

## **E1 Churchwardens (*see Canon E1*)**

(a) Section 31 of the *Diocesan Constitution* sets out the rules governing churchwardens in this Diocese. It has been modified by the *Churchwardens' Measure 2001* which is effective from 1 January 2002.\* This section includes a summary of the principal points of 2001 Measure as it affects this Diocese. It is the responsibility of each Chaplaincy Council to ensure compliance with the provisions of that Measure.

\*Note In the last sentence of §31a of the *Diocesan Constitution* the words 'vicar general' should be taken to mean 'diocesan secretary'.

### **(b) Basic provisions for appointing churchwardens**

- Each designated chaplaincy has two churchwardens, unless a Scheme made under paragraph 32 (b) of the *Diocesan Constitution*, provides otherwise or there is a tradition of appointing more churchwardens dating back to before 1925.
- The churchwardens shall be chosen from persons who are baptised and —

whose names are on the electoral roll of the chaplaincy;

who are actual communicants as defined in rule 54(1) of the *CRR*;

who are twenty-one years of age or upwards; and

who are not disqualified for reason of dishonesty, offences against children or being a cause of pastoral breakdown, as detailed below

- The Bishop or archdeacon may, in the case of a particular person who is not qualified under the first three points above, permit that person to hold the office of churchwarden, provided that the person is of full legal age in the country concerned. Any such permission shall be in writing and shall apply only to the period of office next following the date on which the permission is given.
- No person may be chosen as churchwarden of more than one chaplaincy unless the chaplaincies are related, either by a formal Scheme approved by the Bishop or archdeacon, or by having the same chaplain.
- The following are disqualified from being chosen as churchwarden:

a person who is disqualified from being a charity trustee under the *Charities Act 1993* or any similar legislation in another country;

a person who has been convicted of any offence mentioned in Schedule 1 to the *Children and Young Persons Act 1933* or any similar legislation in another country;

a person who is disqualified under the *Incumbents (Vacation of Benefices) Measure 1977*.

- A person who has served six successive years as churchwarden may not be chosen again until the annual meeting in the next year but one following the end of the last of those successive years. An annual or special chaplaincy meeting may by resolution

determine that this rule shall not apply to the chaplaincy concerned. A subsequent general meeting may revoke any such resolution.

- The churchwardens are chosen by the annual chaplaincy meeting, to be held not later than 30 April in each year, and not by a special 'meeting of parishioners'.
- Candidates for election must be nominated and seconded in writing by persons entitled to take part in the meeting, and each nomination paper must contain a statement, signed by the person nominated, to the effect that that person is willing to serve and is not disqualified from being chosen as described above.
- A nomination is not valid unless —

it has been received by the chaplain (or other chairman of the annual meeting) before the commencement of the meeting;

where the Bishop's or archdeacon's permission is required, that this has been given in writing before the nomination is submitted.

- If it appears to the chaplain that the election of any particular person nominated might give rise to serious difficulties between the chaplain and that person in the carrying out of their respective functions, the chaplain may, before the election is conducted, make a statement to the effect that only one churchwarden is to be elected by the meeting. In that event one churchwarden shall be appointed by the chaplain from among the persons nominated, the name of the person so appointed being announced before the election is conducted, and the other churchwarden shall then be elected by the meeting.

During a vacancy there is no provision for the appointment of a churchwarden by the chaplain.

- The Measure does not explain how the election is to be conducted and the meeting has power to determine its own rules of procedure. In most cases the election of churchwardens is carried out by a show of hands, but it can be by ballot. The chaplain does not have a vote on the choice of churchwardens, but does have a vote on matters of procedure, such as a proposal to adjourn. The chaplain does not have a second or casting vote on any matter.
- A person chosen to fill a casual vacancy is chosen in the same way as was the churchwarden whose place is to be filled, except that when the churchwarden concerned was appointed by a chaplain who has since ceased to hold office, the vacancy is filled by a special chaplaincy meeting.
- Deputy churchwardens, though lacking the formal powers and duties of churchwardens, may be appointed in some cases where there are two or more places of worship and where the Chaplaincy Council has made a scheme for their appointment.

(a) The custom in some places of choosing a 'chaplain's warden' and a 'people's warden' is discouraged. The distinction makes sense only in circumstances where one warden is chosen by the chaplain and the other by the annual meeting.

## **Admission**

(d) Canon E1 requires that churchwardens shall be admitted by 'the Ordinary (ie the Bishop) or his substitute duly appointed'. In this Diocese distance makes the holding of an annual Visitation impossible.

- Therefore (unless he himself or the archdeacon is to be present at the chaplaincy meeting) the Bishop, by this regulation, appoints the chaplain or priest-in-charge of each chaplaincy and congregation of the Diocese as his substitute for the purpose of admitting churchwardens.
- If the vice-chairman of the church council knows that, at the time of the annual chaplaincy meeting, there will be neither a chaplain nor a priest-in-charge of the chaplaincy, he should inform the archdeacon in good time so that other arrangements may be made.

(e) The admission takes place either at the annual chaplaincy meeting (or, in the case of a churchwarden chosen to fill a vacancy during the year, the special chaplaincy meeting) at which the choice is made, or during an act of worship which immediately follows the meeting.

Blank forms of Certificate of Admission are sent to chaplaincies annually: completed copies should be sent to the diocesan secretary with the annual return of Chaplaincy Council officers.

(f) If a churchwarden is not admitted to office by 31 July, the position becomes vacant, and there needs to be a new election.

(g) The churchwardens are the officers of the Bishop. It is their duty to tell him, or the archdeacon, of any thing concerning the welfare of their chaplain or chaplaincy which he should know.

(h) Churchwardens are appointed for one year only and have to be admitted to office every year. They remain in office until a successor is admitted to office. Although newly elected churchwardens do not take up the office of churchwarden until formally admitted, they *do* immediately become members of chaplaincy councils.

(i) Churchwardens need not 'resign' if they do not intend to stand, or are disqualified from standing, for re-election, but the Bishop is glad to have a 'final report' from a warden whose term of office is concluded.