

CHURCHWARDENS AND THE LAW

1 Structure of the Diocese

2 Churchwardens' Qualifications

- On the church electoral roll of the parish
- An actual communicant member of the Church of England
- Twenty one years or upwards
- Not disqualified (see below)
- Has consented to serve
- Has not consented to serve in any other parish (not being a related parish)

A related parish means:

- Another parish in the same benefice
- Another parish in a benefice held in plurality or
- Having the same minister as the other parish

If a person is not qualified (in other words, he is not on the church electoral roll, not an actual communicant member of the Church of England or not 21), the Bishop may permit him or her to hold office if it appears to the Bishop that there are exceptional circumstances. The permission lasts only for that period of office.

If the parish has more than one parish church, there are two churchwardens for each parish church but all of the churchwardens are churchwardens of the whole parish. They may, of course, decide amongst themselves to perform separate duties in relation to the churches. There are provisions allowing the continuation of existing customs for the appointment of more than two churchwardens or the appointment in a particular way. If this applies to your parish, you should consult the Registrar.

3 Disqualifications

A person is disqualified from being a churchwarden (or a member of a PCC) on the following grounds

- 3.1 Disqualified from being a charity trustee under Section 178(1) of the Charities Act 2011 if

- Convicted of any offence involving dishonesty or deception
- Bankrupt and has not been discharged
- Made a composition or arrangement with his creditors and has not been discharged
- Has been removed from the office of a charity trustee by an order made by the Charity Commissioners or the High Court on the grounds of any misconduct or mismanagement in the administration of the charity
- Has been disqualified from acting as a director

The precise wording of Section 72 of the Charities Act 1993 (the predecessor of the 2011 Act) is printed at the end of the Church Representation Rules.

3.2 Convicted of any offence mentioned in Schedule 1 to the Children and Young Persons Act 1933

Generally sexual or other offences relating to children

3.3 Disqualified from being a churchwarden under section 10(6) of the Incumbents (Vacation of Benefices) Measure 1977.

Where there has been pastoral breakdown in a parish, the Bishop can institute an enquiry under this Measure. If the responsibility for the breakdown is that of a lay person, the Bishop can disqualify him from being a churchwarden in the future.

4 **Length of Service**

A churchwarden may serve for six successive periods. If he or she was a churchwarden before 2002, the six periods run from 2002. He is disqualified from being chosen to serve for more than six successive periods. But he can take a gap of two years and stand again. Parishioners may resolve at the annual parochial church meeting that this section does not apply and that resolution can be revoked subsequently.

5 **Election**

A person who wants be appointed as a churchwarden must first be elected by a meeting of the parishioners. That meeting consists of:

- People on the church electoral roll of the parish; and
- People resident in the parish whose names are entered on the local government electors

register.

This emphasises the fact that churchwardens serve the whole parish and not just those who attend church.

Candidates must be nominated and seconded in writing by persons entitled to attend the meeting. The prospective churchwarden must sign a statement that he or she is willing to serve as a churchwarden and is not disqualified (see 2 above) and is willing to apply to the Criminal Records Bureau for a standard disclosure check.

The nomination paper must be received by the minister before the commencement of the meeting at which churchwardens are elected.

6 Meeting of parishioners

The meeting is usually held at the same time as the annual parochial church meeting, but the two meetings are legally distinct. Parishioners as defined above may attend the first but only those whose names are on the church electoral roll may attend the second.

The meeting of the parishioners is convened by the minister or the churchwardens of the parish. Usually a pack is sent by the Diocesan office containing the relevant notice. The notice, stating the date, time and place of the meeting is signed either by the minister or a churchwarden and is fixed on or near the principal door of the parish church and of any other building licensed for public worship in the parish. It must be up for a period including the last two Sundays before the meeting. The meeting itself must take place annually prior to 30th April.

The minister is the chairman of the meeting but if for some reason he is not present, then the chairman is chosen by the meeting. Someone must be appointed to take the minutes, usually the secretary of the PCC.

7 Minister's Veto

The nomination of a particular churchwarden may be vetoed by the minister.

- This may happen if it appears to the minister that the election of any person nominated "might give rise to serious difficulties between the minister and that person in the carrying

out of their respect functions.”

- The minister may, before the election is conducted, make a statement to the effect that any one churchwarden is to be elected.
- One churchwarden is then appointed by the minister from among the persons nominated.
- The name of that person so appointed is announced by the minister before the election.
- The other churchwarden is then elected by the meeting.

In the case of an equal division of votes on any question other than one to determine an election of a churchwarden, the chairman shall not have a second or casting vote and the motion on that question shall be treated as lost.

8 Admission

A person elected does not become a churchwarden until he has made his declaration at the Archdeacon's visitation. If a churchwarden cannot attend the visitation, he can make his declaration before his parish priest as soon after the visitation as possible.

At the visitation, the churchwarden must:-

- Make a declaration that he will faithfully and diligently perform the duties of his office; and
- Sign a declaration to that effect; and
- Sign a declaration that he is not disqualified (see 2 above) and

A churchwarden continues in office until the appointment of a new churchwarden. If no churchwarden is appointed, then the existing churchwarden continues in office until 31st July after which a casual vacancy arises.

9 Vacation of Office

A churchwarden may resign by giving written notice of intention to resign to the Bishop. That notice becomes effective

- Two months after the notice; or
- Such earlier date as may be determined by the Bishop after consultation with the minister and any other churchwarden.

A churchwarden automatically vacates office if

- The name of the churchwarden is removed from the church electoral roll
- The name of the churchwarden is not on a new church electoral roll
- The churchwarden becomes disqualified (see 2 above).

10 Churchwardens' duties

These are summarised in Canon E1 paragraphs 4 and 5. Under those paragraphs, once churchwardens take up their office, they:-

- are the officers of the bishop (not the incumbent or PCC) (E1.4);
- must be the foremost in representing the laity and co-operating with the incumbent (E1.4):
- must use their best endeavours by example and precept to encourage the parishioners in the practice of true religion and to promote unity and peace among them (E1.4);
- must discharge the duties assigned to them by law and custom (E1.4). (Examples of this are their duties in relation to the offerings or collections in the church, and the duties imposed on them by section 5 of the Care of Church and Ecclesiastical Jurisdiction Measure 1991 in relation to the church building and the land and articles belonging to it);
- must maintain order and decency in the church and churchyard, especially during the time of divine service (E1.4); and
- hold the title to the movable goods of the church, must keep an inventory of those goods and keep it up to date, and must hand over the goods to their successors, who must check the inventory (E1.5).

In addition:-

- if a person chosen as churchwarden is an actual communicant and has his or her name on the church electoral roll of the parish, that person will automatically become a member of the PCC until he or she either ceases to satisfy those qualifications or ceases to be a churchwarden (CRR r.14(1)(d) and (2));

- if the PCC fails to appoint a treasurer, the churchwarden or churchwardens who are members of the PCC will be responsible for discharging the office of treasurer (CRR App II para 1(e)(i));
- churchwardens may also be trustees of other parochial charities by virtue of their office; and
- during a vacancy in the benefice, the churchwardens will be the sequestrators together with the rural or area dean and anyone else whom the bishop appoints (Church of England (Miscellaneous Provisions) Measure 1992 s.1(1)). (In the case of a team ministry, the team vicars and certain other members of the team take the place of the rural or area dean as automatic sequestrators except so far as the bishop directs that any of them are not to be included.)

Terrier, Inventory and Log Book

In respect of each parish church and each building licensed for public worship, churchwardens must

- Compile and maintain a full terrier (a schedule) of all lands and an inventory of all articles belonging to the church.
- Maintain a log book containing a full note of all alterations, additions and repairs to the church and the land and other articles belonging to it, other events affecting any of them and the location of any relevant documents which are not kept with the log book itself.

A copy of the terrier, inventory and log book must be sent to the Diocesan Secretary and any alterations to it. These documents must be presented to the PCC at the beginning of every calendar year with a signed statement that the contents are accurate.

The inventory must be checked with the incoming churchwardens every year and signed by them.

Inspection and Reporting

The churchwardens must

- Inspect or cause to be inspected the fabric of the church and all articles belonging to it at least once every calendar year
- Make an annual fabric report to the PCC at the meeting before the annual parochial church meeting, dealing with the fabric and articles belonging to the church, including the inspections carried out, and an account of all actions taken or proposed during the year for their protection and maintenance and for the implementation of any recommendation in the quinquennial report.
- Make the same report to the annual parochial church meeting.

11 Church Electoral Roll

This is the roll of persons who are qualified electors in the parish. An elector must:

- be a lay person
- be baptised;
- be 16 years or upwards;
- have signed an application for enrolment in which he declares
- he is a member of the Church of England or of a church in communion with it and is resident in the parish or
- is such a member and, not being resident in the parish, has habitually attended public worship in the parish during a period of six months prior to enrolment.
- is a member in good standing of a church which subscribes to the doctrine of the Holy Trinity (not being a church in communion with the Church of England) and also prepared to declare himself to be a member of the Church of England having habitually attended public worship in the parish for six months prior to enrolment.

The PCC appoints a church electoral roll officer who deals with the electoral roll under the direction of the PCC.

A new roll was prepared in 2013 and will be prepared in every succeeding sixth year. There are provisions for updating the roll annually.

The Electoral Roll Officer keeps the roll constantly up to date by the addition and removal of names from time to time required under the Church Representation Rules and to report these to the PCC.

A person's name is removed if he or she

- Has died.
- Has become a Clerk in Holy Orders
- Has signified in writing his desire that his name should be removed.
- Ceases to reside in the parish unless after so ceasing he continues in any period of 6 months habitually to attend public worship in the parish unless prevented from so doing by illness or under sufficient cause.
- Is not resident and has not attended public worship in the parish during the preceding 6 months (not having been prevented from doing so by illness or other)
- Was not entitled to have his name entered on the roll at the time when it was entered.

12 Parochial Church Council

Parochial church councils were set up in 1919. Prior to that the affairs of the Church were managed by the incumbent and churchwardens.

The composition and procedure of parochial church councils are regulated by the Church Representation Rules and their functions and powers are contained in the Parochial Church Councils (Powers) Measure 1956.

13 Members of the Parochial Church Council

- Clergy beneficed in or licensed to the parish;
- Minister authorised to act as chairman of PCC by the Bishop
- Any deaconess or lay worker licensed to the parish;
- All members of the team ministry;
- Churchwardens and deputy churchwardens if there is more than one place of worship in the parish and a scheme under rule 18;
- Such readers licensed to the parish or an area including the parish and whose names are on the church electoral roll as the APCM determines;
- All those on the roll of the parish who are lay members of any Deanery Synod, Diocesan Synod or the General Synod.
- Lay members elected by the annual meeting (6 if less than 50 on the church electoral roll, 9 if less than 100 and a further 3 for every 100 names thereafter up to a maximum of 15) for 3 years, one third retiring each year;

- Co-opted members decided by the PCC, not exceeding one fifth of the laity or 2 people, whichever is the greater being clergy or actual lay communicants.

An APCM may decide that representatives of the laity remain members of the PCC for one year only. This decision must be reviewed every six years and the decision may be revoked.

A person ceases to be a member of the PCC if

- His name is removed from the electoral roll
- He refuses or fails to apply for enrolment on a new roll.
- He becomes disqualified.

In the case of the first two the PCC can co-opt

14 Officers

- Chairman. The minister of the parish.
- Vice-chairman. Lay member of the PCC. Acts as chairman in absence of the minister or by invitation of the minister.
- Secretary. The secretary can be one of the members of the PCC or a non-member, who may be co-opted. If the secretary is not a member of the PCC, he or she may be paid.

The secretary has charge of all documents relating to the current business of the council and is responsible for keeping the minutes and a record of all resolutions passed by the council.

- Treasurer. He can be a member of the PCC, alone or jointly with another member. Otherwise a churchwarden or some other fit person who is not a member of the PCC but who may be co-opted may be the treasurer. The treasurer may be paid provided that he is not a member of the PCC.
- Electoral roll officer. He may, but need not be, a member of the PCC and may be the secretary. He can be paid if he is not a member of the PCC. He has charge of the electoral roll.

- Independent examiner or auditor. He is appointed by the annual parochial church meeting but if that does not happen or if he is unable or unwilling to act, he is appointed by the PCC. He cannot be a member of the PCC and can be paid.

15 General Provisions relating to Parochial Church Councils

These are set out in Appendix II to the CRR. These deal with:-

- Officers of the council.
- Meetings. Not less than four per year at quarterly intervals.
- Power to call meetings. Chairman or requisition by one third of the members of the PCC.
- Notice relating to meetings. Notice specifying the time and place, signed by or on behalf of the minister, posted at or near the principal door of every church or building licensed for public worship in the parish, at least 10 days before the meeting.
- Agendas. Notice specifying time and place, agenda for the meeting including any other motion or business proposed by any member of the PCC to every member at least 7 days before the meeting.
- Postponement. Chairman, vice-chairman and secretary or any two of them may postpone a meeting for some good and sufficient reason and give notice to all members specifying the reconvened place and time within 14 days of the postponed meeting.
- Chairman at meetings.
- Quorum and agenda. One third of members. No business transacted that is not on the agenda except with the consent of three-quarters of the members present at the meeting.
- Order of business. As specified in the agenda.
- Short notice for emergency meetings. Three days written notice in the case of sudden emergency or other special circumstances requiring immediate action by the PCC. Quorum a majority of the members. Only the business specified in the notice.
- Place of meetings.
- Vote of majority to decide.
- Casting vote of the chairman.
- Minutes. Record members present. Available to PCC members, independent examiner, the bishop, the archdeacon. Others on the electoral roll may have access to minutes since 1995 except minutes deemed by the PCC to be confidential.
- Adjournment.
- Standing Committee. Minister, churchwardens, and two PCC members appointed by the

PCC. Has the power to transact the business of the PCC between meetings subject to any directions given by the PCC.

- Other committees. May include others who are not PCC members.
- Interpretation. Any question may be referred to the bishop whose decision is final.

16 Annual Parochial Church Meeting

This must be held not later than 30th April each year. The lay people who are on the electoral roll and clergy beneficed in or licensed to the parish or any other parish in the area of the benefice may attend and vote. In addition, other clergy who are not beneficed or licensed but are resident in the parish or, if not resident, the PCC has declared to be a habitual worshipper, may also attend and vote.

The meeting is convened by the minister of the parish putting up a special notice on the church notice board for the same time period as the meeting of parishioners.

The Chairman is the minister or if he is not present the Vice Chairman of the PCC or if he is not present a Chairman chosen by the meeting.

The meeting discusses various business as follows:

- Changes in the electoral roll;
- An annual report on the proceedings of the PCC;
- Financial statements of the PCC;
- A report on the fabric goods and ornaments of the church;
- A report on the Deanery Synod.

There are various elections as follows:

- In every third year, Deanery Synod members;
- Lay members of the PCC;
- Sidesmen;
- The independent examiner or auditor of the PCC accounts.

The CRR have provisions for the way in which elections are conducted.

At the same time as the APCM, usually before it, there is a meeting of the parishioners which

elects the churchwardens for the year. Anyone resident in the parish may attend and vote, whether or not they are on the church electoral roll (see paragraph 4.)

17 A Body Corporate

A parochial church council is a legal person in its own right. A PCC can enter into contracts in its own name. It is separate from the PCC members who are not personally responsible for its debts.

18 Functions of the PCC

These are set out in the Parochial Church Councils (Powers) Measure 1956 Section 1 as follows:

- (1) It shall be the duty of the minister and the P.C.C. to consult together on matters of general concern and importance to the parish.
- (2) The functions of the P.C.C. shall include:
 - (a) co-operation with the Minister in promoting in the parish the whole mission of the Church, pastoral, evangelistic, social and ecumenical
 - (b) 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
 - (c) making known and putting into effect any provisions made by the Diocesan Synod or the Deanery Synod, but without prejudice to the powers of the Council on any particular matter
 - (d) giving advice to the Diocesan Synod and the Deanery Synod on any matter referred to the Council
 - (e) raising such matters as the Council consider appropriate with the Diocesan Synod or Deanery Synod
- (3) In the exercise of its functions the Parochial Church Council shall take into consideration any expression of opinion by any parochial church meeting.

19 Mission communities

We have inherited the parochial structure of the Church from its earliest days when there were God-fearing parishioners most of whom attended church regularly, who lived and worked in the same place and travelled around on foot. Churches were built so people can walk to them, so 3 to 4 miles apart. Every church had a priest who was king in his kingdom. The Synodical system

laid on top of this, so each parish has a PCC. The world has changed. We are less God-fearing and the statistics from Graham Davies' paper on churches show that in 2012 there were 607 churches; 03 or 17% less than 10 all age weekly attendance; 170 or 28% less than 15; 230 or 38% less than 20. People don't live and work in the same place and they travel by car. There are less clergy; in 1975 there were 412 parochial clergy; 2002 – 265; 2014 – 203, so the individual clergy often have a number of parishes to look after.

Being Church should include

- Daily and other regular public worship and prayer in every community
- Good leadership
- Priestly ministry within a local ministry team
- Teaching, preaching, training, nurture, growth and lifelong learning
- Evangelism and mission in the community
- Involvement in and service of the local community
- Youth and children's work and worship
- Effective pastoral care available to all in the community who need it
- Ecumenism
- Christian stewardship of time and resources
- The provision of appropriate and realistically sustainable buildings
- The necessary administration to support this work

Many parishes cannot do all of that themselves. Mission communities were introduced to address that. Many have embraced this and some mission communities perform as anticipated. Others carry on as before as individual parishes and regard the mission community as another layer of bureaucracy. This leads to:

- Huge pressure on clergy, impossible job, low morale and burn out. Clergy as treasurers and faculty petitioners.
- Huge pressure on laity, parishes without churchwardens and treasurers.
- The community is not receiving what it should. Difficult to tick all the boxes of what a mission community would look like in all of the individual parishes.

The law supports the naysayer as it recognises the parish but not the mission community.

- In law the PCC is a separate corporate body. It has a legal existence.
- The law says it may use its resources only for ecclesiastical purposes in the parish. What does that mean?
- PCC (Powers) Measure says the functions of a PCC "shall include co-operation with the minister in promoting in the parish the whole mission of the Church, pastoral, evangelistic, social and ecumenical."

A PCC is also a charity. Its members are charity trustees and must comply with the objects of the charity.

So in law the focus of the PCC is on the parish rather than on the mission community. The mission community is not recognised by the law.

20 Governance of mission communities

Some say it is easier to tick the boxes if the mission community became the means of delivering the work of the Church rather than the parish. This can be done by:

1. Pastoral reorganisation uniting parishes into a single parish with a single PCC responsible for the work of the Church in the community.

The individual churches could remain as parish churches with churchwardens or alternatively one church could be the parish church with others as daughter churches. Matters of local importance could be dealt with by the churchwardens.

District Church Councils created for each church under CRR r18. Scheme approved by 2/3 of those attending and voting at the annual meetings of the PCCs in the benefice and approved by BDC. Scheme includes provisions about

- Election of lay representatives to the PCC, local representation
- Election of district church council
- Provisions as to membership and procedure of DCC
- Delegation of certain functions to DCC by PCC (not functions relating to pastoral reorganisation and women clergy).
- Election of deputy churchwardens
- Delegation to churchwardens of certain functions

2. Joint parochial church council. Two or more parishes in a single benefice or two or more benefices held in plurality. Scheme under CRR r19 approved by 2/3 of those attending and voting at the annual meetings of the PCCs and approved by BDC. JPCC comprise
- Ministers of the parishes
 - Representatives elected, chosen or appointed from the lay members of the PCCs
 - Chairmanship, meetings and procedure of JPCC
 - Delegation of functions from PCCs to JPCC (not functions relating to pastoral reorganisation and women clergy).

Diocesan Synod has already approved a scheme whereby a PCC is no longer required to hold a minimum of four meetings per year in these circumstances

In both cases restricted funds would remain restricted for the purposes for which they were given.

Advantages:

- Fewer meetings.
- Better quality meetings. PCC or JPCC may attract the best people in the Church as the job would be more interesting.
- Fewer officers. One treasurer, PCC secretary, safeguarding officer instead of ten.
- Better use of human resources e.g. safeguarding and youth work covering the whole parish or benefice, pastoral visiting organised for a larger area, joint choir, men's breakfast, mother and toddlers' group, Messy Church, soup lunches, Alpha courses.
- Better use of financial resources, reserves used for mission, stewardship campaigns.
- Better use of buildings by targeting resources for development and repair towards churches with clear opportunities for mission.
- Targeted use for particular churches or buildings in communities e.g. youth church, BCP worship. Sensible use for other churches and halls. Festival churches, mothballing, sale of hall. Difficult for individual PCCs to make these decisions.
- More effective ecumenism. Sharing ministry with Methodists.
- Effective organisation of services so total number reduced and quality improved.
- Clergy able to concentrate on what they were ordained for eg pastoral work, teaching, mission

Objections:

- "Our money will be taken away." One parish's money will be used across the new parish/benefice. Restricted funds remain restricted. Reserves will be used logically.
- "People give to their church." ie their building and community and not to neighbouring communities. So the total income will go down. Both the church building and the community will continue. They may benefit from the giving, in money and time, of their neighbours. Wider definition of community.
- "A reduction in services means a reduction in giving." People give by putting cash in the plate. Possibly. Congregations should be encouraged to give by standing order instead.
- "Fewer services neglects faithful parishioners." Probably correct but better quality. Possibly lay led services.
- "People won't travel to a neighbouring church." This is a habit that can be broken. See schools, supermarket, doctor. They will if travelling to a different church provides a better experience of church and community.
- "Parishioners are comfortable being in the same building with the same people every Sunday." Again this is a matter of habit. New people to be with. Should they be comfortable?
- 'We will have to have the same number of meetings anyway". Not necessarily. It is not necessary to have meetings to organise rotas for reading, intercessions, sidespeople, routine repairs. This can be done by the churchwardens informally.
- "It's a loss of status for our church." Parish churches can remain parish churches.
- "This is the first step to closing the church." No, giving it life. Closure may happen anyway unless someone takes action. If buildings do have to close, the right ones will close leaving the remaining ones fit for mission.
- "You're just managing decline." No, managing *after* decline. And not us managing, but you.
- "If we agree to this we'll never get our vicar back in our parish." That is not going to happen anyway.
- 'It will see me out.' Maybe but without growth the church building will close and the existing generation will be seen to have failed after centuries of faithful worship.

21 Church and Churchyard

The incumbent of the benefice (the rector or the vicar) owns the church and churchyard but the churchwardens have joint right with him to possession of it. It is the duty of the PCC to maintain and insure it. A faculty may be necessary before work is done.

There should be a scale plan for every churchyard or burial ground which is open for burials and on that plan should be marked the position of all burials. With each church, there should be a burial register and in that register can be added the plot number from the plan. It is important to know where burials have taken place as there can be mix ups where a headstone is erected on the wrong grave. This is especially so if there is a long delay between the burial and the erection of the headstone.

It is possible for a person to reserve a particular burial space but only by obtaining a faculty.

The PCC should appoint a health and safety officer to be responsible for the church and churchyard. The Ecclesiastical Insurance Group provides helpful guidance notes (see 30 below).

22 Contents of the Church

The Churchwardens are owners of the contents of the church, for instance, the furniture, books, silver etc. It is the PCC's duty to preserve them and to insure them.

Prevention of theft is now a major problem for all churches. Again, this is the responsibility of the PCC. Extensive (and expensive) security measures are now possible. Clear procedures relating to locking and unlocking the church are important. Encouraging the use of the building is probably the best form of security.

It is a good idea to photograph particular items so that they can be identified if stolen. They can also be marked with a security microdot.

23 Land and other Property

The PCC may hold property for any ecclesiastical purpose affecting the parish but in a special way:

- The land is held by the Diocesan Board of Finance as custodian trustee. This means the Board simply holds it for the PCC but the Board's permission is required if the PCC wants to sell, lease, let, exchange, charge or take any legal proceedings with respect to the

property.

- The PCC is the managing trustee. This means that the PCC maintains, insures and generally looks after the property and receives any rents or profits from it.
- Similarly investments held on permanent trust are held by the Board for the PCC in the same way.

Your church hall may be:

- Owned by the Board of Finance and the PCC as above
- Owned by the incumbent and churchwardens in which case it should be transferred to the Board and PCC as above
- Owned by a charitable trust, possibly as a former school
- Owned by someone else

24 Parsonage House

The rectory or vicarage is owned by the rector or vicar and he must live in it. It is maintained by the Parsonages Committee of the Board of Finance

25 Glebe

There may be glebe in the parish. This is land formerly held by the rector or vicar to provide an income for his stipend. It is now owned and managed by the Board of Finance and the income is used for, amongst other things, the stipend of the clergy in the Diocese.

26 Money and Finance

A PCC should have proper books of account and should prepare annual accounts in accordance with

27 Insurance

A PCC should consider insurance for:

- **Buildings and contents**

Buildings including the parish church, a licensed mission church, the church hall and any other buildings. The level of insurance should be discussed with the insurance company and considered from time to time by the PCC. If the PCC does not have sufficient funds to ensure in full, it should minute that fact.

- **Third parties**

Third party liability insurance to cover claims for injury by persons using the church, churchyard and church hall including employees and voluntary workers. You should make sure that it covers all of the work undertaken by the PCC, for instance trips organised by the PCC. It is essential for the PCC to have public liability insurance and (if they employ anyone) employers liability insurance.

21. Food and drink

Premises should be registered under the Food Premises (Registration) Regulations 1991 if they are used for the sale or supply of food on 5 or more days within a period of five weeks. "Food business" means any business in the course of which commercial operations with respect to food or food sources are carried out. Once registered the local environmental health officers will inspect. Even if you are not registered, the basic hygiene principles in the Food Safety (General Food Hygiene) Regulations 1995 apply.

If alcohol is to be sold at a church function, the PCC should obtain permission from the local authority. This includes a raffle, a stall with wine for sale and if wine is included with a supper for which tickets are sold.

22. Employees

The PCC may employ an organist, a choir master, a sexton, a gardener, an administrator or others. The employment can be part time. Employment law will apply. Employees need a statutory statement of terms and conditions of employment and should have a detailed job description.

Employees have various rights including a right not to be unfairly dismissed and not to be discriminated against on the grounds of sex, race and disability.

23. Church Records

Every parish should have:

- Service register
- Baptism register
- Confirmation register
- Banns of marriage register
- Burial register
- A terrier of all lands belonging to the church
- An inventory of all articles belonging to the church
- Photographs of valuables
- The church log book to record building work and alterations
- Copies of all faculties obtained
- Copies of any planning permissions obtained
- Local authority consents needed for work to trees
- Insurance certificates
- Quinquennial inspection report
- A grave space plan for the churchyard
- Electoral roll
- Minute book of the PCC meetings
- Minute book of the annual parochial church meetings
- Correspondence file for the PCC
- Contracts entered into by the PCC
- Local authority licences, permits and registrations
- Church accounts
- Covenant and gift aid records
- Cash book and other normal financial records
- Insurance certificate for third party liability and accident book if there are employees to record any accidents at work
- A health and safety risk assessment
- A written health and safety statement
- Safeguarding policy
- If you have a children's church or any youth activities, there should be an accident book and a log book to record any unusual events such as fights or odd behaviour involving a child
- A health and safety file if you carry out any major building projects
- An annual gas safety inspection certificate if you have any gas appliances

- References taken for employees
- Job specifications and contracts of employment
- Declarations by anyone involved with children or vulnerable adults
- Written disciplinary warnings and notices of dismissal for employees

A register whose oldest entry is 150 years old should be closed and deposited in the County Records Office. A register whose last entry is over 100 years old should also be so deposited.

24. What to do before your Parish Priest leaves

When a parish priest retires or leaves, there is a gap before a new priest is appointed. This is called a vacancy or an interregnum.

Churchwardens should make sure they know

- Where all the parish records are and the contents of all files and correspondence.
- Practical arrangements about the vicarage – where the keys and the meters are and what needs repairs.

Churchwardens should discuss with the Rural Dean the pattern of services during a vacancy.

25. How the new Parish Priest is chosen

The new parish priest is chosen by a person called the Patron, acting together with the Bishop and two parish representatives appointed by the PCC.

The Bishop or the diocesan office sends a notice of the vacancy to the PCC. Within four weeks, the PCC should meet and do the following:-

- Prepare a written summary or profile, describing the conditions, needs and traditions of the parish and the kind of parish priest the PCC feels the parish needs.
- Appoint two parish representatives (who should be laymen) to contact the Patron and the Bishop. They are not necessarily the churchwardens.
- Decide whether to ask the Patron to consider advertising the vacancy. The final decision on advertising rests with the Patron.

- Decide whether to ask for a joint meeting with the Bishop and the Patron.
- Decide whether to ask the Bishop how the parish relates to the needs of the Diocese and the wider interests of the Church
- Decide whether or not to petition the Bishop under the House of Bishops Guidelines on the ministry of Bishops and Priests.

If the PCC has asked for a meeting with the Bishop and the Patron, this takes place within six weeks. The Rural Dean and the lay chairman of the Deanery Synod should be invited to the meeting. The purpose is to exchange views on the PCC's wishes and on the Bishop's views on how the parish relates to the needs of the Diocese.

When the Patron finds a person whom he would like to appoint, he sends notices to the Bishop and to the parish representatives, naming the person he proposes to offer the position to. The Bishop has four weeks to make up his mind whether or not to accept this person and the parish representatives have two weeks. In other words, both have a power of veto over the candidate put forward by the Patron. If the parish representatives wish to veto a candidate, they should be prepared to justify their reason for doing so.

If the position remains vacant for nine months, then the right to choose the new parish priest passes from the Patron to the Archbishop.

26. Suspension of Presentation

If a priest is instituted as the rector or the vicar, he has the freehold of the benefice. This means he can remain for as long as he likes until he reaches the age of 70 when he must retire. Where a Bishop is considering re-organising the parishes in the area, he may not wish to institute a priest so that he has a freehold as he may not be able to carry out the re-organisation until that priest leaves.

Instead the Bishop can suspend the right of presentation. That means that the Patron may not exercise his right of presentation during the period of the suspension. It is normally for five years and can be further suspended for a further five years.

During this time, the Bishop will appoint a priest-in-charge. The priest-in-charge does not have the freehold of the benefice although he does have common tenure which is much the same thing. Apart from that, the priest-in-charge has all of the duties and powers of a rector or vicar.

In practice, the Bishop will consult with the Patron and the PCC before appointing a priest-in-charge.

Before suspending the right of presentation, the Bishop will write to the PCC and give the PCC the opportunity to discuss the matter with him.

27. Running the Church during the vacancy

The churchwardens with the PCC are responsible for maintaining the life of the church during the vacancy.

- Church Services. The churchwardens and the Rural Dean arrange for visiting clergy to conduct Sunday services, baptisms, weddings and funerals and pastoral visits as necessary.
Churchwardens should decide amongst themselves who is to be responsible for locking and unlocking the church and preparing it for services.
- Collecting fees. The churchwardens should collect all fees for marriages, baptisms, funerals, erection of monuments and searches in registers. The annual fees are contained in a notice which is normally fixed to the church notice board.
- Payment for church services. Visiting clergy are entitled to be reimbursed their travelling expenses. There is a diocesan rate for services.
- PCC meetings and the annual parochial church meeting. These should continue as before.
- Care of the vicarage. Churchwardens should keep an eye on the vicarage if it is vacant. Minor repairs should be borne by the PCC and major repairs should be reported to Diocesan House. Sometimes, the Diocese will let the vicarage during a vacancy.
- Confidential documents. The Rural Dean will normally take possession of any confidential documents relating to the parish or parishioners.
- Weddings, banns and baptisms. Put up a notice on the main notice board saying when and where arrangements can be made for weddings, banns and baptisms.
- Funerals. Contact the local undertakers and tell them who to contact.
- Church registers. These should be maintained. The priest taking each service should sign the service register.

28. Sources

- i. Church Representation Rules 2011: Church House Publishing (£9.99)
<https://www.churchofengland.org/about-us/structure/churchlawlegis/church-representation-rules/church-representation-rules-online.aspx>
- ii. A Handbook for Churchwardens and Parochial Church Councillors by Tim Briden (2010) (£10.99).
- iii. Practical Church Management by James Behrens (2014) (£20.00).
- iv. Parish Resources <http://www.parishresources.org.uk/>
- v. Diocesan website <http://www.exeter.anglican.org/documents/>
- vi. Guidance notes for Churches: Fire, Security, Health & Safety, General. Ecclesiastical Insurance Group, Beaufort House, Brunswick Road, Gloucester, GL1 1JZ.
<http://www.ecclesiastical.com/churchmatters/index.aspx>
- vii. Diocesan Website www.trurodiocese.org.uk
- viii. Archdeacons.
- ix. Diocesan Registrar. Martin Follett, Diocesan Registry, Michelmores LLP, Woodwater House, Pynes Hill, Exeter EX2 5WR Telephone 01392 687 415 or 07816 068 702 E-mail: martin.follett@michelmores.com or Alan Barr Telephone 01392 687 421 E-mail: alan.barr@michelmores.com.