

Good Governance Questions

These questions and answers are transcribed from the ELS Training Event April 2022. They are believed to be a correct answer to the questions raised, but they do not constitute legal advice, and a diocesan registrar or other practitioner should be consulted if in doubt.

Is it the PCC or the incumbent who ultimately decides the date and time of the APCM?

The obligation to convene the APCM falls on the minister (this will usually be the incumbent or the priest in charge) – see CRR rule M2. Where the minister is absent or incapacitated, or where there is no minister, then the obligation falls to the vice-chair of the PCC. If there is no vice-chair then the PCC secretary, or someone else appointed by the PCC, will convene the APCM/

Can an APCM ever overrule a PCC?

The purpose of the APCM is to receive the annual reports, to elect deanery synod representatives, to elect PCC representatives and to appoint an independent examiner or auditor. These are different functions from the PCC. The business considered by the PCC would never form part of the business of the APCM and so the APCM could not overrule the PCC.

Can a JCC only be agreed at an APCM or can it be done at an extraordinary meeting?

A Joint Council Scheme is made at a meeting of the parish. This could be the APCM or a special meeting convened by the minister (CRR rule M13). (An extraordinary meeting of the parish is convened by the Archdeacon for different purposes).

Can PCC pass a motion for lay vice chair to always chair the meeting or does it need to be done at each meeting?

The vice-chair will chair the meeting where there is no minister, where the minister is absent or unable to act, or where the minister invites the vice-chair to act as chair. If the vice-chair is always to chair the PCC meeting, then this would be at the invitation of the minister, and not as a result of a PCC motion.

How can names be added or removed from the Electoral Roll during the course of the year ie outside of the Revision period.

Additions to the Roll are made during the course of the year, and any additions made must be reported by the Electoral Roll Officer to the next meeting of the PCC (CRR rule 2). Names are removed from the roll when the Roll is revised each year prior to the APCM (CRR rule 4).

The Churchwardens Measure says that candidates must be baptised and actual communicants, whereas the CRR say that candidates for deanery synod or PCC only have to be regular communicants. Why is that?

All communicants must be baptized. The CRR also uses the same phrase “actual communicant” as the Measure, and indeed Churchwardens Measure s13(1) says “actual communicant”, “parish” and “public worship” [each have the same meaning as in the Church Representation Rules (see Rules 82 and 83)].”

CRR 83(2)

(2) In these Rules, ‘actual communicant’ means a person –

(a) who has received Communion according to the use of the Church of England or a Church in communion with it at least three times during the 12 months preceding the date of the person becoming a member of a body the eligibility for membership of which depends on a person being an actual communicant, and

(b) who either is confirmed or ready and desirous of being confirmed or is receiving Communion as referred to in paragraph 1(b) of Canon B 15A (communicant members of other Churches subscribing to doctrine of Holy Trinity).

This would seem to suggest that members of the Church of England who regularly receive communion under Canon B15A(1)(c), e.g. because they were admitted to Holy Communion before confirmation as children, but who are now adults, are not ‘actual communicants’ by this definition.

If a PCC wants a CW to continue beyond 6 years that a resolution should be made at the previous AMP. What happens if this isn't done at the previous year's AMP and we want to pass a resolution this year to be effective this year? Is anything possible?

I cannot see a reason why this could not be proposed at the beginning of the meeting and passed before the churchwardens are elected. The person wanting to continue in office beyond six years would have to have been nominated prior to the meeting, on the basis that the nomination would only go forward if the resolution were to be passed.

If a smaller parish becomes a Joint PCC with a larger parish, how does the smaller parish avoid being 'outvoted' on every matter of disagreement?

The scheme will set out how the representatives of the laity are to be elected, including how the number of representatives of each parish is to be determined. This will be discussed and agreed by the parishes when the scheme is under discussion. The scheme will only be valid if it is approved by at least two-thirds of those present and voting at a meeting of each parish, so if one smaller parish is unhappy with the proposals, it need not approve the scheme. In addition, the scheme must be approved by the bishop's council and standing committee of the diocese, which must be satisfied that the scheme “makes due provision for the representation on the joint council of the laity of each parish to which the scheme applies”. See CRR rules M37 – M42

Is there a maximum number of years a parish, with all other officers filled, can continue in law - or in actuality - without any Churchwardens?

No.

Which bit of legislation allows the Bishop to wave certain requirements for CWs and which bit allows the Bishop to appoint to the PCC?

Churchwardens Measure 2001 section 1(4)

CRR rule 78 – note, there is no legislation allowing the Bishop to appoint the PCC; this section gives the Bishop power to appoint a person to do something which the PCC or a PCC officer is required to do.

PCC (Powers) Measure 1956 section 8A – the Bishop can give directions for the discharge of the functions of an office holder when an office in the parish is vacant.