

The House of Laity Election Rules 2020

In exercise of the powers conferred by Rules 56 and 59 of the Church Representation Rules, the General Synod makes the following Rules.

PART 1

INTRODUCTION

Citation and commencement

- 1.—(1) These Rules may be cited as the House of Laity Election Rules 2020.
- (2) These Rules come into force on 15th July 2020.

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 House of Laity 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.

(5) In these Rules, “religious communities election” means an election to the House of Laity for the purposes of CRR Rule 46(1)(c) (and as to which, see Part 4 of these Rules).

(6) A reference in these Rules to the single transferable vote system is a reference to the form of that system that is for the time being provided for in the rules made by the General Synod under its Standing Orders; and a reference in these Rules to “the STV Rules” is a reference to those rules.

PART 2

ELECTRONIC VOTING

Elections portal

3.—(1) The presiding officer for an election to be held in accordance with these Rules must, with the assistance of the body nominated under CRR 53(2) (independent body to assist with electronic voting), provide an online facility for the conduct of the election; and a reference in these Rules to “the elections portal” is a reference to that online facility.

(2) This Rule does not apply to a religious communities election.

PART 3
ORDINARY ELECTION IN A DIOCESE

Application of this Part

4. This Part applies to an ordinary election to the House of Laity in a diocese.

Invitations to nominate

5. An invitation to nominate a candidate for an election 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.

Validity of nominations

- 6.—(1) A nomination of a candidate for an election 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.
- (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 parish on whose church electoral roll the candidate's name is entered,
 - (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.
- (3) 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.
- (4) The presiding officer must—
- (a) as soon as each nomination is received, determine whether it is valid, and
 - (b) without delay, notify the candidate and each of the persons who nominated the candidate whether the nomination is valid.
- (5) If the presiding officer determines that a nomination is not valid, the presiding officer must give the candidate and each of the persons who nominated the candidate the reasons for the determination when notifying it to each of them under paragraph (4)(b); and that notification must include an explanation of the right of appeal under Rule 32(1) against the determination.
- (6) A person is not to be included as a candidate for the election if the presiding officer has not received a valid nomination for that person before the end of the period determined under CRR Rule 55(4).
- (7) A nomination form is not invalidated merely because the name or description of the parish given for the purposes of paragraph (2)(b) is inaccurate in some respect.

(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.

Requirement for election

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

(3) An election under this Part is to be conducted using the single transferable vote system, subject to CRR Rule 75 (STV constraints).

Election address

8.—(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 diocese's 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 CRR Rule 55(4)).

(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 10, 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 diocese's 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 a diocese’s 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 7.

Prohibition on other election material

9.—(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, 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) 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) 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 10(8).

(4) “Literature” does not include an election address under Rule 8.

Voting

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

(2) Each invitation to vote must—

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

(3) The email or postal address to be used for the purposes of paragraph (2) is—

- (a) the address entered against the person’s name in the register of lay electors, or
- (b) if, before the close of nominations, the person has notified the presiding officer in writing of another address, that other address.

(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 32(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 an 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 an 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

11.—(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, with the agreement of the provincial registrar, 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 33 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) 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) A copy of the result sheet signed by the presiding officer must be deposited in the diocesan 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.

Fees and expenses

12.—(1) The presiding officer for an election is entitled to such fees for the performance of duties imposed by rules under CRR Rule 53(4) as are provided for in an order under section 86 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018.

(2) Where, with the prior written agreement of the bishop's council and standing committee, the presiding officer for an election or some other person performs other duties in connection with the election, the presiding officer or other person is entitled to such fees as are specified in the agreement.

(3) The expenses of an election, and the fees of and expenses incurred by the body nominated under CRR Rule 53(2) in assisting the presiding officer with the conduct of an election, are to be paid by the diocesan board of finance.

PART 4

ORDINARY ELECTION IN RELIGIOUS COMMUNITIES CONSTITUENCY

Application of this Part

13. This Part applies to an ordinary religious communities election.

List of communities and number of members

14.—(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 31 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 18).

Qualified electors

15. The electors are every lay person who is—

- (a) an actual communicant member of the Church of England aged 18 or over,
- (b) a member of the religious community concerned, and
- (c) resident either in the province of Canterbury or in the province of York.

Presiding officer

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

Nominations

17.—(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

18.—(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, 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 (3)(b); and that notification must include an explanation of the right of appeal under Rule 32(1) against the determination.

(5) 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 17(3).

Requirement for election

19.—(1) If the number of candidates does not exceed the number of places to be filled (as to which, see CRR Rule 46(1)(c)), each candidate is declared elected; and the presiding officer must inform each candidate accordingly.

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

(3) An election under this Part is to be conducted using the single transferable vote system, subject to CRR Rule 75 (STV constraints).

Election address

20.—(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 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 22, 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 7.

Prohibition on other election papers

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

(2) The 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 17(3) for making nominations, and

(b) ends with the end of the period for voting determined under Rule 22(6).

(4) “Literature” does not include an election address under Rule 20.

Voting

22.—(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 also specify the time and date by which and the address to which the voting paper should be returned to the presiding officer.

(4) A voting paper must be accompanied by an explanation of the right of appeal under Rule 32(2) against the determination that the nomination of a candidate is valid.

(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 in the election 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

23.—(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 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 33 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.

(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 the provincial registrar who is the presiding officer 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.

Expenses

24. The expenses incurred by the presiding officer for an election, and any other costs of the election, are to be paid by the Archbishops' Council.

PART 5

ELECTION TO FILL CASUAL VACANCY

Application of this Part

25.—(1) This Part applies to—

- (a) an election in a diocese to fill a casual vacancy in the House of Laity, and
- (b) a religious communities election to fill a casual vacancy.

(2) The election is to be conducted as if it were an ordinary election, with the rules in Part 3 or Part 4 (as the case may be) applying accordingly but subject to the modifications provided for in this Part.

Timing

26.—(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 lay members of the bishop's council and standing committee acting in accordance with any directions of the diocesan synod;
- (b) in the case of a religious communities election, the Standing Committee of the House of Laity.

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

(4) In the case of a religious communities election, the presiding officer must notify the head of each religious community in writing of any directions given to the presiding officer under this Rule.

Vacancy occurs within two years of election

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

- (a) the election to fill the vacancy must be conducted using the voting records of the ordinary election,
- (b) the number of persons to be elected is to be 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 diocese in the two years beginning with the date on which the result of an election in that diocese to the House of Laity was declared, or where a casual vacancy occurs among the lay members of the religious communities in the two years beginning with the result of a religious communities election, 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 using the voting records of the election held to fill the previous 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, subject to CRR Rule 75 (STV constraints).

(6) “Voting records”, in relation to an election, means the records and voting papers preserved from that election under Rule 10(12) or Rule 22(9).

Result

28.—(1) A person elected to fill a casual vacancy holds office only for the unexpired part of the term of office due 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 11(6)), and
- (b) post on the diocese’s website the full return of the result.

(3) In the case of a religious communities election, the presiding officer must, within four working days of the declaration of the result, send a full return of the result to the other person already elected under CRR Rule 46(1)(c) (in addition to those to whom a full return of the result is required to be sent under Rule 23(6)).

PART 6

ARMED FORCES SYNOD

Result of election

29. In the case of an election to the House of Laity held for the purposes of CRR Rule 46(1)(f) (Armed Forces Synod), the full return of the result 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.

PART 7
APPEALS

Application of this Part

30.—(1) This Part applies to any election to which Part 3, 4 or 5 applies.

(2) This Part also applies to an election to the House of Laity for the purposes of CRR Rule 46(1)(f) (Armed Forces Synod); and where for those purposes a choice, rather than an election, of members is or is to be made, a reference in the following provisions of this Part to an election includes a reference to a choice made for those purposes.

Appeals relating to eligibility to vote: religious communities

31.—(1) Where a person's name is not included on the list compiled under Rule 14(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.

(2) 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 14(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

32.—(1) An appeal may be made against a determination under Rule 6(4)(a) or 18(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 6(4)(a) or 18(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

33.—(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 lay 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 electoral roll of a chaplaincy or the register of lay 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 32(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) the Chair of the House of Laity.

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

(9) If the Chair of the House of Laity is unable to bring an appeal under this Rule, the Vice-Chair of the House may do so; and if the office of Chair or Vice-Chair of the House 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

34.—(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 35 to 38 and 47—

(a) an appeal under Rule 32(1) or (2) (validity of nomination);

(b) an appeal under Rule 33(1)(a) or (b) (whether person elected or qualified as candidate);

(c) an appeal under Rule 33(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 39 to 47—

(a) an appeal under Rule 31 (eligibility to vote: religious communities);

(b) an appeal under Rule 33(1)(c) (misrepresentation of material fact);

(c) an appeal under Rule 33(2) (conduct of election);

- (d) an appeal under Rule 33(3) or (4) (error in register of lay electors).

Summary election appeal: notice

35.—(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 32(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 32(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 33(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 33(5) (appeal against 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 lay 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.

36.—(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 32(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

37.—(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 36(1)(c);
 - (c) each relevant person.
- (2) Each of the following is a relevant person—
- (a) on an appeal under Rule 32(1) or (2), the person whose nomination is the subject of the appeal;
 - (b) on an appeal under Rule 33(1)(a) or (b), the person whose election is the subject of the appeal;
 - (c) on an appeal under Rule 33(5), any person to whom a notification is given under Rule 36(1)(b).

Summary election appeal: determination

38.—(1) The relevant judge (referred to in this Rule as “the judge”), having had a notice of appeal referred under Rule 36, 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 36(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 32(1) that a nomination is valid, or decides on an appeal under Rule 32(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 33(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 33(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

39.—(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 31 must be given no later than 14 days after the day on which the list compiled under Rule 14(2) is sent to members of the religious community in question.

(4) Notice of an appeal under Rule 33(1)(c) or (2) must be given no later than 14 days after the day on which the result of the election is declared.

(5) Notice of an appeal under Rule 33(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

40.—(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 explanation to that person,
- (c) in the case of an appeal under Rule 31(2), give a written notification to the person to whose inclusion on the list 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 a 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 Chair and Vice-Chair of the House of Laity;
- (b) in the case of a religious communities election, the Business Committee.

(4) A person to whom a notification is given under paragraph (1)(a) or (c) is entitled to make written representations to the panel appointed under Rule 42(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 is given 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 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 42(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 the Chair or Vice-Chair of the House of Laity is directly concerned in an appeal, the Standing Committee of the House must nominate a deputy to exercise the functions of the Chair or Vice-Chair (as the case may be) 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 42 to decide the matter.

Full election appeal: parties

41.—(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 40(1)(b);
 - (c) each relevant person.
- (2) Each of the following is a relevant person—
- (a) on an appeal under Rule 31(2), any person to whom a notification is given under Rule 40(1)(b);
 - (b) on an appeal under Rule 33(1)(c), the person whose election is the subject of the appeal;
 - (c) on an appeal under Rule 33(2), (3) or (4), any person to whom a notification is given under Rule 40(1)(a).

Full election appeal: appeal panel

42.—(1) The relevant office holders, on receiving a referral under Rule 40(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 40(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 religious community 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 40.

Full election appeal: preliminary assessment

43.—(1) A panel appointed under Rule 42(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 40(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 45 and 46.

(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 must give 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

44.—(1) A panel appointed under Rule 42(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 40(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 40(1) is given to the person concerned (and, once that has been done, Rule 40(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 40(7) has expired, the panel may proceed to conduct a preliminary assessment of the appeal under Rule 43.

(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 must give 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

45.—(1) The panel to which an appeal is referred under Rule 43 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—

(a) an opportunity to appear before it 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

46.—(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 31, the panel, having decided whether the person in question is qualified to vote in the religious communities election, must give whatever directions the panel thinks necessary.

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

- (a) direct that a fresh election is to be held, and
- (b) give whatever further directions 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

47.—(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 38(5)(a) or 46(3)(a), the date on which the direction is given is the date on which a casual vacancy occurs for the purposes of Part 5.

(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 a religious communities election, to be paid by the Archbishops' Council.

PART 8

MISCELLANEOUS

Power of archbishop to make supplementary provision etc.

48.—(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 5.
- (9) During a vacancy in an archbishopric, or where because of illness an archbishop is unable to exercise his or her functions as such for the purposes of this Rule, the functions are exercisable by the most senior diocesan bishop in the province who is able to exercise the functions.
- (10) For the purposes of paragraph (9), the seniority of diocesan bishops is to be determined in accordance with section 67 of the Ecclesiastical Jurisdiction Measure 1963.
- (11) In the application of this Rule to a religious communities election, the references to the archbishop of either province are to be read as references to the archbishops (or where paragraph (9) applies, to the persons exercising the archbishops' functions) acting jointly.

Revocation and transitional provision

49.—(1) The Religious Communities (Lay Representatives) Rules 1984 to 2004 are revoked.

(2) Where, immediately before the commencement of these Rules, an appeal under the Religious Communities (Lay Representatives) Rules 1984 to 2004 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