



Guidance for the Conduct of Annual Parish and Annual Parochial Church Meetings 2018

These guidance notes were first introduced in 2010 and have proved very popular ever since. It is hoped that this will be a handy aide-memoire.

Meetings

1. Why are 2 meetings needed?

Every parish is legally required to hold an Annual Parish Meeting to elect Churchwardens and an Annual Parochial Church Meeting to conduct other parish business. These are required under statute through the Church Representation Rules.

2. When should these meetings be held?

Between the 1st January and 30th April of each year.

3. How much notice needs to be given of these meetings?

The period of notice should include at least 2 clear Sundays before the meeting is held. The notice should be displayed on or near the church door of every church in the parish.

4. What if there are genuine reasons that it is not possible to hold these meetings within that time frame?

Please urgently contact the Diocesan Secretary or your appropriate Archdeacon for advice.

5. Who is eligible to attend these meetings?

For the Annual Parish Meeting any member of the civil electoral roll of the civil parish(es) or someone on the electoral roll of the parish church(es) can attend and vote. For the Annual Parochial Church Meeting it is anyone on the electoral roll of the parish church(es) only.

6. How many should be elected and for how long?

*Two churchwardens should be elected for 1 year only for each church. There are **no** alternatives that are permitted in law.*

7. What if there is only one candidate?

The one candidate will be elected unopposed. You should let your relevant Archdeacon know that you have been unsuccessful in filling both posts.

8. How should an election be conducted?

It is very important that elections are conducted properly. If there are more than 2 candidates standing there will need to be an election. The Church Representation Rules state that votes in elections can be given

- a) by show of hands*
- b) if one or more persons object –*
 - i) on voting papers signed by the voter on the reverse thereof*
 - or*
 - ii) if at least one tenth of the persons present and voting at the meeting so request, on numbered voting papers.*

Therefore if an election is likely it would be advisable to prepare before the meeting for the possibility of a ballot using election papers since only 1 person needs to request it!. Please note that you must ask the voter to sign the ballot paper. Unsigned papers will therefore be INVALID. It's a good idea to ask people to print their names for ease of identification. Any persons who do not qualify for attendance at the meeting cannot vote.

There are rights of appeal to the Deanery and to the Diocese if any person believes that an election has been conducted improperly or unfairly.

9. Is there a restriction on how long a churchwarden can continue to be eligible for election?

The Churchwardens' Measure 2001 created a 6 year restriction the effects of which began to be relevant in 2008. Therefore currently a churchwarden may not be elected to office for a continuous period of more than 6 years since any continuous service prior to 2002 is ignored. The Annual Parish Meeting can vote to opt out of this restriction, but it must be done in advance of any such candidate standing for election. Any opt out by the Annual Parish Meeting holds until a subsequent similar meeting decides to opt back in.

10. Is there such a thing as a Vicar's Warden these days?

*Yes indeed but only in exceptional circumstances. The incumbent of the parish has the ability to inform the Annual Parish Meeting that he/she intends to appoint one of the churchwardens because it **appears to the minister that the appointment of a particular person nominated might give rise to serious difficulties between the minister and that person in carrying out their respective functions.** The incumbent should make a statement to the Annual Meeting and need not name the person*

involved; he/she will then chose one of the churchwardens from among those that have been nominated. If this is done then the other position is open to nominations and election in the usual way.

11. What about Deputy or Assistant Church Wardens?

Where there are parishes with more than one place of worship then a scheme may provide for the election or choice of one or two deputy churchwardens. It may also provide for them to be ex-officio members of PCC. However they are not the Bishop's officer and they do not have the same legal status as churchwardens – they purely exercise functions designated to them. They will be elected in the same way as churchwardens. Assistant Churchwardens and those designated Deputy Churchwardens in places not covered above do not have legal status and therefore need not be subject to election to these posts and have no right to be on PCC.

PCC Elections

12. How many laity positions can we elect?

The number of positions for members of the laity elected to a PCC depends upon the size of the Electoral Roll according to the Church Representation Rules. These are the numbers:

Size of Electoral Roll	Numbers of Elected Laity
<i>1-49</i>	<i>6</i>
<i>50-99</i>	<i>9</i>
<i>100-199</i>	<i>12</i>
<i>Above 200</i>	<i>15</i>

The numbers 6,9,12 and 15 can be varied by a resolution approved at the Annual Parochial Church Meeting in the year preceding. Hence for example such a resolution passed at the APCM in 2012 will not take effect until 2013.

Each election will be for a rolling 3- year period which means one third of the laity are elected each year.

13. What is the order for existing PCC members to step down?

Usually this is determined by the order in which they were elected – so that no-one serves more than 3 years at a time. However people will also become PCC members because they fill casual vacancies in the elected membership (see Q 15). Such people are either elected by the PCC to fill the casual vacancy or by a subsequent Annual Meeting. Any person so filling a casual vacancy takes up the unexpired term of the person who caused the vacancy.

14. What is a casual vacancy?

This can be where a PCC member has resigned or been removed from office before the end of their term or where a vacancy was not filled because insufficient candidates stood at the time of election.

15. How should casual vacancies be filled?

Casual vacancies that occur more than 2 months prior to the next Annual Meeting can be filled by an election by the PCC itself. Otherwise the vacancy will be filled by election at the next Annual Meeting.

16. If at our Annual Meeting we are filling casual vacancies with unexpired terms of less than 3 years in addition to the election of members to the normal 3 year term how do we determine who has taken which term of office?

The Church Representation Rules are fairly silent about process in such instances. They do say that casual vacancy elections taking place at Annual Meetings should be conducted in the same manner as ordinary elections. Strictly speaking there are 2 sets of elections to take place - the elections for the 3 year terms and the elections for the casual vacancies. In such a way problems about allocation can be avoided. Practically however it would be expedient to hold both elections at the same time. In such circumstances and again strictly speaking terms should be allocated as follows:

- The 3 year terms of office are assigned first to those achieving the highest level of votes, the 2 year terms then assigned to those with the next highest level of votes and then the 1 year terms to those with the next highest level of votes.*

However if the candidates so agree and the Annual Meeting has no objections other methods may be used thus:

- The terms are assigned upon the drawing of lots,*
- The terms are assigned by mutual agreement amongst the successful candidates.*

17. Can anyone stand for election as a PCC member?

No there are certain criteria that have to be met. The requirements are that the person must

- Be 16 years of more of age*
- Be entered on the church electoral roll and unless under 18 years have been on that roll for at least 6 months*
- Be an "actual communicant" which means that he/she has received Communion according to the use of the Church of England or a Church in communion with the Church of England at least 3 times during the 12 months preceding the date of election.*
- Not be disqualified from acting as a charity trustee under S72(1) of The Charities Act 1993 and not having a Charity Commission waiver.*
- Not be disqualified from holding office under s 10(6) of the Incumbent(Vacation of Benefice) Measure 1997*

The second of the criteria above means that a clerk in Holy Orders cannot stand for election as a PCC member. There is no way in which the third of the above criteria can effectively be enforced unless the individual feels unable to sign the nomination form or admits that they have not complied. There are also criteria laid down by the Charity Commission for being a charity trustee.

18. Can husbands and wives serve on PCC's together?

There is nothing in the legislation to prevent this happening; however it can lead to conflicts of interests and other unintended and problematical consequences. Each situation should be carefully thought through.

19. So is a PCC member a charity trustee too?

Yes indeed and so the provisions of the Charities Acts apply fully to Parochial Church Councils too. This means the Charity Commission can impose limitations on who might be a charity trustee.

20. So what are the Charity Commission's limitations?

By Section 178 of the Charities Act 2011, a person is disqualified from acting as a charitable trustee if he or she:

- Has been convicted of an offence involving dishonesty or deception;*
- Has been adjudged bankrupt and not yet discharged;*
- Has made a composition or arrangement with creditors (eg. Entered into an IVA or a creditors' voluntary arrangement);*
- Has been removed from office by an order of the Charity Commission or the High Court made on grounds of mismanagement of the affairs of a charity;*
- Has been removed from 'being concerned in the management or affairs of any body' by the Court of Session under the Charities and Trustee Investment (Scotland) Act 2005;*
- Is disqualified from acting as a company director.*

21. Isn't there a restriction on PCC employees themselves being a member of that PCC?

The Charity Commission's stance on the employment of PCC member is this: A person who is already an employee of a PCC may offer themselves for election to that PCC and may duly take up full membership if elected. This also applies to those PCC employees who upon election to an associated body subsequently become ex-officio members of that PCC. This means that the criteria at Q18 are not changed in any way. However a person who is a PCC member may not become an employee of that PCC without Charity Commission approval. This approval can be found at <http://forms.charitycommission.gov.uk/contact-us/get-our-permission/pay-trustees/trustee-payments-and-expenses/employ-a-trustee/>

22. Is there a restriction for how long a person can continuously be eligible for election as a PCC member?

No there are no restrictions as to how long a person can continuously serve as a PCC member. However the Annual Parochial Church Meeting under Rule 17 of the Church Representation Rules can pass a resolution that retiring elected members may not seek re-election for as long a period of time as that meeting may specify

23. How should elections for PCC members be conducted?

These are the same as for churchwardens (see Q8)

24. Are postal votes allowed?

Only if the Annual Meeting has previously voted to allow these. The conduct of elections which include postal votes is included in the Church Representation Rules Paragraph 12(2) and (3.)

25. What if there is a tie in the voting?

If recounts still show a tie then the successful candidate is determined by the drawing of lots.

26. Can people be co-opted to the PCC? If so how many can be co-opted?

*Yes co-options are permitted by a vote of the PCC and their term is until the next annual meeting. If you elect 6 or 9 parish representatives then 1 co-option is permitted; if 12 or 15 parish representatives then 2 co-options are permitted and this is the maximum number. Co-opted members **can** vote in the same way as other members of PCC. They have full voting rights (unless there is a conflict of interest in the matter under discussion).*

27. Are Readers ex-officio members of PCC?

*The Church Representation Rules say that any such of the readers who are licensed to that parish or licensed to an area which includes that parish and whose names are on the [electoral] roll of that parish **as the annual meeting may determine**. Accordingly their representation can effectively be changed by a resolution at the annual meeting.*

Deanery Synod Representatives

28. How many representatives do we have?

Again this is dependent upon your Electoral Roll. The numbers are as follows:

Size of Electoral Roll	Numbers of Elected Laity
1- 25	1
26- 100	2
101- 200	3
201- 300	4
301- 400	5
Above 400	6

It should be noted that Deanery Synod Representatives are elected directly to the relevant synod. As a result of their position on Deanery Synod they become ex-officio members of the relevant PCC.

29. When do elections take place and how should they be conducted?

*These elections take place at an Annual Parochial Church Meeting every 3 years. **These elections should therefore take place in 2014.** Elections will be conducted in the same way as for churchwardens (Q8 above). **Any person elected as a Deanery Synod representative immediately becomes an ex-officio member of PCC.***

30. Is there a restriction for how long a person can continuously be eligible for election as a Deanery Synod member?

No there are no restrictions as to how long a person can continuously serve as a Deanery Synod member.

Accounts

31. Do these have to be presented at the APCM?

It is a legal requirement under the Charities Acts for audited or independently examined accounts to be presented to an Annual Meeting.

The PCC needs to take responsibility if there is difficulty in meeting this obligation. Please contact the Diocesan Director of Finance urgently if this is a problem.

32. What is the Annual Report that is supposed to be presented to the Annual Meeting?

Whilst the Vicar may give a report and the Churchwarden's will report on the Fabric of the church and there may even be other reports from church groups and organisations, the Annual report is separate and is legally required from all PCC's.

The content and form of the Accounts are governed by the Charities Act 2011. "PCC Accountability 5th Edition: The Charities Act 2011 and the PCC (incorporating SORP 2015)" published by Church House Publishing is a useful reference book (also available in Kindle format) for both the Accounts and the Annual Report. There is further guidance at www.parishresources.org.uk. (See also Question 35)

Independent Examiner or Auditor

33. Should our PCC's accounts be independently examined or audited?

The PCC's accounts should be independently examined unless the overall level of income in the year exceeds £½m in which case they should be audited. This is a legal requirement.

34. When is the independent examiner or auditor appointed?

The PCC should satisfy themselves that the candidate(s) for appointment are suitably qualified with the necessary financial experience or qualifications to

undertake their responsibilities. These names should then be submitted to the Annual Meeting for approval. It is normal to allow for the PCC to agree the remuneration (if any) of those appointed. The PCC can appoint to fill a vacancy which occurs during the year or in the event of the failure of the Annual Meeting to appoint.

Reports

35. What reports should be produced for the APCM?

As referred to in Question 32

The PCC is required to present its Annual Report for approval to the APCM. It is a statutory report (required under Charity Law) and is required to be in a certain format and relate to the same calendar year as the Published Accounts for the PCC. It will also include the audited (or independently examined) accounts. For further details on the format of this report please look at the relevant section of the "**PCC Accountability 5th Edition: The Charities Act 2011 and the PCC (incorporating SORP 2015)**" which can be found at <https://churchofengland.org/clergy-office-holders/pcc-information/pcc-accountability.aspx>.

Churchwardens are also required to give a report on the state of the Fabric of the church and incumbents would normally give their own report to the APCM. These reports will be for the period since the last APCM. The content (or medium of delivery) of either report is not laid down in any ecclesiastical measure.

Reports on any other church group or activity may be given at the chair's discretion and none of these are seen as mandatory in any way. **Although the amalgamation of these reports from the various parts of the church fellowship may be drawn together and termed "an annual report" they do not in any way meet the statutory requirements of the Annual Report referred to in the first paragraph above**

Electoral Roll

36. When can new names be added or old names be deleted?

Before each Annual Parochial Church Meeting the Electoral Roll Officer will arrange for the electoral roll to be open for inspection. During this time any inaccuracies for members can be made whilst also considering new applications or to remove the names of those:

- *Who have died*
- *Who have become a clerk in Holy Orders*
- *Have signified in writing their desire to be removed from the roll*
- *Have ceased to reside in the parish and have not habitually attended worship in the parish (unless prevented from doing so by illness or other sufficient cause)*
- *Have ceased to habitually worship in the parish and are not resident in the parish*
- *Were erroneously entered on the roll in the first place because they were not entitled to be on the roll*

Once revised the electoral roll should be publicly displayed in church until the annual parochial church meeting. During this time of public display any errors or omissions can be corrected but no names can be added to or be removed from the roll.

At all other times during the year the Electoral Roll Officer can update the roll for the names of new applicants or for those whose name should be removed.

37. What official notice periods have to be given for this?

The annual revision of the roll should be completed between 15 and 28 days prior to the Annual Parochial Church meeting. The period of review has to be at least 14 days although it can be longer. A notice must be put on the church notice board giving the dates of this review.

It is the responsibility of the Electoral Roll officer appointed by each Annual Parochial Church meeting to organise the publication of these notices.

38. Are electoral rolls ever completely deleted so that all people have to re-apply to be on a new roll?

Yes but it's not this year! The next occasion is 2019!

39. If I have missed the deadlines for being on the electoral roll, when can I then apply?

Applications for inclusion on the roll can then commence after the APCM has concluded in the normal way.

Decisions

40. Can the Annual Meetings make legally binding decisions?

Other than the election of churchwardens, PCC and Deanery Synod laity members and any resolutions or decisions outlined in the answers to Q9, Q12, Q22, Q24 and Q27, and the acceptance of the annual accounts any other motions or resolutions passed by these meetings are not legally binding.

Forms to be completed

41. What forms have to be completed before the Annual Meetings?

A notice should be placed on the church door or notice board signifying the date of the Annual Parish Meeting to elect Churchwardens and the Annual Parochial Church Meeting.

A notice should also be displayed signifying the opportunity to update the Church Electoral Roll

Copies of these forms are available on the diocesan website.

42. What forms have to be completed after the Annual Meetings?

Forms need to be returned to Diocesan House signifying the number on the revised Electoral Roll and the names of the new churchwardens. Data Protection Forms also need to be completed for all those holding certain offices. These forms are sent to PCC Secretaries each year.

A notice also needs to be placed on the church door or notice board giving the names of those elected as churchwardens and those elected to PCC. Copies of these forms are available on the diocesan website.

43. Where can I get further information?

Copies of the Churchwardens Measure 2001 are available from Diocesan House or on the internet at:

<http://www.legislation.gov.uk/ukcm/2001/1/contents>.

The Church Representation Rules 2016 are now available on-line at <https://www.churchofengland.org/about-us/structure/churchlawlegis/church-representation-rules/church-representation-rules-online.aspx> or by "googling" Church representation Rules online. Copies can if desired be purchased from Church House Publishing (www.chpublishing.co.uk) price £7.99.

Copies of all forms that are required for Annual Meetings are available to purchase on the Canterbury Diocesan Website.

First PCC Meetings

We are commonly asked questions about business that the first meeting of the newly formed PCC has to transact. Here are the most common questions.

44. What appointments should the first PCC meeting make?

The PCC must appoint a Secretary and a Treasurer for the year ahead at its first meeting. They should also appoint an Electoral Roll Officer. Any co-opted members (cf Q21) would normally be approved at this meeting.

45. Who can be appointed as Treasurer?

The Treasurer does not legally have to be a PCC member. However the PCC have a duty to satisfy themselves that their financial affairs are being properly managed. They will have the right to ask questions of any Treasurer who is not a PCC member and will want regular updates on finances at each meeting. It would be normal therefore to co-opt any Treasurer who is appointed and who is not otherwise a member of PCC. The PCC will also want to satisfy themselves that the candidate for appointment as Treasurer has the necessary financial and bookkeeping skills

46. What if no Treasurer can be appointed?

One of the churchwardens would be required to act in this instance. However this is a less than satisfactory arrangement and the PCC would be expected to make all reasonable efforts to secure the services of an appropriately qualified Treasurer.

47. How is the Standing Committee constituted?

The Church Representation Rules lay down that the PCC shall have a Standing Committee of not less than 5 persons. This shall consist of the minister and the churchwardens in ex-officio capacity. The PCC shall appoint at least 2 others of their members to the Standing Committee. The PCC would do well to ensure that the Secretary and Treasurer are also included in this membership although they are not ex-officio members.

JJH

