

CHURCHWARDENS MEASURE 2001

References to the "Old Law" are to the Churchwardens (Appointment and Resignation) Measure 1964 and references to the "New Law" are to the Churchwardens Measure 2001.

NUMBER OF CHURCHWARDENS

- (a) Every parish shall have two churchwardens.
- (b) Where by custom there are more than two churchwardens, the custom can continue, but a meeting of parishioners can resolve to abandon the custom. Once the custom is abandoned, it cannot be revived.
- (c) Where there are two parish churches in a parish, each will have two churchwardens. All the churchwardens shall be churchwardens of the whole parish, except that they may arrange to perform separate duties in relation to each church.
- (d) Under the old law, a person could be churchwarden of more than one parish. Under the new law, a person can only be churchwarden of more than one parish in the case of related parishes, e.g., two parishes in the same benefice, or in the same group, or which are held in plurality, or which have the same minister.

QUALIFICATION OF CHURCHWARDENS

Old Law	New Law
<ul style="list-style-type: none">(a) Baptised(b) Resident in parish or on the electoral roll.(c) Actual communicants.(d) At least 21 years of age.(e) Consent.	<ul style="list-style-type: none">(a) Baptised(b) On electoral roll. Do not need to be resident. Also, resident who is not on the electoral roll cannot be a churchwarden.(c) Actual communicants.(d) At least 21 years of age.(e) Not disqualified.(f) Consent <p>N.B. The Bishop can dispense with (b), (c) or (d).</p>

Notes:

"*Actual communicant*" means (Rule 54, Church Representation Rules) a person who

- (a) has received communion according to the use of the Church of England, or a Church in communion with the Church of England, at least three times during the twelve months preceding the date of election; and
- (b) is on the Electoral Roll of a parish; and
- (c) is confirmed or ready to be confirmed or is receiving communion in accordance with the provisions of Canon B15A 1(b) (i.e. baptised persons who are communicant members of other churches which subscribe to the doctrine of the Holy Trinity and are in good standing in their own church).

The qualifications for being on the electoral roll are (Rule 1, Church Representation Rules):

- (a) Lay person.
- (b) Baptised.
- (c) At least 16 years of age.
- (d) Has signed an application to be on the roll.
- (e) Declares himself either
 - (i) to be a member of the Church of England (or a church in communion with the Church of England) and is resident in the parish; OR
 - (ii) if not resident, to be a member of the Church of England and to have habitually attended worship in the parish in the six months preceding enrolment; OR
 - (iii) to be a member in good standing of a church which subscribes to the doctrine of the Holy Trinity and also a member of the Church of England who has habitually attended worship in the parish during the six months preceding enrolment.

DISQUALIFICATIONS

Old Law	New Law
<p>Cannot be a churchwarden if:</p> <p>(a) Disqualified by the Bishop under the Incumbents (Vacation of Benefices) Measure 1977; OR</p> <p>(b) Foreign national or Jew.</p>	<p>Cannot be a churchwarden if:</p> <p>(a) Disqualified by the Bishop under the Incumbents (Vacation of Benefices) Measure 1977; OR</p> <p>(b) Disqualified from being a charity trustee under the Charities Act 1993 (e.g. convicted of a criminal offence involving dishonesty, or an undischarged bankrupt); OR</p> <p>(c) Convicted under the Children and Young Persons Act 1963; OR</p> <p>(d) Has been a churchwarden for six continuous periods.</p>

- Note: (1) There is still no bar to an Incumbent's spouse being a churchwarden
 (2) A person cannot be churchwarden of more than one parish, unless the parishes are "related", as explained above.

Six periods of office:

When a person has held office as churchwarden for six consecutive periods, he or she is then not eligible for election for two years. However, a meeting of parishioners may resolve that the six-year rule will not apply. Such resolution may be revoked at a later date.

ELECTIONS

Old Law	New Law
<p>(a) To take place by 30th April.</p> <p>(b) Election by joint consent of meeting OR Incumbent chooses one churchwarden and the meeting chooses the other.</p> <p>(c) The persons entitled to attend and vote are (i) persons on the church electoral roll and (ii) persons resident in the parish and on the local government register as residents.</p>	<p>(a) To take place by 30th April.</p> <p>(b) Election by joint consent of meeting OR Incumbent chooses one churchwarden and the meeting chooses the other.</p> <p>(c) The persons entitled to attend and vote are (i) persons on the church electoral roll and (ii) persons resident in the parish and on the local government register as residents.</p> <p>(d) Candidates must be nominated and seconded in writing by persons entitled to attend the meeting, and the nomination form must be signed by the person nominated to the effect that he is willing to serve and is not disqualified from serving. A nomination is not valid unless received by the minister <u>before the meeting</u> and, where the Bishop has been asked to waive one of the qualifications for election, the Bishop's waiver has been given before the nomination paper is received by the minister.</p>

ADMISSION OF CHURCHWARDENS

Old Law	New Law
(a) No person can act as churchwarden until admitted. (b) Before admission must make declaration to faithfully and diligently perform the duties of office.	(a) No person can act as churchwarden until admitted. (b) Before admission must make declaration to faithfully and diligently perform the duties of office. (c) Must additionally make declaration that not disqualified from holding office. (d) Must be admitted by 31 st July, otherwise a casual vacancy arises.

PERIOD OF OFFICE

Once admitted, a churchwarden holds office until:

Old Law	New Law
(a) Successor admitted OR (b) Minister, other churchwarden and Bishop consent to him resigning OR (c) Ceases to be resident and on electoral roll	(a) Successor is admitted or 31 st July, whichever is the earlier OR (b) The expiry of two months' notice in writing of resignation served on the Bishop; or Bishop, Incumbent and other Churchwarden agree to shorter notice OR (c) Name removed from church electoral roll OR (d) Name not on a new electoral roll OR (e) Churchwarden becomes disqualified.