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## SCHEDULES

### SCHEDULE 3

#### CHURCH REPRESENTATION RULES

##### **Modifications etc. (not altering text)**

- C1** Sch. 3 modified by Cathedrals Measure 1963 (No. 2), s. 12(3) (as substituted (1.6.1992) by Church of England (Miscellaneous Provisions) Measure 1992 (No. 1), s. 17(1), Sch. 3 para. 10; Instrument dated 27.5.1992 made by Archbishops of Canterbury and York.  
Sch. 3 modified (30.6.1999) by 1999 No. 1, ss. 12(4), 38(2)(3) (with ss. 33, 37, 38(5)(6))

### PART VII

#### SUPPLEMENTARY AND INTERPRETATION

##### *Casual Vacancies*

- 39 <sup>[F1]</sup> 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.]
- <sup>F2</sup>(1) (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 <sup>[F3]</sup>and elections to fill such casual vacancies shall be] conducted in the same manner as ordinary elections.
- (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.]

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- [<sup>F4</sup>(5) (a) Subject to the 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 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 lay members of the bishop's council and standing committee, acting in accordance with any direction of the diocesan synod, may decide within three months of the occurrence of the vacancy that the election to fill the casual vacancy shall be conducted by those papers in accordance with paragraph (6) of this rule.]

[<sup>F5</sup>(6) [<sup>F6</sup>Where the lay members of the bishop's council and standing committee have decided under paragraph (5)(c) above that an election shall be conducted by the voting papers of the previous election,] the presiding officer for the area in question shall ask every candidate not elected in the preceding election who is still qualified for election for the diocese in question 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 mentioned in rule 33(4).

[<sup>F7</sup>Provided that no continuing candidate elected during the original count shall be excluded.]

[<sup>F8</sup>(7) An election to fill a casual vacancy in either house of the diocesan synod shall be completed 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.]

[<sup>F9</sup>(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.

[<sup>F9</sup>(9) Any person elected 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.

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[<sup>F10</sup>(10) This rule shall apply in relation to the filling of a casual vacancy among the members of the House of Laity of the General Synod elected for diocese in Europe with the omission of the words in paragraphs (5) . . . <sup>F11</sup>“acting in accordance with any directions of the diocesan synod”].

[<sup>F12</sup>(11) 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.

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

#### Textual Amendments

- F1** Rule 39(1)—(4) substituted for Rule 39(1) by S.I. 1973/1865, **para. 27(1)**.
- F2** Sch. 3 rule 39(1) substituted by S.I. 1989/2094, **para. 14(1)**.
- F3** Words substituted by S.I. 1989/2094, **para. 14(2)**.
- F4** Sch. 3 rule 39(5) substituted for paras. (5)(6) by S.I. 1989/2094, **para. 14(3)**.
- F5** Sch. 3 rule 39(7) renumbered (6) by S.I. 1989/2094, **para. 14(4)**.
- F6** Words inserted by S.I. 1989/2094, **para. 14(4)**.
- F7** Words inserted by S.I. 1984/1039, **para. 27(4)**.
- F8** Sch. 3 rule 39(7) inserted by S.I. 1989/2094, **para. 14(5)**.
- F9** Rule 39(8)(9) (originally 39(3)(4)) re-numbered by S.I. 1973/1865, **para. 27(4)**.
- F10** Rule 39(10) inserted by Diocese in Europe Measure 1980 (No. 2, SIF 21:1), **Sch. 2 para. 6**.
- F11** Words repealed by S.I. 1989/2094, **para. 14(6)**.
- F12** Sch. 3 rule 39(11)(12) inserted by S.I. 1989/2094, **para. 14(7)**.

#### Resignations

[<sup>F13</sup>40 Any person holding any office under these rules or being a member of any body constituted by or under these rules may resign his office or membership by notice in writing signed by him and sent or given to the secretary of the body of which he is an officer or member, as the case may be; 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 secretary of that body.]

#### Textual Amendments

- F13** Rule 40 substituted by S.I. 1973/1865, **para. 28**

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### Notices

- 41 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.

### [<sup>F14</sup> Constraints in Elections]

#### Textual Amendments

**F14** Sch. 3 rule 41A inserted by S.I. 1989/2094, para. 15

- 41A (1) If in any election conducted in accordance with these rules it is a requirement that a given number or not less than a given number of places of those elected shall be filled by candidates of a named category, the presiding officer shall follow the procedure set out in paragraphs (2) to (4) of this rule.
- (2) The presiding officer shall examine the nomination papers to ascertain if the number of candidates nominated in any named category is less than or equal to the required given number.
- (3) If the number of candidates nominated in any named category is less than or equal to the required given number, those candidates shall be declared to be elected and their names shall not be included on the voting paper and thereafter the requirement shall be disregarded and the election shall proceed with the number of seats to be filled being reduced by the number of persons declared elected.
- (4) The presiding officer shall circulate with the voting papers a separate notice giving the names of any who have been declared elected in accordance with paragraph (3) hereof.

### *Revocation and Variation of Rules, etc.*

- 42 Subject to the provisions of these rules any power conferred by these rules to make, approve, frame, pass or adopt any rule, order, resolution, determination, decision, appointment or scheme, or to give any consent or settle any constitution, or to prescribe the manner of doing anything, shall be construed as including a power, exercisable in a like manner and subject to the like conditions, to revoke or vary any such rule, order, resolution, determination, decision, appointment, scheme, consent or constitution, or anything so prescribed.

### *Special Provisions*

- 43 (1) In the carrying out of these rules in any diocese the bishop of such diocese shall have power:—
- (a) to make provision for any matter not herein provided for;

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- (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 person or body charged with any duty under these rules;
  - (c) so 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 meeting or election or to modify the procedure laid down by these rules in connection therewith [F15]provided that such power shall not be exercised in relation to the conduct of the elections referred to in Rules 33 and 39 of these Rules;]
  - [F16](d) [F17]Subject to (c) above] 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 bishop 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) No proceedings of any body constituted under these rules shall be invalidated by any vacancy in the membership of that body or by any defect in the qualification, election or appointment of any members thereof.
  - (4) No proceedings shall be invalidated by the use of a form which differs from that prescribed by these rules if the form which has in fact been used is to a substantially similar effect. Any question as to whether the form which has been used is to a substantially similar effect shall be determined by the bishop.
  - (5) In the case of an omission in any parish to prepare or maintain a roll or form or maintain a council or to hold the annual meeting, the rural dean upon such omission being brought to his notice shall ascertain and report to the bishop the cause thereof.
  - [F18](6) During a vacancy in an archbishopric or where by reason of illness an archbishop is unable to exercise his functions under these rules or to appoint a commissary under paragraph (10) of this rule the functions of an archbishop under these rules shall be exercisable by the other archbishop.
  - (7) During a vacancy in a diocesan bishopric the functions of a diocesan bishop under these rules, including his functions as [F19]president of] the diocesan synod, shall be exercisable by such person, being a person in episcopal orders, as the archbishop of the province may appoint.
  - (8) Where by reason of illness a diocesan bishop is unable to exercise his functions under these rules or to appoint a commissary under paragraph (10) of this rule, the archbishop of the province may, if he thinks it necessary or expedient to do so, appoint a person in episcopal orders to exercise the functions mentioned in paragraph (7) of this rule during the period of the bishop's illness.
  - (9) If a person appointed in pursuance of paragraph (7) or (8) of this rule becomes unable by reason of illness to act under the appointment, the archbishop may revoke the appointment and make a fresh one.
  - (10) An archbishop or diocesan bishop may appoint a commissary and delegate to him all or any of the functions of the archbishop or bishop under these rules, but if a bishop proposes to delegate to a commissary his functions as [F19]president of] the diocesan synod he shall appoint a person in episcopal orders as commissary.

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(11) If a person appointed in pursuance of paragraph (7) or (8) of this rule, or a person to whom the functions of a bishop as [<sup>F20</sup>president of the diocesan synod are delegated under paragraph (10) thereof], is a member of the house of clergy of the diocesan synod, his membership of that house shall be suspended during the period for which the appointment or delegation has effect.]

[<sup>F21</sup>(12) The preceding provisions of this rule shall have effect in the diocese in Europe as if the references to such of these rules as apply in that diocese, and subject to paragraph (6) of the rule, the powers of an archbishop under this rule shall, as respects that diocese, be exercisable by the Archbishop of Canterbury.]

#### Textual Amendments

- F15** Words inserted by [S.I. 1984/1039](#), [para. 28](#)
- F16** [Sch. 3 rule 43\(1\)\(d\)](#) omitted and para. (e) renumbered (d) as provided by [S.I. 1989/2094](#), [para. 16\(1\)\(2\)](#)
- F17** Words inserted by [S.I. 1989/2094](#), [para. 16\(1\)\(2\)](#)
- F18** [Rule 43\(6\)—\(11\)](#) substituted for [rule 43\(6\)\(7\)](#) by [S.I. 1973/1865](#), [para. 29](#)
- F19** Words substituted by [S.I. 1980/178](#), [para. 16\(1\)](#)
- F20** Words substituted by [S.I. 1980/178](#), [para. 16\(2\)](#)
- F21** [Rule 43\(12\)](#) inserted by [Diocese in Europe Measure 1980 \(No. 2, SIF 21:1\)](#), [Sch. 2 para. 7](#)

#### *Meaning of Minister, Parish and other words and phrases*

44 (1) In these rules:—

[<sup>F22</sup>“actual communicant member of the Church of England” means a member of the Church of England who is confirmed or ready and desirous of being confirmed and 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;

“actual communicant member of a Church in communion with the Church of England” means a communicant member of a Church in communion with the Church of England 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.]

“the Measure” means the Synodical Government Measure 1969;

“minister” means:—

- (a) the incumbent of a parish;
- (b) a curate licensed to the charge of a parish or a minister acting as priest-in-charge of a parish in respect of which rights of presentation are suspended; and
- (c) a vicar in a team ministry to the extent that the duties of a minister are assigned to him by a scheme under [<sup>F23</sup>the <sup>M1</sup>Pastoral Measure 1983] or his license from the bishop;

“parish” means:—

- (a) an ecclesiastical parish; and

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(b) a district which is constituted a “conventional district” for the cure of souls . . . <sup>F24</sup>.

“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.

[<sup>F25</sup>(3) Where a person has executed a deed of relinquishment under the <sup>M2</sup>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 <sup>M3</sup>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) above or of any other provision of these rules which refers to such a clerk.]

[<sup>F26</sup>(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.

[<sup>F26</sup>(5) If any question arises . . . <sup>F27</sup>whether a Church is a . . . <sup>F27</sup>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.

[<sup>F26</sup>(6) In these rules words importing residence include residence of a regular nature but do not include residence of a casual nature.

[<sup>F26</sup>(7) Any reference herein to “these rules” shall be construed as including a reference to Appendices hereto.

#### Textual Amendments

- F22** Definitions “actual communicant member of the Church of England” and “actual communicant member of a Church in communion with the Church of England” substituted for definition “actual communicant member” by [S.I. 1973/1865, para. 30\(1\)](#)
- F23** Words substituted by virtue of [Interpretation Act 1978 \(c.30, SIF 115:1\)](#), [s. 17\(2\)\(a\)](#)
- F24** Words repealed by [S.I. 1980/178, para. 17\(1\)](#)
- F25** [Rule 44\(3\)](#) inserted by [S.I. 1980/178, para. 17\(2\)](#)
- F26** [Rule 44\(4\)–\(7\)](#) (originally [44\(3\)–\(6\)](#)) renumbered by [S.I. 1980/178, para. 17\(3\)](#)
- F27** Words repealed by [S.I. 1973/1865, para. 30\(2\)](#)

#### Marginal Citations

- M1** [1983 No. 1\(21:4\)](#).
- M2** [1870 c.91 \(21:5\)](#).
- M3** [1934 No. 1 \(21:5\)](#).

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