote is allowed or disallowed.

Summary election appeal: referral to relevant judge, etc.

28.—(1) The archbishop of a province, having received notice of a summary election appeal, must without delay (and in any event within 48 hours of receiving the notice of appeal unless in the meantime written notice to withdraw the appeal is given)—

- (a) refer the notice of appeal to the relevant judge,
- (b) give a notification by email to each candidate in the election,
- (c) give a notification by email to any person who made a decision to which the appeal relates, and
- (d) in the case of an appeal under Rule 24(1) or (2), give a notification by email to the person whose nomination is the subject of the appeal.

(2) A person to whom a notification is given under paragraph (1)(b) or (d) is entitled to make written representations to the relevant judge on a decision to which the appeal relates.

(3) A person to whom a notification is given under paragraph (1)(c) is entitled to provide the relevant judge with a written explanation of the reasons for the decision which that person made.

(4) Representations under paragraph (2) or an explanation under paragraph (3) must be made within seven days of the referral of the notice of appeal.

(5) A notification under paragraph (1)(b), (c) or (d) must include an explanation of the entitlement to make representations or an explanation (as the case may be).

(6) The “relevant judge” is—

- (a) the Dean of the Arches and Auditor, or

- (b) if the Dean of the Arches and Auditor declines or is unable to act as such, the Vicar-General of the Province of Canterbury or the Vicar-General of the Province of York, or
- (c) if each of them declines or is unable to act as such, the chancellor of such diocese as the Archbishop of Canterbury may decide.

Summary election appeal: parties

29.—(1) On a summary election appeal, each of the following is a party to the appeal (in addition to the appellant)—

- (a) any person to whom a notification is given under Rule 28(1)(c), and
 - (b) each relevant person.
- (2) Each of the following is a relevant person—
- (a) on an appeal under Rule 24(1) or (2), the person whose nomination is the subject of the appeal;
 - (b) on an appeal under Rule 25(1)(a) or (b), the person whose election is the subject of the appeal;
 - (c) on an appeal under Rule 25(3), any person to whom a notification is given under Rule 28(1)(b).

Summary election appeal: determination

30.—(1) The relevant judge (referred to in this Rule as “the judge”), having had a notice of appeal referred under Rule 28, must decide whether the grounds of the appeal are established to the judge’s satisfaction.

- (2) The judge, in deciding the matter at issue, may consider only—
- (a) the notice of appeal and any accompanying written submissions, and
 - (b) any representations or explanation made in accordance with Rule 28(4).
- (3) A decision under this Rule must be made within seven days of the referral of the notice of appeal.
- (4) Where the judge decides on an appeal under Rule 24(1) that a nomination is valid, or decides on an appeal under Rule 24(2) that a nomination is not valid, the judge must—
- (a) give directions for the appointment of a new period for voting in the election, and
 - (b) give whatever further directions the judge thinks necessary.
- (5) Where, on an appeal under Rule 25(1)(a) or (b) or (3), the judge decides that the election as a whole is void, the judge must—
- (a) direct that a fresh election is to be held, and
 - (b) give whatever further directions the judge thinks necessary.
- (6) Where, on an appeal under 25(1)(a) or (b) or (3), the judge allows the appeal but does not decide that the election as a whole is void, the judge must give whatever directions the judge thinks necessary.

- (7) The judge on a summary election appeal must otherwise decide one of the following—
 - (a) that the matter at issue amounts to a minor infringement which did not affect the outcome of the election and the appeal should accordingly be dismissed;
 - (b) that the matter at issue amounts to a procedural irregularity in the conduct of the election but the appeal should nonetheless in all the circumstances be dismissed;
 - (c) that the appeal is wholly without merit and should accordingly be dismissed.

Full election appeal: notice of appeal

31.—(1) Notice of a full election appeal—

- (a) must be in writing,
- (b) must give brief particulars of the grounds of appeal, and
- (c) may be accompanied by written submissions.

(2) Notice of a full election appeal must be given to the archbishop of the province concerned.

(3) Notice of an appeal under Rule 23 must be given no later than 14 days after the day on which the decision on whether the person is a qualified elector is taken.

(4) Notice of any other full election appeal must be given no later than 14 days after the declaration of the result of the election.

(5) Where notice of a full election appeal is given, the archbishop must without delay (and in any event within 48 hours of receiving it unless in the meantime written notice is given to withdraw the appeal)—

- (a) give a notification by email to each candidate in the election,
- (b) give a notification by email to any person who made a decision to which the appeal relates, and
- (c) in the case of an appeal under Rule 23(2), give a notification by email to the person in respect of whom the objection is made.

(6) Where a purported notice of a full election appeal is given out of time, the archbishop must without delay (and in any event within 48 hours of receiving it unless in the meantime written notice is given to withdraw the appeal) give a notification by email to each person referred to in paragraph (5)(a), (b) and (c).

(7) A person to whom a notification is given under paragraph (5)(a) or (c) is entitled to make written representations to the panel appointed under Rule 33(1) on a decision to which the appeal relates.

(8) A person to whom a notification is given under paragraph (5)(b) is entitled to provide that panel with a written explanation of the reasons for the decision which that person made.

(9) Representations under paragraph (7) or an explanation under paragraph (8) must be made within 28 days of referral of the notice of appeal.

(10) A person to whom a notification is given under paragraph (6) is entitled to make written representations to the panel appointed under Rule 33(2) on the question of whether the panel should consider the appeal.

(11) Representations under paragraph (10) must be made within seven days of the notification under paragraph (6) being given.

(12) A notification under paragraph (5) or (6) must include an explanation of the entitlement to make representations or an explanation (as the case may be).

Full election appeal: parties

32.—(1) On a full election appeal, each of the following is a party to the appeal (in addition to the appellant)—

- (a) any person to whom a notification is given under Rule 31(5)(b), and
- (b) each relevant person.

(2) Each of the following is a relevant person—

- (a) on an appeal under Rule 23(2), any person to whom a notification is given under Rule 31(5)(c);
- (b) on an appeal under Rule 25(1)(c), the person whose election is the subject of the appeal;
- (c) on an appeal under Rule 25(2), any person to whom a notification is given under Rule 31(5)(a).

Full election appeal: appeal panel

33.—(1) The archbishop of a province must, within 28 days of receiving notice of a full election appeal, appoint a Chair and two other persons to serve as a panel to consider the appeal.

(2) The archbishop of a province must, within 28 days of receiving a purported notice of a full election appeal, appoint a Chair and two other persons to serve as a panel to decide whether, even though the purported notice of appeal was given out of time, the panel will nonetheless consider the appeal.

(3) In making appointments under this Rule, the archbishop must be satisfied that the persons appointed, taken together, have suitable legal or other expertise or experience.

(4) A person may not be appointed under this Rule if the person—

- (a) is an elected member of the Upper House of the Convocation to which the appeal relates, or
- (b) might otherwise have a benefit from the outcome of the election.

(5) Once a panel is appointed under this Rule, the appellant may withdraw the appeal only with the consent of the panel.

Full election appeal: preliminary assessment

34.—(1) A panel appointed under Rule 33(1) must conduct a preliminary assessment of the appeal.

(2) A preliminary assessment of an appeal is an assessment as to whether there are arguable grounds of appeal; and, in conducting a preliminary assessment, the panel may consider only—

- (a) the notice of appeal and any accompanying written submissions, and
- (b) any representations or explanation made in accordance with Rule 31(9).

(3) If the panel considers that there are arguable grounds of appeal, the appeal stands referred to the panel for consideration and determination under Rules 36 and 37.

(4) If the panel considers that there are no arguable grounds of appeal, the appeal is dismissed.

(5) The panel's decision on the preliminary assessment is final.

(6) The panel must give a notification by email to the parties to the appeal of the decision on the preliminary assessment of the appeal and the reasons for the decision.

(7) The panel's decision and the reasons for the decision must be published on the Church of England website at the same time as the parties are notified of the decision.

Full election appeal: appeal out of time

35.—(1) A panel appointed under Rule 33(2) may decide to consider the appeal only if, having regard to all the circumstances, it is satisfied that there is a good reason to allow the appeal to proceed.

(2) The matters which the panel considers in making that decision must include—

(a) the purported notice of appeal and any accompanying written submissions (whether on the question of why notice of appeal was not given within the required period or on any other point), and

(b) any representations made in accordance with Rule 31(11).

(3) Where the panel decides to consider the appeal—

(a) the period specified in this Part for giving notice of appeal in that case is to be treated as having been extended so far as necessary,

(b) the appeal is to be treated as having been referred to the panel for decision, and

(c) the panel must ensure that each notification required under Rule 31(5) is given to the person concerned (and, once that has been done, Rule 31(7) to (9) and (12) applies in relation to the notification).

(4) Where the panel has decided to consider the appeal and the period for making representations in accordance with Rule 31(9) has expired, the panel may proceed to conduct a preliminary assessment of the appeal under Rule 34.

(5) The panel must give a notification by email to the parties to the appeal of the decision on whether the panel will consider the appeal and the reasons for the decision.

(6) The panel's decision and the reasons for the decision must be published on the Church of England website at the same time as the parties are notified of the decision.

Full election appeal: consideration of matters at issue

36.—(1) The panel to which an appeal is referred under Rule 33 must, in deciding the matter at issue, consider all the circumstances; and for that purpose, the panel—

(a) may inspect documents or other papers relating to the subject-matter of the appeal, and

(b) is entitled to be provided with such information relating to the appeal as the panel may require.

(2) The panel must give each party to the appeal an opportunity—

- (a) to appear before the panel in person or by a legal or other representative, or
- (b) if that party does not wish to take that opportunity, to make written representations on the matter at issue.

(3) A hearing under paragraph (2) is to be held in public unless the panel, having regard to all the circumstances, is satisfied that it would be in the interests of justice for the hearing to be held in private.

Full election appeal: determination

37.—(1) On a full election appeal, the panel must decide whether the grounds of the appeal are established to the panel's satisfaction.

(2) On an appeal under Rule 23, the panel, having decided whether the person concerned is qualified to vote, must give whatever directions the panel thinks necessary.

(3) Where, on any full election appeal, the panel decides that the election as a whole is void, it must—

- (a) direct that a fresh election is to be held, and
- (b) give whatever further directions the panel thinks necessary.

(4) Where the panel allows the appeal but does not decide that the election as a whole is void, it must give whatever directions it thinks necessary.

(5) The panel on a full election appeal must otherwise decide one of the following—

- (a) that the matter at issue amounts to a minor infringement which did not affect the outcome of the election and the appeal should accordingly be dismissed;
- (b) that the matter at issue amounts to a procedural irregularity in the conduct of the election but the appeal should nonetheless in all the circumstances be dismissed;
- (c) that the appeal is wholly without merit and should accordingly be dismissed.

Determination of appeal: general

38.—(1) The decision on an appeal under this Part is final as to the matters at issue.

(2) The relevant judge or the panel which made the decision on an appeal under this Part must give a notification by email to the parties to the appeal of the decision and the reasons for the decision.

(3) Where the direction that a fresh election is to be held is given under Rule 30(5)(a) or 37(3)(a), the date on which the direction is given is the date on which a casual vacancy occurs for the purposes of Part 4.

(4) The relevant judge or the panel on an appeal under this Part may direct that a party to the appeal must pay the whole or part of the expenses of the relevant judge or the panel; and a direction under this paragraph must specify the amount which the party must pay.

(5) The panel's expenses, in so far as they are not paid under paragraph (4), are to be paid by the Archbishops' Council.

PART 6
MISCELLANEOUS

Term of office

39. The term of office of a person elected under these Rules as a member of the Upper House of Convocation of either province is (subject to resignation) for the lifetime of the Convocation; but that does not prevent the person from doing either of the following during a dissolution—

- (a) acting under Article 3(4) of the Constitution of the General Synod (under which a person may continue to act as a member of a body of the Synod);
- (b) continuing to be an ex officio member of a body constituted under the Church Representation Rules.

Communicating by email

40.—(1) A communication sent by email is to be treated as being in writing if it is received in a form which is legible and capable of being used for subsequent reference.

(2) Where a communication is sent to a person by email at the most recent address provided by that person, it is to be treated as having been given to the person at the time at which it is sent.

Power of archbishop to make supplementary provision etc.

41.—(1) For the purpose of ensuring that the provisions of these Rules are carried out in a province, the archbishop of the other province may exercise the following powers.

(2) The archbishop may make provision for any matter not provided for in these Rules.

(3) The archbishop may appoint a person to do something in respect of which there has been neglect or default by the person required by these Rules to do that thing.

(4) The archbishop may, so far as necessary for giving effect to the intention of a provision of these Rules—

- (a) extend or alter the time for holding an election, other than one to fill a casual vacancy;
- (b) modify the procedure for an election, other than one to fill a casual vacancy.

(5) In a case in which there has been no valid election, the archbishop may—

- (a) direct that a fresh election is to be held, and
- (b) give whatever further directions the archbishop thinks necessary.

(6) Where difficulties arise, the archbishop may (subject to paragraph (4)) give whatever directions he or she considers appropriate for removing these difficulties.

(7) This Rule does not authorise an archbishop—

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

(8) Where a direction is given under paragraph (5)(a), the date on which it is given is the date on which a casual vacancy occurs for the purposes of Part 4.

Delegation by archbishop

42.—(1) During a vacancy in an archbishopric, or where because of illness an archbishop is unable to exercise his or her functions as such under these Rules, the functions are exercisable by the most senior diocesan bishop in the province who is able to exercise the functions.

(2) For the purposes of paragraph (1), the seniority of diocesan bishops is to be determined in accordance with section 67 of the Ecclesiastical Jurisdiction Measure 1963.

Revocation and transitional provision

43.—(1) The Convocations (Election to Upper House) Rules 1989 to 2014 are revoked.

(2) Where, immediately before the commencement of these Rules, an appeal under the Convocations (Election to Upper House) Rules 1989 to 2014 has yet to be determined, the proceedings on that appeal are to continue under those Rules, in spite of their revocation under paragraph (1).

Approved by the General Synod on 13th February 2020

A.S. McGregor
Registrar of the General Synod