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STATUTORY INSTRUMENTS

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**2020 No. 406**

**The Church Representation Rules  
(Amendment) Resolution 2020**

**PART 2**

**APPEALS**

**Consequential amendments**

**10.**—(1) In the Church Representation Rules, in the table at the beginning setting out the arrangement of the Rules, in the entry for Part 6 (appeals), for “61” substitute “61I”.

(2) In Part 11 of the Church Representation Rules (index), at the appropriate place insert each of the following—

“enrolment appeal (in Part 6)	Rule 57A(10)”;
“full election appeal (in Part 6)	Rule 59A(2)”;
“summary election appeal (in Part 6)	Rule 59A(1)”.

(3) For section 5A of the Churchwardens Measure 2001 (election appeals) substitute—

**“Election appeal**

**5A.**—(1) An appeal may be made against the result of an election under section 4 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 election is held, misrepresented a material fact in connection with the election.

(2) An appeal may be made against the result of an election under section 4 on the grounds that the conduct of the election was such as to affect the outcome of the election.

(3) An appeal may be made against the result of an election under section 4 on the grounds that—

- (a) it has been determined on an appeal under Rule 57 of the Church Representation Rules that an error was made in the roll 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 may be made against the result of an election under section 4 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 result of the election.

(5) An appeal under this section may be made by—

- (a) a person entitled to take part in the meeting of the parishioners for making the election, or
- (b) a candidate in the election.

(6) Notice of an appeal under this section—

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

(7) Notice of an appeal under this section must be given to the lay chair of the deanery synod (as defined by Rule 26(7) of the Church Representation Rules).

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

(9) Rules 60 to 60C and 61I of the Church Representation Rules apply to an appeal under subsection (1)(a) or (b) or (4) of this section as they apply respectively to an appeal under Rule 58A(1)(a) or (b) or (4) of those Rules (summary election appeal).

(10) Rules 61 to 61I of the Church Representation Rules apply to an appeal under subsection (1)(c), (2) or (3) of this section as they apply respectively to an appeal under Rule 58A(1)(c), (2) or (3) of those Rules (full election appeal).”

(4) In section 5 of that Measure (meeting of parishioners), in subsection (3), after “is to be held” insert “; and the notice must also include an explanation of the right of appeal under section 5A against the result of the election”.