

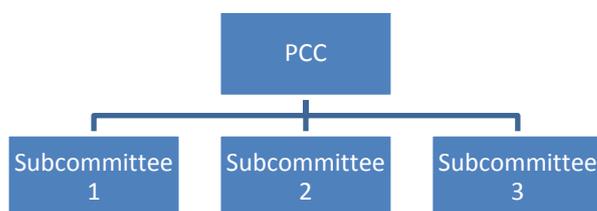
## CHURCH REPRESENTATION RULES

### Rule 18 19 20 21 PAROCHIAL GOVERNANCE SCHEMES

1. **Preamble:** The purpose of this guidance is to explain the scope of Schemes made under Rule 18, 19 and 20 of the Church Representation Rules (CRR), and how the Registry can assist. It is not obligatory for a parish or several parishes to have such Schemes in place: but in some situations a Scheme can help a parish achieve good governance. We suggest that before departing from the 'norm' of governance through a simple PCC perhaps with sub-committees, or of a Scheme using one of the precedents which we offer, a parish should think very carefully as to its reasoning, so as to avoid additional cost. We think that it is possible that in some places too much work is being delegated to some bodies to enable them to function whilst in others so little is being delegated that a Council becomes little more than a debating chamber.
2. Where it is felt that a Scheme might be appropriate within a place, people should read this note and the precedents carefully, and be thinking about:
  - 2.1. Why do we need to formalise the arrangements; why not simply co-operate to discern and achieve mission objectives of the church?
  - 2.2. What are the congregations which exist?
  - 2.3. What are the parishes that exist?
  - 2.4. What benefices exist?
  - 2.5. Is there a good understanding of the powers and functions of a PCC?
  - 2.6. What powers and functions are to be delegated?
  - 2.7. Why this cannot be done by a simple sub-committee structure?
  - 2.8. What bodies should be created,
    - 2.8.1. and for which parishes/benefices?
    - 2.8.2. Do you want a District Council, Joint Parochial Church Council, Team Council or Group Council or a combination?
    - 2.8.3. For a District Council, what are the District Churches and how are the Districts to be defined (by map or in some other way (for example some places have Districts which are simply the congregations of a church, without any separation of the parish into geographically distinct areas))?
  - 2.9. Are there to be Deputy Churchwardens and if so how are they to be chosen (usually at the District Annual Meeting), and are any powers specifically to be delegated to them?
  - 2.10. How will fiduciary control be achieved?
  - 2.11. How frequently are meetings going to be necessary?
  - 2.12. How large should the bodies created be? (in particular, how many lay persons to be elected to the PCC, how many District Representatives are to be elected for each District (this many be unequal)
  - 2.13. How are the lay members of the bodies to be chosen or elected?

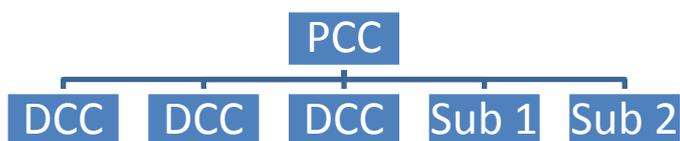
- 2.14. How will the new bodies achieve, discern and achieve mission objectives of the church?
- 2.15. Is there a significant benefit, and will there be sufficient people with sufficient time to ensure that it is worthwhile, and does not get in the way of outward mission?
3. This note will explain the options that are open for governance arrangements. It concludes that focus on the desired outcomes is essential, since otherwise a scheme that might be adopted could prove unwieldy for practical purposes. Experience has shown that there is a good deal of misunderstanding about the different options that are available, and as to what the effects of adopting any one option might be. As explained below, the Registry has produced precedents for the various available schemes. Our objective is to standardise the format of the schemes, so as to make them easier to understand, and to ensure that the wheel is not continually reinvented, as this would create a significant cost to the diocese or to its parishes. However we recognise that in some situations a parish will want to achieve something different.
4. The Note will explain the governance structures, but it is best to start by forgetting about those, and to think instead of how best one would deliver the overall outcomes of good governance, where several interests are necessarily concerned. The answer is to ensure that the voice of each interest is expressed within a body which is mindful of its responsibility to consult and listen so as to take account of all that is put forward, so that decisions are taken, but that everyone feels 'ownership' of the decision, at whatever level is reached.
5. It is unfortunate that even within some Christian communities, this message is sometimes hard to discern. The CRR establish a democratic framework. The people within it must make whatever framework they operate work in practice to deliver the mission of the church.
6. The desired overall outcomes would be to ensure that:
- 6.1. the functions and duties of the parish are properly managed;
  - 6.2. the mission of the church is discerned and carried forward;
  - 6.3. groupings of parishes and congregations function as a single entity with an agreed vision;
  - 6.4. laity involved in congregations at different churches all feel that they are appropriately involved and listened to;
  - 6.5. there is agreement as to what autonomy congregations can or should have;
  - 6.6. the wishes of each congregation are able to be developed and carried forward as part of the parish's plans;
  - 6.7. dominance and subservience are put to one side, in favour of an appreciation of the greater picture;
  - 6.8. the obligation for dialogue between minister, clergy and lay ministry teams, and lay people generally are fulfilled;
  - 6.9. individual commitments to meetings are not inappropriately burdensome;
  - 6.10. there is clarity as to who does what;
  - 6.11. dysfunctionality is avoided

7. Obviously, a congregation of a particular church will want to have a degree of autonomy as to the management of things pertinent directly to that church, but that autonomy must be made to sit within the overall mission of the parish, which is for the parish as a whole to determine, rather than for an individual congregation to dictate. All concerned should aim to find ways to ensure that the inherent tensions that are inevitable if more than one congregation exists are resolved, rather than to seek to carve out arrangements that make the overall responsibility of the PCC more difficult to operate at any given level. It should be remembered that even in a single church parish, there might be different congregations for different services – all need to feel that they are represented in the decision making body, and it is no different if those congregations are in different churches, or parishes. The Registry objective in advising its client, the Bishop, will be to foster that aim.
8. CRR schemes essentially operate to create Councils which are for most purposes subordinate to the PCC(s); *this is because the PCC is the one body which in law has the responsibility for these functions, and it is the membership of that body which has the fiduciary duties in relation to the parish.* The CRR sets up a system to secure representation on the various bodies and on the PCC. PCC powers are then delegated to these bodies. But the subordinate bodies themselves do not have a legal status that could be compared with the PCC itself; they are essentially sub-committees of the PCC, or in some situations joint working arrangements between PCCs, where one PCC will take charge.
9. The available models:
  - 9.1. In a place which is a single parish with a single place of worship, a simple PCC arrangement is defined by the CRR, but as has been indicated, it can be supplemented with sub-committees which specifically deal with issues pertaining to a particular church within the parish; *this is by far the simplest and most dynamic system available, since it can be readily adjusted to suit the availability of people and issues.*



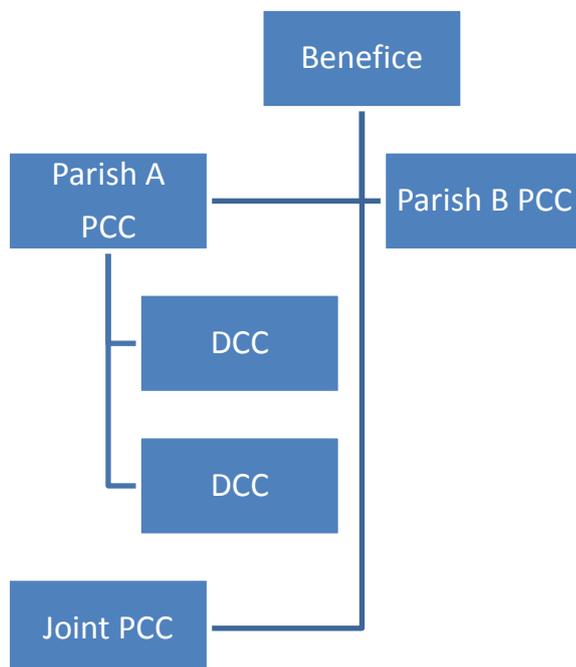
- 9.2. CRR18 enables a parish with more than one place of worship to make a permanent arrangement for its PCC election process to be altered to ensure 'due representation' for a particular congregation on the PCC; and to create District Church 'Councils' (which are the subordinate body, and are essentially sub-committees of the PCC) with formalised delegation of functions to those Councils. The members of a DCC are not necessarily all members of the PCC which sits above it in the hierarchy. The diagram below attempts to illustrate the arrangement, but shows in particular that essentially the arrangement is for a

subcommittee alongside any others which the PCC might have. Once this kind of Scheme is established it can only be altered by the formal approval of a new Scheme.

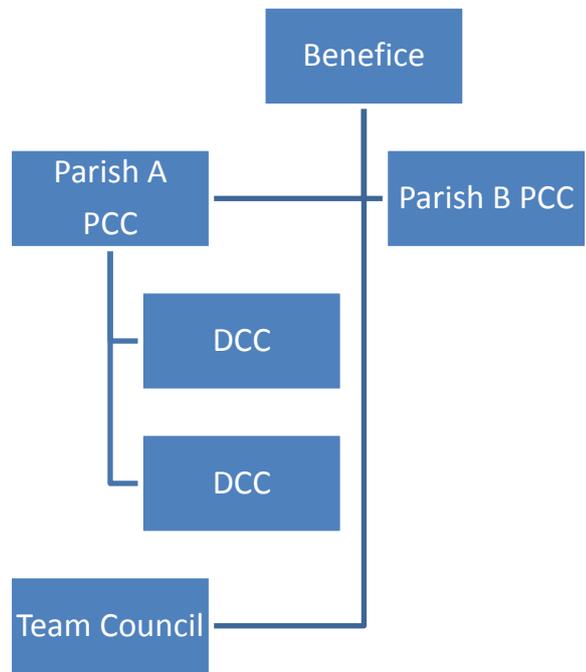


9.3. CRR19 applies to places with more than one parish within a benefice or where two or more benefices are held in a plurality; it allows the creation of a Joint Parochial Church Council formed of members of the PCCs affected, and for the delegation to this subordinate Joint Council of certain functions by each of the PCCs. Once this kind of Scheme is established it can only be altered by the formal approval of a new Scheme.

9.4. Of course a place may need to establish an arrangement for one parish under CRR18 and for that parish and others to be within a CRR19 Scheme. The diagram illustrates that the JPCC sits below the PCCs in the hierarchy, and is really a joint sub-committee of the two PCCs



9.5. CRR20 applies to a place where the benefice has been established under an Order in Council as a Team Ministry within which there is more than one parish; the subordinate body which it creates is a Team Council to which the PCCs of the parishes delegate certain functions; the diagram shows that the hierarchy is essentially the same as with the Joint PCC.



9.6. A combination of CRR18/19/20 can be envisaged, of course, but it is not thought sensible to try to adopt a single document for that purpose. This means that one parish would set up a CRR18 Scheme but would then, in addition, join into a CRR19 or 20 Scheme. There would be important issues to resolve as to which body was responsible for functions actually operated by a DCC.

9.7. CRR21 applies to parishes which by Order in Council are to work as a Group Ministry; the subordinate body is a Group Council. [Only one exists in the Diocese of Lichfield].

10. **Parochial System:** The parochial system now found in the Church of England had its origins prior to the Reformation. The tradition of a single parish with an incumbent and a simple PCC does not fit readily across all parishes. The involvement of the laity in the governance of an ecclesiastical parish developed in the 20<sup>th</sup> century but during that century, there was a transformation as to the size of parishes and as to the involvement of the members of the parishes in church life. We now have a variety of groupings of parishes, and of clergy, and a number of different expectations as to how the laity should be involved in the process of governance.

11. It is very important to be clear on the governance of a parish, since the PCC is a body corporate, and a charity and its members are trustees who have fiduciary obligations to ensure that decisions under its powers and functions are correctly made and implemented. In law, it has permanence, or perpetual succession, under the Parochial Church Councils (Powers)

Measure 1956. The other bodies described in this note do not have legal status; they cannot contract with third parties; they cannot hold assets. *If a PCC delegates powers to a subordinate body, it, and its members, remain responsible for the activities of that subordinate body.*

12. A key matter to bear in mind is that a PCC must, by law, meet not less than four times a year. There is no equivalent requirement for DCCs or JPCCs TCs or GCs. It follows that in some parishes, the creation of a Scheme under the CRR will become burdensome especially for the clergy involved. One informal 'work around' for this problem is for parishes to hold their PCC meetings in one place and on the same night. This requires considerable skills on the part of the chair, but it can be a useful solution. It is known that some places hold the meetings in different rooms of the same building, with the chair 'floating' between the meetings. Others have held meetings consecutively on the same evening. And others hold a joint session where when it comes to a vote, the PCCs vote separately. In places where numbers of members are low these arrangements may be more practicable than in others. Some places work well by having an entirely informal gathering of churchwardens or PCC members which is in effect a joint council and allows wide discussion and agreement on direction etc but does not have the formal structure.
13. The powers of a PCC are mainly defined by the Measure.
  - 13.1. It is the duty of the PCC to consult with the minister on matters of general concern and importance to the parish. The PCC's functions include: (1) co-operation with the minister in promoting in the parish the whole mission of the Church, pastoral, evangelistic, social and ecumenical; (2) the consideration and discussion of matters concerning the Church of England or any other matters of religious or public interest, but not the declaration of the doctrine of the Church on any question; (3) making known and putting into effect any provision made by the diocesan synod or the deanery synod, but without prejudice to the powers of the council on any particular matter; (4) giving advice to those synods on any matter referred to the council; and (5) raising such matters as it considers appropriate with those synods. In the exercise of its functions the council must take into consideration any expression of opinion by any parochial church meeting.
  - 13.2. A PCC also has the responsibility of deciding the forms of service for use in a church, jointly with the minister, as well as many other responsibilities under Canon Law. It is the responsibility of the PCC to provide and pay for certain requisites of divine service (see eg Canon B3, the Prayer Book Measure 1965, Canon B8, Canon F14, Canon F1 – F12.)
  - 13.3. A PCC will be consulted on many matters;
  - 13.4. PCC resolutions will be relevant to matters decided under the Faculty Jurisdiction.
  - 13.5. Whilst a PCC does not 'own' parochial ecclesiastical property, some of it, such as the church and churchyard is effectively in the 'joint possession' of the PCC and incumbent, and the PCC is responsible for their care and maintenance. Similarly it is

responsible for the upkeep of the bells, bell ropes, organs and movables within the church. (It can enforce the liability against a Rector if the Rector is liable for maintenance). It can proceed against trespassers.

- 13.6. A PCC may not acquire land without Diocesan Trust consent, and will nowadays have to acquire it in the name of the Diocesan Trust as Custodian Trustee, but it would remain the Administrative Trustee of such property.
- 13.7. The powers, duties and liabilities of churchwardens with respect to the financial affairs of the church, including the collection and administration of all money raised for church purposes and the keeping of accounts in relation to such affairs and money are now transferred to the PCC.
- 13.8. The PCC has the duty to frame the annual budget of money required for the maintenance of the work of the Church in the parish, and to take such steps as it thinks necessary for the raising, collecting and allocating of such money.
- 13.9. The PCC has power jointly with the minister to determine the objects to which all money to be given or collected in church is to be allocated. Unless raised for church purposes, money collected by the incumbent at services held elsewhere than in church is within his or her disposal.
- 13.10. The PCC has an obligation to present a formal annual financial statement to the Annual Parochial Church Meeting.
14. Some members of the PCC hold office ex-officio; some are co-opted to it by the PCC itself. All members are of equal status within the PCC.
15. The majority of lay members are elected by the Annual Parochial Church Meeting.
16. Each PCC must have a Standing Committee of not less than 5 persons; it may also establish sub committees and people who are not members of the PCC may serve on those committees. The minister of the parish is always an ex-officio member of every committee.
17. The concept of a Parish is well understood: it is a geographical area that can be mapped on the ground. But it is important to understand that the church also uses the term 'benefice', which is a much less understood term : a benefice is not a geographical term at all; it is usually used to define the office to which a Rector or Vicar is appointed, to hold the cure (or care) of souls of parishioners shared jointly with the Bishop. A benefice has property attached to it, such as the church, the churchyard, the parsonage house, the glebe and perhaps other property (including formerly rights to receive tithes). The origin of the term is really more to do with the living that was derived from the property comprised within the office. For practical purposes, however, it is convenient to think of a benefice as comprising one or more parishes.
18. For a parish which has a single place of worship, and a single incumbent, the system is readily operable, and the PCC can function in all respects as indicated above. It can be more difficult in places where a parish has more than one parish church, or has a second place of worship; or where two parishes are held in plurality (a provision which allows a person to be incumbent

in two parishes). The freedom given to reorganise parishes under the various Pastoral Measures from 1968 onwards (now consolidated into the Mission and Pastoral Measure 2011), has led to much more complex relationships than ever existed previously. We now have places where a single 'benefice' comprises several distinct parishes; or where Team Ministries have been established; we have Teams which cover more than one benefice or several distinct parishes, and combinations of that, and of places with additional places of worship; [we have one Group of parishes]. [We do not have any 'Conventional Districts' (which are a more informal way of achieving a relationship between parishes).]

19. Experience has shown that if governance arrangements are made overly complex they are too difficult to administer properly and tend to be ignored, leading to legal difficulties when things go wrong, or when relationships become fraught.
20. The key seems to be in establishing what outcome is desired, and then deciding on what mechanism will best achieve that outcome.
21. **Potential Schemes:** The types of available Scheme are set out above. Of course it is possible for a place to need a combination of these Schemes. In theory (but thankfully not in practice), a Group Ministry might include a Team Ministry and a parish with more than one place of worship as well as a benefice with two parishes in it, calling for all four types of Scheme to be combined.
22. It is possible for a Scheme to be imposed by Bishop's Instrument under the provisions of a Pastoral Scheme, but this is rarely done: it is usually felt best to allow parishes to develop their own Schemes rather than to have them imposed by the Bishop. (Schemes imposed by Bishop's Instrument have a 'sunset' clause within them, under which they expire after five years.) There is no reason at all to prevent work being done on a system of governance in advance of the reorganisation taking place, and for that Scheme to be created in the Order in Council or by a Bishop's Instrument 'by consent'. The Instrument is the preferred mechanism since inclusion in the Order in Council makes its terms a matter which anyone could object to. The reason for Instruments not to be used commonly is the desire not to impose a system of governance, but, instead to allow it to develop from within the new parishes. However that leaves a vacuum at the outset of the new life of the parishes. So if work can be done to ensure agreement of an Instrument in advance, it can then be put in place on day one of the new parish.
23. The Registry will act as lawyers for the Bishop's Council in the sense of giving advice to the Bishop's Council as to whether a particular Scheme is acceptable. However, a parish does not normally require its own legal advice (it is free to obtain it, if it wishes). The Archdeacons and St Mary's House staff will assist parishes. We have produced this Guidance Note and the available precedent documents to try to assist parishes to adopt workable arrangements. We are happy to complete a basic form of document for the parish to discuss, but we discourage parishes from departing from the basic format of our precedents. It is however a matter for

each parish, and we would not wish to discourage any parish from adopting a model which works for that parish. If a parish wants to achieve a result that is beyond the scope of this Guidance Note or if widespread amendment is requested, the additional work involved has to be regarded as lying outside the terms of the Annual Fee retainer paid for by the Diocese, and the parish would have to pay for the work, albeit that our client is the DBF.

24. The most effective approach for these Schemes is for the Minister to prepare a note answering the points raised in paragraph 9 above. Acting for the Bishop's Council the Registry will then prepare a draft of the document you will need.
25. There are several common threads in relation to the procedures for creating a Scheme and as to the kind of functions that should be delegated:

**25.1. Procedure to create the Scheme**

- 25.1.1. The Scheme has to be approved by two thirds of those present and voting at the Annual Meeting;
- 25.1.2. This Annual Meeting can in fact be a Special Meeting;
- 25.1.3. The Scheme is then sent to the Bishop's Council for it to approve;
- 25.1.4. The Scheme will not come into effect until a date fixed by Bishop's Council when it gives approval to the Scheme. The date set cannot be later than the next following Annual Meeting, so that when a Scheme is sent for approval it would be sensible for the Parish to inform Bishop's Council of their preference for when the Scheme is to come into effect. When sending the Scheme in, of course, the Parish will not know whether amendments will be put to them (suggested amendments require consideration at a further Annual or Special Meeting); nor will it know the likely date on which Bishop's Council will be considering a proposed Scheme. The suggestion would be that the Parish should liaise with its Archdeacon, as to the likely date for the Bishop's Council meeting, and should suggest a date when they would like it to come into force. This could be 1<sup>st</sup> March (so that elections could be run for the body being set up at the next Annual Meeting; but it could also be "on the 1<sup>st</sup> of the month after the approval of the Scheme by Bishop's Council, or if amendments are proposed the 1<sup>st</sup> of the 3<sup>rd</sup> month after the approval in the event of amendments being proposed (conditional on those amendments being approved by the Parish)". (This would allow the Parish to call its meeting to consider the amendments). Bishop's Council has to set a date, so it would convert that formula into a real date when deciding the matter;
- 25.1.5. The procedures of whatever Council is set up are then governed by the Scheme, and usually mirror the CRR rules for PCCs.

**25.2. Delegation – ie what the subordinate body is there to do, and what is reserved to the PCC:**

25.2.1. The PCC must decide what functions it wishes to delegate. The precedents give suitable provisions for a usable set of powers to be delegated but the list of delegated powers can always be added to by resolution of the PCC.

25.2.2. For a District Council, it would be expected that there would be provision to ensure consultation and co-operation, with the Minister(s) for the church(es) of that district, and where necessary the incumbent, on matters of general concern and importance to that district. It is likely that the District would be given a particular role to be responsible for the care and maintenance of any church, church hall, land or other non-residential property in its District; and perhaps any residential property which has traditionally been the financial responsibility of that district. For this purpose, it would need to set a budget for approval by the PCC and usually it would then be allowed to operate within the budget. It is most undesirable that there should be any bank account in the sole name of the District Council. The PCC treasurer should always be a required signatory on any account operated for a District. The District Church Council may well keep its own internal informal accounts, but it has to be clear that it must report to the PCC on all financial matters, to enable the Parochial Church Council to prepare its financial statements for the whole Parish. The DCC members have to be clear that if they incur any expenditure outside the delegated power given to them, they do so on their own personal account and that they cannot expect PCC funds to be used to indemnify them against unauthorised expense. Whatever the DCC does, it must expect to use its reasonable endeavours to raise such portion of the Parish Share as shall be set for the District by the Parochial Church Council

25.2.3. There are some restricted areas which cannot be delegated and must be reserved viz

25.2.3.1. The function of producing the annual financial statement of the parish;

25.2.3.2. functions of an interested party under Part 1 of the Mission and Pastoral Measure 2011 (the CRR actually references the Part 1 of the 1983 Measure but this is now replaced by the 2011 Measure, but no change was made to the CRR; but it is thought that the effect is to mean that it is the functions in relation to consultation under what are now ss1-30, parts 1-4 of the 2011 Measure).

25.2.3.3. the functions of a Parochial Church Council under the Patronage Benefices Measure 1986 Part II (this is the part of the Measure which deals with the exercise of the rights of presentation to an incumbency). Importantly, however, (and conversely to the general principle) once a Joint or Team Council is established, the role under this Measure is automatically exercised by the Joint or Team Council, and that rule cannot be abrogated.

25.2.4. The CRR used to prevent the functions of a Parochial Church Council under the Ordination of Women Measure 1993; that Measure has now been repealed, and the

relevant provision in the CRR is also repealed. The matter is now governed by the House of Bishops Declaration on the Ministry of Bishops and Priests; this does not make any provision at all for Districts to bind a Parish, so that the Bishop would not act on a resolution by a District Council under a Rule 18 Scheme. There is no reason at all, of course, why a Parish should not invite constituent Districts to consider the matter before it does so. Similarly, however, the Bishop would normally expect an individual Parish to have passed a resolution before he would accept it, in the case of parishes with Rule 19-21 Schemes, rather than for such important matters to be considered at a Joint Team or Group Council level.

25.2.5. The functions concerned with the holding of real property and dealing with it, and other matters for which separate legal personality is required, are not suitable for delegation because of the fiduciary roles involved; (though we usually advise that in relation to the real property used only by one District, the Parochial Church Council shall take into consideration the expressed wishes of the relevant District Church Council (together with the legitimate interests of the other Districts and the Parish as a whole)). We do not consider that a DCC can have power to accept loans or extended credit nor the power to enter into mortgage arrangements or hire purchase or similar arrangements. This is because it has no legal personality as such.

25.2.6. It cannot dispose of assets because it does not own them as such; such disposals are as agents for the PCC or Churchwardens as the case may be and cannot be exercised without the specific consent on each occasion of the Parochial Church Council or Churchwardens.

## **26. District Church Council (DCC) arrangements: CRR18**

26.1. The object is to decide what is the best way of allowing each worshipping congregation to be represented on the main PCC, as well as on any DCC.

26.2. Each PCC will have its own electoral Roll, and an Electoral Roll officer (CRR1(7)). The maintenance of the Roll is not a function that can be abrogated to a DCC. But it is permissible for the Parish Electoral Roll officer to keep the Roll 'in parts', each relating to one or more churches or places of worship within a parish (CRR1(8)) and for that purpose to include a column within the roll and any application form for inclusion in the roll, to signal which congregation a particular person wishes to be associated with. It is also possible for a person within a District to be an assistant to the Electoral Roll officer, acting at his/her direction.

26.3. The Scheme will usually set up a parallel DCC system including an Annual Meeting (CRR18(1)(b)). Our model scheme makes provision for elections to the DCC and for its chairmanship.

26.4. Normally, a person seeking election to a PCC would be nominated under CRR11, and then there would be an election under CRR9-12. CRR18(1)(a) provides for *the*

*election of representatives of the laity to the PCC in such manner as to ensure due representation of the congregation of each such church or place*'. CRR18(1)(b) provides for an annual district meeting to elect a district council, and CRR18(2) sets out provisions for the management of the DCC elections. There is no indication that the formal provisions of CRR9-12 as to the main provisions for elections to the PCC itself is changed. The Registry interprets this wording as meaning that the election itself is still conducted at the Annual Parochial Church Meeting, rather than at the District's Annual Meeting. Persons to be nominated must still be nominated but the system can ensure that the result is 'due representation'. The model CRR18 Scheme we provide therefore envisages that there will be a certain number of 'District Representative' places reserved on the PCC. They will be elected first, and then the remaining places would be filled. To answer questions frequently raised:

- 26.4.1. The whole parish electoral roll is preferred, because this is an election to the PCC;
  - 26.4.2. The Districts are taken in turn;
  - 26.4.3. if, say, two District Representative places are reserved for one District, and four people stand, then each voter has as many votes as there are seats to be filled in the election (ie two votes), but cannot vote more than once for any one candidate; the votes are then counted and the candidates with most votes are elected;
  - 26.4.4. one cannot vote 'against' a candidate;
  - 26.4.5. if only one person stands, the other 'District' place is then given up to nominations from the whole parish. It is not treated as a vacancy.
- 26.5. The Scheme can also determine whether there should be deputy churchwardens for places which are not parish churches. It can list powers which are to be delegated to those deputies, and the Churchwardens can also delegate additional to the chosen deputy churchwardens. Deputy churchwardens can be elected at a District Annual Meeting. The Scheme can provide for them to be ex-officio members of the PCC.
- 26.6. Any member of the Team in a team ministry may attend any district Council meeting. That apart, there is no provision in CRR18 for clergy to be 'on' a DCC. Clergy are licensed to a benefice, and therefore exercise their ministry across a whole parish and are not confined to a particular district, even if they are given special responsibility for a district within the benefice. It is assumed that the membership will in fact comprise:
- 26.6.1. Ex-officio –
    - 26.6.1.1. all Clerks in Holy Orders beneficed in or licensed to the Parish
    - 26.6.1.2. any deaconess or Reader or Lay Worker licensed to the Parish
    - 26.6.1.3. the Churchwardens of the Parish
    - 26.6.1.4. any deputy wardens of the District Church
    - 26.6.1.5. lay members of the Deanery, Diocesan or General Synod whose names are on the District Roll of that District

26.6.2. persons elected under the Scheme

26.6.3. co-opted members if this is permitted by the Scheme

## **27. Joint Council Arrangements (CRR19):**

27.1. These apply where there is either a single benefice comprising two or more parishes, or two or more benefices being held in plurality, during the period of the plurality.

27.2. The key point to remember here is that in this situation the Parishes (or some of them) are deciding that it makes sense for governance to be shared as to some areas of work that are of common concern. However, the individual PCCs remain as the statutory charitable and fiduciary bodies. For this reason, and because the Joint Parochial Church Council (JPCC) is not a legal entity, it should not purport to operate bank accounts as if it were a legal entity.

27.3. The JPCC is formed from the membership of the constituent PCCs. It is prescribed in the CRR19 as comprising

27.3.1. The Ministers of the relevant parishes. It should be noted that the term Minister is defined by the CRR as meaning the incumbent, a curate in charge or priest in charge of the parish, (a team vicar, where that person has the duties of the minister assigned to him/her is also within the definition, but this could not apply for this particular purpose. In a vacancy, if a team vicar is appointed as acting team rector, then that person would potentially fulfil if the provision of Schedule 3 M&PM paragraph 4(1) is exercised, but cannot do so simply on the basis of an appointment under s34). 'Associate Ministers' and other Assistant Curates are not members of the JPCC

27.3.2. Laity elected chosen or appointed from the PCC lay memberships as laid down in the Scheme: the precedent assumes that the PCC will choose a person to act as member. There is an option to have a reserve member.

27.4. If a Joint Council is made for all the parishes within the benefice, then the Joint Council will have the functions under the Patronage Benefice Measure 1986 Part II (being those relating to the exercise of the rights of presentation to the benefice).

27.5. The draft precedent assumes that all the PCCs delegate the same functions to the JPCC. This has been the 'norm' for such schemes. In fact, the CRR does not demand this, and in theory one could have a JPCC which held different powers for some PCCs. That would present significant practical difficulties (in terms of remembering precisely what power was delegated at any one time).

27.6. There is a particular difficulty in relation to a JPCC as to financial matters. Whilst the concept of a DCC being a sub-committee of a PCC is relatively easy to comprehend, the nature of a JPCC is more of a joint venture between separate legal entities. But each PCC, as a charitable and fiduciary body must take independent care to ensure that its responsibilities are not compromised.

27.6.1. The precedent Scheme envisages a wide scope for delegation, and it may be that this is appropriate, so long as great care is taken to ensure that the trustee responsibilities are in fact being carried out : delegation should not be assumed to equate to abdication of responsibility.

27.6.2. If it is intended that financial matters are covered by the Scheme, to enable action to be taken, then the suggested method would be to establish a 'lead' PCC. That PCC would set up a separate account which is then operated as a joint venture on behalf of the PCCs so that each PCC accounts for its share of the total fund of the Joint PCC account. The JPCC would appoint a suitable person to act as Treasurer and for expenditure to be allocated appropriately to each PCC. Any assets or liabilities generated within the JPCC account are then allocated to each PCC at the year end and is accounted for by each PCC in its annual accounts in accordance with the Church Accounting Regulations 2006.

27.7. We have assumed that a PCC would not wish to delegate functions as to vesture of ministers etc.

## **28. Team Council Arrangements (CRR20):**

28.1. Teams are widespread across the diocese; this rule applies where, within the Team, there are still separate parishes. *If in fact the Team comprises a single benefice and a single parish, then a Rule 20 Scheme would not be appropriate; it will operate with a normal PCC; but it could still adopt a Rule 18 Scheme*

28.2. As with Joint Councils, the key point to remember here is that in this situation the Parishes (here, it must be all of them) are deciding that it makes sense for governance to be shared as to some areas of work that are of common concern. However, the individual PCCs remain as the statutory charitable and fiduciary bodies. For this reason, and because the Team Council (TC) is not a legal entity, it should not purport to operate bank accounts as if it were a legal entity.

28.3. The membership is wider than that of a Joint Council; it is defined in the CRR20 as including:

28.3.1. The Team Rector

28.3.2. The other members of the Team (it is important to check with the Area Bishop as to who is regarded as a member of the Team), and every other assistant curate deaconess and lay worker (not lay reader) licensed to the parish who is not a member of the Team

28.3.3. Laity elected chosen or appointed from the PCC lay memberships as laid down in the Scheme : the precedent assumes that the PCC will choose a person to act as member. There is an option to have a reserve member.

28.3.4. There is a complicated provision as to the group under 9.3.2: this directs that

28.3.4.1. where this group would otherwise be greater than one quarter of the overall membership, and here the group may decide to select those who are to serve on the Council so as to bring the membership down to one-third of the membership of the Council;

28.3.4.2. but, where this group would otherwise be greater than one third of the overall membership, they must decide to select those who are to serve on the Council so as to bring the membership down to one-third of the membership of the Council.

28.3.5. If a Team Council is made, it will have been made for all the parishes within the benefice, and it will have the functions under the Patronage Benefice Measure 1986 Part II (being those relating to the exercise of the rights of presentation to the benefice)

28.3.6. Much of the Guidance given as to JPCCs applies to TCs.

28.4. If there is a Team with distinct parishes within it, it is feasible to have a Rule 20 Scheme for a Team Council, but, in addition, to have a District structure within one or more parishes. In such cases, the particular problem is that of deciding what is delegated to which body.

## **29. Group Council Arrangements:**

29.1. Groups are not common in the diocese. They can be set up by Pastoral Scheme. Parishes – all of them – can join together in a scheme for a Group Council. The arrangements are broadly the same as for a Team Council

29.2. The membership is similar to that of a Team Council; it is defined in the CRR20 as including

29.2.1. All members of the group ministry (it is important to check with the Area Bishop as to who is regarded as a member of the group ministry)

29.2.2. If there is a Team Ministry within the Group Ministry then all members of the Team will be members of the Group Council

29.2.3. All assistant curates deaconesses and lay workers (not lay readers) licensed to the parish

Niall Blackie and Andrew Wynne  
Joint Registrars of the Diocese of Lichfield  
Telford  
22<sup>nd</sup> January 2019