

The Clergy Election Rules 2020

In exercise of the powers conferred by paragraphs 1(a) and (b), 6, 9 and 10 of Canon H2, the General Synod makes the following Rules.

PART 1

INTRODUCTION

Citation, commencement and application

1.—(1) These Rules may be cited as the Clergy Election 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) Where a diocese is divided into areas under CRR Rule 51, with the result that elections in that diocese to the Lower House of Convocation of either province are conducted as if each of the areas were a separate diocese, these Rules apply to each of the areas accordingly; and, in their application to each area, these Rules have effect as if a reference to the diocese were a reference to the area.

(4) In these Rules, “elections portal” has the meaning given in Rule 3(3).

(5) 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.

(6) In these Rules—

“the deans constituency” means—

- (a) the electoral division constituted under paragraph 1(a) of Canon H2 in its application to the province of Canterbury, or
- (b) the electoral division constituted under paragraph 1(a) of Canon H2 in its application to the province of York;

“the religious communities constituency” means the electoral division constituted under paragraph 1(f) of Canon H2 in its application to the province of Canterbury and paragraph 1(d) of Canon H2 in its application to the province of York;

“the universities and TEIs constituency” means the electoral area constituted under paragraph 3 of Canon H2 in its application to both provinces.

(7) A reference in these Rules to a constituency is a reference to a diocese or to an electoral division or area referred to in paragraph (6).

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), in so far as the election involves a system of electronic voting.

(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.

(4) This Rule does not apply to an election in the religious communities constituency.

PART 3
DIOCESES

Application of this Part

4. This Part applies to an ordinary election in a diocese for the purposes of—

- (a) paragraph 1(e) of Canon H2 in its application to the province of Canterbury, or
- (b) paragraph 1(c) of Canon H2 in its application to the province of York.

Qualified electors

5.—(1) The electors in each diocese are every person who qualifies as an elector in that diocese under paragraph 4 of Canon H2 at 6.00 a.m. on the date of the dissolution of the Convocation concerned.

(2) The diocesan electoral registration officer must, subject to paragraph (3), record in a register the name and address of every person who qualifies as an elector in the diocese (the “register of Convocation electors”).

(3) Persons co-opted as members of the house of clergy of a deanery synod in the diocese are not to be recorded in the register of Convocation electors.

(4) Where a person has provided the diocesan electoral registration officer with an email address, the address recorded for that member in the register of Convocation electors must include that email address.

(5) The diocesan electoral registration officer must, at least 21 days before invitations to nominate are issued under Rule 8, give the secretary of each deanery synod in the diocese a copy of the names and addresses recorded in the register of Convocation electors.

(6) The secretary of each deanery synod must, within seven days of receiving the copy names and addresses, provide the diocesan electoral registration officer with—

- (a) if the names and addresses are correct, a certificate in writing to that effect, or
- (b) if they are not correct, a notification in writing of the corrections required.

(7) In ascertaining for the purposes of paragraph (6) whether the names and addresses are correct, the secretary of each deanery synod must ask each elector who has not provided an email address whether he or she wishes to provide one.

(8) The diocesan electoral registration officer must, no later than seven days before invitations to nominate are issued under Rule 8, give a copy of the names and addresses (with any corrections required having been made) to the presiding officer for the election.

(9) The register of Convocation electors must be available for inspection at the diocesan office during the period beginning with the issue of invitations to nominate and ending with the close of nominations.

(10) The register of Convocation electors must, in the form in which it is made available for inspection, include the name of each elector but no other personal data (within the meaning of the Data Protection Act 2018).

(11) Corrections to the register of Convocation electors may be made up until the close of nominations; but after the close of nominations, no names may be added to or removed from the register until the declaration of the result of the election.

Presiding officer

6. The presiding officer in each diocese is the registrar of the diocese or a person appointed by the registrar with the approval of the registrar of the province.

Citation

7.—(1) The bishop of each diocese, on receipt of the citation from the registrar of the province, must cause an election to be held of the number of proctors specified in the citation.

(2) In its application to a diocese which is divided into areas under CRR Rule 51, paragraph (1) has effect in relation to each area as if the reference to the number of proctors specified in the citation were a reference to the number of proctors assigned to the area under paragraph 2 of Canon H2.

Invitations to nominate

8.—(1) The presiding officer, on receipt of the names and addresses of the electors from the diocesan electoral registration officer, must ensure that each qualified elector is issued with an invitation to nominate; and each invitation to nominate must—

- (a) in the case of an elector who has provided an email address, be issued in an email which contains instructions on how to use the elections portal to make a nomination, or
- (b) otherwise, be in the form of a nomination paper and be issued by post or in person.

(2) If a person who is qualified for election in a diocese but is not an elector in the diocese requests a nomination paper, the presiding officer must ensure that the person is issued with a nomination paper.

Requirement for election

9.—(1) If the number of candidates for an election in a diocese does not exceed the number of seats to be filled, each candidate is declared elected; and the presiding officer must inform each candidate accordingly.

(2) If the number of candidates for the election exceeds the number of seats to be filled, an election must be held in accordance with Part 6; and the presiding officer must inform each candidate accordingly.

PART 4

DEANS

Application of this Part

10. This Part applies to an ordinary election in the deans constituency.

Qualified electors

11.—(1) The electors in the province of Canterbury are every person who holds the office of dean of a cathedral in the province, the Dean of Westminster and the Dean of Windsor.

(2) The electors in the province of York are every person who holds the office of dean of a cathedral in the province.

Presiding officer

12. The presiding officer for each province is the registrar of that province or a person appointed by the registrar.

Issue of citation

13.—(1) The presiding officer for the province of Canterbury must issue to the dean of every cathedral in the province, and to the Dean of Westminster and the Dean of Windsor, a citation in respect of the election of three persons for the purposes of paragraph 1(a) of Canon H2 in its application to that province.

(2) The presiding officer for the province of York must issue to the dean of every cathedral in the province a citation in respect of the election of two persons for the purposes of paragraph 1(a) of Canon H2 in its application to that province.

(3) A citation under this Rule must—

- (a) in the case of a dean who has provided an email address, be issued by email, and
- (b) otherwise, be issued by post or in person.

Invitations to nominate

14.—(1) The presiding officer for each province must ensure that the citation issued to each dean under Rule 13 is accompanied by an invitation to nominate.

(2) An invitation to nominate must—

- (a) if the citation is issued by email, be contained in that email in the form of instructions on how to use the elections portal to make a nomination, and
- (b) if the citation is issued by post or in person, be in the form of a nomination paper.

(3) The presiding officer must determine the period within which nominations are to be given to him or her; 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.

Requirement for election

15.—(1) If there are no more than three candidates for an election in the province of Canterbury, or no more than two 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 the election exceeds the number of seats to be filled, an election must be held in accordance with Part 6; and the presiding officer must inform each candidate accordingly.

Channel Islands

16.—(1) The question of which of the Dean of Guernsey and the Dean of Jersey is to represent the Channel Islands in the Lower House of Convocation of the province of Canterbury is to be determined on each occasion of the constitution of the Lower House—

- (a) by agreement between the two Deans, or
- (b) in the absence of agreement, by the Bishop of Winchester or, if section 2 of the Channel Islands Measure 2020 is in force, the Bishop of Salisbury.

(2) If the office of either Dean becomes vacant during his or her membership of the Lower House of Convocation, the other Dean is to take his or her place as a member of the Lower House for the remainder of the lifetime of the Convocation.

PART 5

UNIVERSITIES AND THEOLOGICAL EDUCATION INSTITUTIONS

Application of this Part

17. This Part applies to an ordinary election in the universities and TEIs constituency.

Qualified electors

18.—(1) The electors are every person whose name is included in the register of electors maintained for the purposes of this Rule.

(2) The presiding officer—

- (a) must establish and maintain a register of electors, and
- (b) must secure that the up-to-date register of electors is published on the Church of England website.

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

(4) The first condition is that the person is a priest or deacon in 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 either province 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 this Part 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 is entitled to regard a declaration under paragraph (3) as accurate unless its inaccuracy in some respect is readily apparent.
- (12) The presiding officer must give reasonable notice of an election, inviting applications for inclusion in the register of electors; and where an application for inclusion in the register is refused, the presiding officer must give the applicant the reasons for the refusal and an explanation of the right of appeal under Rule 48(5) against the refusal.
- (13) The register of electors in the form in which it is published on the Church of England website must include an explanation of the right of appeal under Rule 48(6) against the inclusion of a person’s name in the register.
- (14) 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.
- (15) Corrections to the register of electors under this Rule may be made up until the end of the period for voting; and after the end of that period, no names may be added to or removed from the register until the declaration of the result of the election.

Presiding officer

19. The presiding officer is the Joint Registrar of the Provinces of Canterbury and York or a person appointed by the Joint Registrar.

Requirement for election

20.—(1) If the number of candidates for an election does not exceed the number of seats to be filled, 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 seats to be filled, an election must be held in accordance with Part 6; and the presiding officer must inform each candidate accordingly.

Case of no candidates in a province

21.—(1) This Rule 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) each of the candidates concerned is declared elected, and
- (b) any remaining vacancy is to be filled as a casual vacancy.

(3) Where there is only one vacancy to be 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 to be filled, 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 must be held 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).

Case of only one candidate in a province

22.—(1) This Rule 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 must declare that candidate elected.

(3) If no candidates from the universities or TEIs in the other province are nominated, paragraph 21(2) and (3) applies.

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

- (a) each of the candidates concerned is declared elected, and
- (b) any remaining vacancy is to be filled as a casual vacancy (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 must declare those candidates elected.

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

Province to represent

23. A person elected is eligible to appear only in the Lower House of Convocation of the province in which the university or TEI in question is situated.

PART 6

CONDUCT OF ELECTION: DIOCESES, DEANS, UNIVERSITIES & TEIs

Application of this Part

24. This Part applies to an election to which Part 3 (diocese), Part 4 (deans) or Part 5 (universities and TEIs) applies.

Nominations

25.—(1) A candidate for election must be nominated by two persons, each of whom is entitled to vote in the constituency in which the candidate is seeking election.

(2) A nomination of a candidate is valid only if—

- (a) it is made by following the procedure provided for by the elections portal, or
- (b) a completed nomination paper is given to the presiding officer by post or in person.

(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 ecclesiastical office currently held by the candidate,
- (c) the year of the candidate's birth,
- (d) 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
- (e) evidence of the candidate's consent to serve.

(4) A nomination paper must be in the form circulated to the presiding officer by the provincial registrar or in a form to a substantially similar effect.

(5) 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.

(6) 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 (5)(b); and that notification must include an explanation of the right of appeal under Rule 49(1) against the determination.

(7) 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 by the presiding officer; and that period must be at least 28 days beginning with the day on which invitations to nominate are issued.

(8) The presiding officer must, within seven days of receiving a request from a validly nominated candidate, supply free of charge to that candidate one copy of the name and address of every elector; and for this purpose an elector's address includes the elector's email address if he or she has provided one.

Election address

26.—(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,
- (b) is posted on the relevant website, and
- (c) is sent by post to each person entitled to vote in the election who has not provided an email address.

(3) An election address must—

- (a) if it is in hard copy form, be on not more than two sides of A4 paper;
- (b) if it is in electronic form, 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 (as to which, see Rule 25(7)).

(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 28, 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,
- (b) are posted on the relevant website, and
- (c) are sent by post to each person entitled to vote in the election who has not provided an email address.

(7) A failure to post on the relevant 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 9.

(8) The “relevant website” means—

- (a) in the case of an election in a diocese, the diocese’s website;
- (b) in the case of an election in the deans constituency or the universities and TEIs constituency, the Church of England website.

Prohibition on other election material

27.—(1) In the case of an election in a diocese, the presiding officer 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, or is distributed at a meeting of the diocesan synod or any deanery synod in the diocese, by or under the authority of the presiding officer or the diocesan synod.

(2) In the case of an election in a diocese, the rural dean and the lay chair and secretary of each deanery synod in the diocese must each seek to ensure that, during the election period, no literature which in the opinion of any of them is likely to prejudice the election forms part of an official circulation or is distributed at a meeting of the deanery synod.

(3) In the case of an election in the deans constituency or in the universities and TEIs constituency, the presiding officer must seek to 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.

(4) The “election period” is the period which—

(a) begins with the date on which invitations to nominate are issued, and

(b) ends with the end of the period for voting determined under Rule 28(8).

(5) “Literature” does not include an election address under Rule 26.

Voting

28.—(1) An election is to be conducted using the single transferable vote system.

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

(3) Each invitation to vote must—

(a) if the person entitled to vote has provided an email address, be issued by an email containing instructions on how to use the elections portal to vote, or

(b) otherwise, be in the form of a voting paper and be issued by post or in person.

(4) The information which must be displayed within the elections portal, and which must be included on each voting paper, includes in relation to each candidate—

(a) the candidate’s full name (as it appears on the completed nomination, 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.

(5) The elections portal must include, and each voting paper must be accompanied by, an explanation of the right of appeal under Rule 49(2) against the determination that the nomination of a candidate is valid.

(6) A voting paper must also specify the time and date by which and the address to which the voting paper should be returned to the presiding officer.

(7) A voting paper must be in the form circulated to the presiding officer by the provincial registrar or in a form to a substantially similar effect.

(8) 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.

(9) The presiding officer must ensure that, when an invitation to vote is issued to a person, the person is also given written notification of the period determined under paragraph (8).

(10) A vote in the election is valid only if, in a case involving the use of the elections portal, the vote is cast by following the procedure provided for by the elections portal.

(11) A vote in the election is valid only if, in a case involving the use of a voting paper—

- (a) the vote is cast by marking the voting paper in the manner indicated on the paper,
- (b) any requirements under the STV Rules as to indication of preferences are satisfied,
- (c) the voting paper is signed, and the voter's full name is written, on the reverse, and
- (d) the voting paper is given to the presiding officer by post or in person before the end of the period determined under paragraph (8).

(12) The presiding officer must ensure that the following are preserved for at least two years after the declaration of the result of the election—

- (a) a record of each valid vote cast in the election by means of the elections portal, and
- (b) each voting paper used to cast a valid vote in the election.

Result

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

- (a) determine the time and place at which the votes will be counted, and
- (b) give each candidate at least seven days' written notice 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 the 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 written notice 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 50 against the result of the election.

(6) The presiding officer 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 prescribed by the provincial registrar or in a form to a substantially similar effect.

(8) In the case of an election in a diocese, 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 in the diocesan office,
- (b) be displayed on the diocese’s website, and
- (c) be displayed at the General Synod Office.

(9) In the case of an election in the deans constituency or the universities and TEIs constituency, 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.

(10) A copy of the result sheet signed by the presiding officer must be deposited in the appropriate office and must, for the six months after the date of the count, be available for inspection by anybody entitled to vote in the election; and for this purpose, “appropriate office” means—

- (a) in the case of an election in a diocese, the diocesan office;
- (b) in the case of an election in the deans constituency, the office of the province concerned;
- (c) in the case of an election in the universities and TEIs constituency, the office of each provincial registrar.

PART 7

RELIGIOUS COMMUNITIES CONSTITUENCY

Application of this Part

30. This Part applies to an ordinary election in the religious communities constituency.

List of communities and number of members

31.—(1) On a dissolution of the General Synod, the secretary of the House of Bishops—

- (a) must provide the registrar of the province of Canterbury with a list of every religious community in the province of Canterbury, and
- (b) must provide the registrar of the province of York with a list of every religious community in the province of York.

(2) The head of each religious community must, on receipt of a citation from the provincial registrar—

- (a) compile a list of the members of the community who are entitled to vote,
- (b) give a copy of the list to the presiding officer, and
- (c) give each member of the community (including those who are not entitled to vote) a copy of the list and a written explanation of the right to appeal under Rule 48(7) or (8) against the inclusion of, or the failure to include, a name on the list.

(3) The citation referred to in paragraph (2) must specify the time and date by which the presiding officer is to be notified of validly nominated candidates (as to which, see Rule 35).

Qualified electors

- 32.** The electors are every priest or deacon of the Church of England who is—
- (a) a member of a religious community, and
 - (b) resident either in the province of Canterbury or in the province of York.

Presiding officer

33. The presiding officer is the registrar of the province in which the religious community is situated or a person appointed by the registrar.

Nominations

- 34.—**(1) A candidate for election must be nominated by two persons, each of whom is an elector.
- (2) The presiding officer must ensure that each elector is issued with a nomination paper by post or in person.
- (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 the date on which the nomination papers are issued under paragraph (2).
- (4) The presiding officer must ensure that, when a nomination paper is issued to a person, the person is also given written notification of when nominations close.

Validity of nominations

- 35.—**(1) A nomination is valid only if it is made by giving a completed nomination paper to the presiding officer by post or in person.
- (2) 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 candidate's year of 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.
- (3) The presiding officer must—
- (a) as soon as a 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.
- (4) If the presiding officer determines that a nomination is not valid, he or she 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 (3)(b); and that notification must include an explanation of the right of appeal under Rule 49(1) against the determination.
- (5) The head of each religious community must, by the time and date specified in the citation in accordance with Rule 31(3), send the presiding officer the information referred to in paragraph (2) of this Rule in relation to each candidate.

(6) A person is not to be included as a candidate in the election if the presiding officer has not received a valid nomination for that person before the end of the period determined under Rule 34(3).

Requirement for election

36.—(1) If no more than two candidates in an election are nominated, each candidate is declared elected; and the presiding officer must inform each candidate accordingly.

(2) If more than two candidates are nominated, 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

37.—(1) The presiding officer must give each candidate in an 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 posted on the Church of England website, and
- (b) is sent by post to each person entitled to vote in the election.

(3) An election address must—

- (a) if it is in hard copy form, be on not more than two sides of A4 paper;
- (b) if it is in electronic form, 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 39, 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 posted on the Church of England website, and
- (b) are sent by post to each person entitled to vote in the election.

(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)(a) or (6)(a) in an election does not invalidate the election and is accordingly not a ground of appeal under Part 9.

Prohibition on other election material

38.—(1) The presiding officer 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 head of each religious community must seek to ensure that, during the election period, no literature which in the opinion of the head of the community is likely to prejudice the election forms part of an official circulation to members of the community.

(3) The “election period” is the period which—

(a) begins with the start of the period determined under Rule 34(3) for making nominations, and

(b) ends with the end of the period for voting determined under Rule 39(6).

(4) “Literature” does not include an election address under Rule 37.

Voting

39.—(1) The presiding officer for an election must ensure that each person entitled to vote in the election is issued with a voting paper by post or in person.

(2) A voting paper must specify in relation to each candidate—

(a) the candidate’s full name (as it appears on the completed nomination, 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.

(3) A voting paper must be accompanied by an explanation of the right of appeal under Rule 49(2) against the determination that the nomination of a candidate is valid.

(4) A voting paper must also specify the time and date by which and the address to which the voting paper should be returned to the presiding officer.

(5) A voting paper must be in the form circulated to the presiding officer by the provincial registrar or in a form to a substantially similar effect.

(6) 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 voting papers are issued.

(7) The presiding officer must ensure that, when a voting paper is issued to a person, the person is also given written notification of the period determined under paragraph (6).

(8) A vote is valid only if—

(a) it is cast by marking a voting paper in the manner indicated on the paper,

(b) any requirements under the STV Rules as to indication of preferences are satisfied,

(c) the voting paper is signed, and the voter’s full name is written, on the reverse, and

(d) the voting paper is given to the presiding officer by post or in person before the end of the period determined under paragraph (6).

(9) The presiding officer must ensure that each voting paper used to cast a valid vote in the election is preserved for at least two years after the declaration of the result of the election.

Result

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

- (a) determine the time and place at which the votes will be counted, and
- (b) give each candidate at least seven days' written notice 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 the count, the presiding officer considers that there should be a recount because of a possible irregularity or inaccuracy in the count, the officer may, with the agreement of the registrar of the province of Canterbury, 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 written notice of the time and place so determined.

(5) A notice under paragraph (1) or (4) must include a written explanation of the right of appeal under Rule 50 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.

(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.

Province to represent

41. A person elected in the religious communities constituency is eligible to appear only in the Lower House of Convocation of the province in which the religious community to which the person belongs is situated.

PART 8

ELECTION TO FILL CASUAL VACANCY

Application of this Part

42.—(1) This Part applies to an election to fill a casual vacancy in the Lower House of Convocation.

(2) The election is to be conducted as if it were an ordinary election, with the rules in Part 6 or Part 7 (as the case may be) applying accordingly but subject to the modifications provided for in this Part.

(3) The application of this Part to an election to fill a casual vacancy in the deans constituency is subject to Rule 16(2) (which makes special provision for the Channel Islands).

Qualifying electors in diocese

43. In the case of an election to fill a casual vacancy in a diocese, the electors are every person who qualifies as an elector in that diocese 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.

Timing

44.—(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—

- (a) in the case of an election in a diocese, the clerical members of the bishop's council and standing committee acting in accordance with any directions of the diocesan synod;
- (b) in the case of an election in the deans constituency or the universities and TEIs constituency, the archbishop of the province concerned;
- (c) in the case of an election in the religious communities constituency, the Archbishop of Canterbury.

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

(4) In the case of an election in the universities and TEIs constituency, the presiding officer must give reasonable notice of the election, unless the election is to be conducted by using the voting records of a previous election (as to which, see Rule 45), inviting applications for inclusion in the register of electors.

(5) In the case of an election in the religious communities constituency, the presiding officer must notify the head of each religious community in writing of any direction given to the presiding officer under this Rule.

Vacancy occurs within two years of election

45.—(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 by 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 a constituency in the two years beginning with the date on which the result of an election in that constituency 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 exceeds 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 and voting papers preserved from that election under Rule 28(12) or 39(9).

Result

46.—(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) In the case of an election in a diocese, 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 diocese as a member of the Lower House of Convocation or the House of Laity (in addition to those to whom a full return of the result is required to be sent under Rule 29(6)), and
- (b) post on the diocese’s website the full return of the result.

(3) In the case of an election in any other constituency, the presiding officer must, within four working days of the declaration of the result, send a full return of the result to the other persons already elected in the constituency in question (in addition to those to whom a full return of the result is required to be sent under Rule 29(6) or 40(6) (as the case may be)).

PART 9
APPEALS

Application of this Part and interpretation

47.—(1) This Part applies to any election to which any of the preceding Parts of these Rules applies.

(2) A reference in this Part to the Chair of the House of Clergy is a reference to the Prolocutor of the Convocation who is for the time being the Chairman of that House under its Standing Orders.

Appeals relating to eligibility to vote

48.—(1) A person whose name is not included on the register of Convocation electors in a diocese (as to which see Rule 5) may appeal against the failure to include the person's name on the register on the grounds that the person is a qualified elector in the diocese.

(2) A person whose name is included on the register of Convocation electors in a diocese but who objects to the inclusion of another person's name on the register may appeal against the inclusion of that other person's name on the register on the grounds that the other person is not a qualified elector in the diocese.

(3) Where it is decided that a person is not a qualified elector in the deans constituency, that person may appeal against that decision on the grounds that the person is a qualified elector in that constituency.

(4) A person who is a qualified elector in the deans constituency but who objects to the decision that another person is a qualified elector in the constituency may appeal against the decision on the grounds that the other person is not a qualified elector in the constituency.

(5) Where a person's application for inclusion in the register of electors maintained for the purposes of Rule 18 is refused, the person may appeal against the refusal on the grounds that the person is a qualified elector in the universities and TEs constituency.

(6) A person whose name is included on the register of electors maintained for the purposes of Rule 18 but who objects to the inclusion of another person's name on the register may appeal against the inclusion of that other person's name on the register on the grounds that the other person is not a qualified elector in the universities and TEs constituency.

(7) Where a person's name is not included on the list compiled under Rule 31(2) of persons entitled to vote in a religious communities election, that person may appeal against the failure to include the name on the grounds that the person is qualified to vote in the election.

(8) Where a person who is qualified to vote in a religious communities election objects to the inclusion of another person's name on the list compiled under Rule 31(2), the person may appeal against that inclusion of the name on the grounds that the other person is not qualified to vote in the election.

Appeals relating to nominations

49.—(1) An appeal may be made against a determination under Rule 25(5)(a) or 35(3)(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 for the election in question.

(2) An appeal may be made against a determination under Rule 25(5)(a) or 35(3)(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 for the election in question.

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

Appeals against election result

50.—(1) An appeal may be made against the result of an election on the grounds that a person whose election is the subject of the appeal—

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

(3) An appeal against the result of an election in a diocese other than the diocese in Europe may be made on the grounds that—

- (a) it has been determined on an appeal under CRR Rule 57 (enrolment) that an error was made in the register of clerical electors in the diocese or the question is awaiting determination on an appeal under that Rule, and
- (b) the error would or might be material to the result of the election.

(4) An appeal against the result of an election in the diocese in Europe may be made on the grounds that—

- (a) it has been determined on an appeal under the provision applying in that diocese which corresponds to CRR Rule 57 that an error was made in the register of clerical electors in the diocese or the question is awaiting determination on an appeal under that provision, and
- (b) the error would or might be material to the result of the election.

(5) An appeal against the result of an election may be made 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.

(6) An appeal may not be brought under paragraph (1)(b) if—

- (a) the grounds of the appeal are to the effect that the nomination of the person whose election is the subject of the appeal was not valid, and
- (b) an appeal on grounds to that effect was brought under Rule 49(2) before the election.

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

- (a) a candidate in the election,
- (b) an elector in the election, or

- (c) in the case of an election in a diocese, the Prolocutor of the Lower House of the Convocation or, in the case of an election in any other constituency, the Chair of the House of Clergy.

(8) On an appeal under this Rule, a person who was declared elected as a member of the Lower 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 Lower House and of the General Synod pending the determination of the appeal.

(9) If the Chair of the House of Clergy is unable to bring an appeal under this Rule, the Prolocutor of the other Convocation may do so; and if the office of either Prolocutor is vacant, the person who last held the office is to be treated as holding the office for the purposes of this Rule.

Appeal procedures

51.—(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 52 to 55 and 64—

- (a) an appeal under Rule 49(1) or (2) (validity of nomination);
- (b) an appeal under Rule 50(1)(a) or (b) (whether person duly elected or qualified to be a candidate);
- (c) an appeal under Rule 50(5) (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 56 to 64—

- (a) an appeal under Rule 48 (eligibility to vote);
- (b) an appeal under Rule 50(1)(c) (misrepresentation of material fact);
- (c) an appeal under Rule 50(2) (conduct of election);
- (d) an appeal under Rule 50(3) or (4) (error in register of clerical electors).

Summary election appeal: notice

52.—(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 presiding officer for the election.

(3) Notice of an appeal under Rule 49(1) (appeal against determination that nomination not valid) must be given no later than two days after the day on which the person to whom the nomination relates is notified of the determination.

(4) Notice of an appeal under Rule 49(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 50(1)(a) or (b) (appeal relating to 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 50(5) (allowance or disallowance of vote) must be given no later than two days after—

(a) the day on which the vote in question was allowed or disallowed, or

(b) if the appeal is being brought on grounds that there is an error in the register of clergy electors but an appeal under CRR Rule 57 (enrolment) or, in the case of an election in the diocese in Europe, the equivalent provision to that Rule has yet to be determined, the day on which that appeal is determined.

Summary election appeal: referral to relevant judge, etc.

53.—(1) The presiding officer for an election, 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 is given to withdraw the appeal)—

(a) refer the notice of appeal to the relevant judge,

(b) give a written notification to each candidate in the election,

(c) if any decision to which the appeal relates was made by a person other than the presiding officer, give a written notification to that person, and

(d) in the case of an appeal under Rule 49(1) or (2), give a written notification 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) The presiding officer is entitled to provide the relevant judge with a written explanation of the reasons for any decision made by the officer to which the appeal relates.

(4) 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.

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

(6) 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).

(7) 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 the diocese concerned.

Summary election appeal: parties

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

- (a) the presiding officer;
- (b) any person to whom a notification is given under Rule 53(1)(c);
- (c) each relevant person.

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

- (a) on an appeal under Rule 49(1) or (2), the person whose nomination is the subject of the appeal;
- (b) on an appeal under Rule 50(1)(a) or (b), the person whose election is the subject of the appeal;
- (c) on an appeal under Rule 50(5), any person to whom a notification is given under Rule 53(1)(b).

Summary election appeal: determination

55.—(1) The relevant judge (referred to in this Rule as “the judge”), having had a notice of appeal referred under Rule 53, 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 53(5).

(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 49(1) that a nomination is valid, or decides on an appeal under Rule 49(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 50(1)(a) or (b) or (5), 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 Rule 50(1)(a) or (b) or (5), 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

56.—(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 presiding officer for the election.

(3) Notice of an appeal under Rule 48(1) or (2) must be given no later than 14 days after the first day on which the register of Convocation electors is made available for inspection.

(4) Notice of an appeal under Rule 48(3) or (4) must be given no later than 14 days after the day on which the decision is taken as to whether the person is a qualified elector.

(5) Notice of an appeal under Rule 48(5) must be given no later than 14 days after the day on which the person in question is notified of the refusal of the application for inclusion on the register.

(6) Notice of an appeal under Rule 48(6) must be given no later than 14 days after the first day on which the name in question is, or is not, included on the register published on the Church of England website.

(7) Notice of an appeal under Rule 48(7) or (8) must be given no later than 14 days after the day on which the list compiled under Rule 31(2) is sent to members of the religious community in question.

(8) Notice of an appeal under Rule 50(1)(c) or (2) must be given no later than 14 days after the declaration of the result of the election.

(9) Notice of an appeal under Rule 50(3) or (4) must be given no later than 14 days after—

- (a) the day on which the result of the election is declared, or
- (b) if an appeal under CRR Rule 57 (enrolment) or, in the case of an election in the diocese in Europe, the equivalent provision to that Rule has yet to be determined, the day on which that appeal is determined.

Full election appeal: referral of notice

57.—(1) Where notice of a full election appeal is given, the person to whom it is given 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 written notification to each candidate in the election,
- (b) if any decision to which the appeal relates was made by a person other than the presiding officer, give a written notification to that person,
- (c) in the case of an appeal under Rule 48(2), (4), (6) or (8), give a written notification to the person in respect of whom the objection is made, and
- (d) refer the notice to the relevant office holders.

(2) Where a purported notice of a full election appeal is given out of time, the person to whom it is given 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 written notification to each person referred to in paragraph (1)(a), (b) and (c), and
- (b) refer the notice to the relevant office holders.

(3) The relevant office holders are—

- (a) in the case of an election in a diocese, the bishop's council and standing committee of the diocese;
- (b) in the case of an election in any other constituency, the Prolocutors of the Convocations.

(4) A person to whom a notification is given under paragraph (1)(a) or (b) is entitled to make written representations to the panel appointed under Rule 59(1) on a decision to which the appeal relates.

(5) The presiding officer is entitled to provide that panel with a written explanation of the reasons for any decision made by the officer to which the appeal relates.

(6) A person to whom a notification under paragraph (1)(b) is entitled to provide that panel with a written explanation of the reasons for the decision which that person made.

(7) Representations under paragraph (4) or an explanation under paragraph (5) or (6) must be made within 28 days of the referral of the notice of appeal.

(8) The presiding officer and any person to whom a notification is given under paragraph (2)(a) are each entitled to make written representations to the panel appointed under Rule 59(2) on the question of whether the panel should consider the appeal.

(9) Representations under paragraph (8) must be made within seven days of the notification under paragraph (2)(a) being given.

(10) A notification under paragraph (1)(a), (b) or (c) or (2)(a) must include an explanation of the entitlement to make representations or an explanation (as the case may be).

(11) Where either of the Prolocutors is directly concerned in an appeal, the Standing Committee of the House of Clergy must nominate a deputy to exercise the functions of the Prolocutor in question in relation to that appeal.

(12) Once a notice is referred under this Rule, the appellant may withdraw it only with the consent of the panel appointed under Rule 59 to decide the matter.

Full election appeal: parties

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

- (a) the presiding officer;
- (b) any person to whom a notification is given under Rule 57(1)(b);
- (c) each relevant person.

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

- (a) on an appeal under Rule 48(2), (4), (6) or (8), any person to whom a notification is given under Rule 57(1)(c);
- (b) on an appeal under Rule 50(1)(c), the person whose election is the subject of the appeal;
- (c) on an appeal under Rule 50(2), (3) or (4), any person to whom a notification is given under Rule 57(1)(a).

Full election appeal: appeal panel

59.—(1) The relevant office holders, on receiving a referral under Rule 57(1), must appoint a Chair and two other persons to serve as a panel to consider the appeal.

(2) The relevant office holders, on receiving a referral under Rule 57(2), must 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 the appointments under this Rule, the relevant office holders 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 entitled to vote in the diocese or other constituency to which the appeal relates, or
- (b) might otherwise have a benefit from the outcome of the election.

(5) Appointments under this Rule must be made before the end of the period of 28 days beginning with the day on which the notice of appeal, or purported notice of appeal, is given.

(6) “Relevant office holders” has the meaning given in Rule 57.

Full election appeal: preliminary assessment

60.—(1) A panel appointed under Rule 59(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 57(7).

(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 62 and 63.

(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 written notification 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

61.—(1) A panel appointed under Rule 59(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 57(9).

(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 57(1) is given to the person concerned (and, once that has been done, Rule 57(4) to (7) and (10) 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 57(7) has expired, the panel may proceed to conduct a preliminary assessment of the appeal under Rule 60.

(5) The panel must give a written notification 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

62.—(1) The panel to which an appeal is referred under Rule 60 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 it 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)(a) 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

63.—(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 48, the panel, having decided whether the person in question is qualified to vote in the constituency or election concerned, must give whatever directions it thinks necessary.

(3) Where 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 it 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

64.—(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 written notification 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 55(5)(a) or 63(3)(a), the date on which the direction is given is the date on which a casual vacancy occurs for the purposes of these Rules.

(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—

- (a) in the case of an election in a diocese, to be paid by the diocesan board of finance;
- (b) in the case of an election in any other constituency, to be paid by the Archbishops' Council.

PART 10

MISCELLANEOUS

Term of office

65. The term of office of a person elected as a member of the Lower 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.

Resignation

66.—(1) A person who is an elected, appointed, chosen or co-opted member of the Lower House of Convocation of either province may resign the membership by giving notice in writing to the registrar of the province.

- (2) A resignation under this Rule takes effect—
 - (a) on the date specified in the notice, or
 - (b) if no date is specified in the notice, on the date on which the registrar receives the notice.

Communicating by email or post

67.—(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.

(3) Where a communication is sent to a person by post and addressed to that person at his or her last known address, it is to be treated as having been given to the person by the time at which it would be delivered in the ordinary course of post.

Power of archbishop to make supplementary provision etc.

68.—(1) For the purpose of ensuring that the provisions of these Rules are carried out in a diocese, the archbishop of the province concerned 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 those 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 8.

(9) In the application of this Rule to the religious communities constituency, the references to the archbishop of either province are to be read as references to the archbishops (or where Rule 69(1) applies, to the persons exercising the archbishops' functions) acting jointly.

Delegation by archbishop or bishop

69.—(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.

(3) During a vacancy in a diocesan bishopric, or where because of illness the bishop of a diocese is unable to exercise his or her functions as such under these Rules, the archbishop of the province may appoint a person in episcopal orders to exercise the functions.

Fees and expenses

70.—(1) The fees of and expenses incurred by the presiding officer in the conduct of an election, or by the body nominated under Rule 3(2) in assisting the presiding officer with the conduct of the election, are—

- (a) in the case of an election in a diocese, to be paid by the diocesan board of finance;
- (b) in the case of an election in any other constituency, to be paid by the Archbishops' Council.

Revocation and transitional provision

71.—(1) The Clergy Representation Rules 1975 to 2014 are revoked.

(2) Where, immediately before the commencement of these Rules, an appeal under the Clergy Representation Rules 1975 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