



LONDON DIOCESAN FUND

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Annual Letter to PCC Secretaries

March 2012

Dear PCC Secretary

Welcome to those of you who are new to the role of PCC Secretary. This letter takes the form of the usual Annual Letter sent out at around this time of year. It has information on Annual Parochial Church Meetings (APCMs), Elections, PCCs, any changes in the rules governing these, and other information which may be useful.

1 **Electoral Rolls**

The electoral rolls are to be revised during 2012 with 'additions' and 'deletions' made. (During 2013 the electoral rolls have to be completely renewed with the names of all members removed).

A form of notice for the revision of the electoral roll can be found on the Diocesan Intranet¹, as can a copy of the Church Electoral Roll certificate for display in church.

2 **Elections**

(a) **Diocesan Synod and Area Councils**

2012 brings with it elections to the Diocesan Synod and Area Councils. Please draw this to the attention of members on the electoral roll, as it is they who are entitled to stand as candidates in these elections. (Further information on elections to the Diocesan Synod is available on the Diocesan website http://www.london.anglican.org/NewsShow_16038). These are bodies which have a significant role to play in the life of the church. They are made up of representatives of clergy and lay people in the Diocese, who meet together regularly throughout the year with the bishops and archdeacons, to discuss matters of concern to the Diocese and make decisions. In order to be elected, a lay person will need to be proposed and seconded by a member of the House of Laity of the Deanery Synod.

Please would you ensure that any changes during the year to your parish representatives on the Deanery Synod (and any of the parish officers) are updated without delay. This should, if possible, be done online by yourself, the churchwarden, PCC treasurer or parish administrator (if your parish has one). Otherwise, please notify the Archdeaconry/Area Office by email or by letter. Please would you also ensure that the deanery synod secretary is informed.

¹ Other forms relating to the APCM can also be found on the Diocesan website, and are listed in Appendix 1.

(b) **Deanery Synods**

- Term of Office

The term of office of deanery synod representatives is 3 years, from 1 June 2011 to 31 May 2014. The number of parish representatives on the deanery synod *remains the same* throughout the three year period.

- The Diocese of London Intranet – schedule on parish representatives

A schedule containing the number of parish representatives on the deanery synod to which parishes are entitled can be found on the Diocese of London Intranet (see Appendix 1)². You can consult this at any time throughout the 3 year term if you should need to check the number of representatives for your parish on the deanery synod.

(c) **Declaration that a person is not disqualified from being a PCC Member**

In order to assist in meeting statutory requirements, a Form of Declaration that a person is not disqualified from being a charity trustee, and therefore a PCC member, was produced last year for use in parishes from 2011 onwards. A further Form is attached to this letter. Circumstances which disqualify a person from serving as a PCC member include, for example, being an undischarged bankrupt.

The form should be read by

- Those standing for election to the PCC, deanery synod, and as churchwardens;
- Those elected verbally at the Annual Parochial Church Meeting to the PCC, or deanery synod; and
- Other persons appointed as members of the PCC (e.g. co-options), and who have not signed a declaration confirming that they are not disqualified from being members of the PCC.

The form explains that

- Candidates standing for election to the PCC, deanery synod, or as churchwardens should read the declaration (in Section 4 of the Form), but need not sign it if they will be signing (or have signed) nomination forms which already contain the declaration (i.e. which include a reference to section 178 of the Charities Act 2011 (formerly section 72(1) of the Charities Act 1993)).
- The declaration should be signed by
 - a) Those elected verbally at the Annual Parochial Church Meeting to the PCC or deanery synod; and
 - b) Others appointed to serve as members of the PCC (e.g. co-options), who have not signed a declaration confirming that they are not disqualified from being members of the PCC.

² Access address: <http://www.london.anglican.org/Resources/APCM>

What should now happen to the Form of Declaration?

Sufficient copies of the form should be provided

- Alongside nomination forms for those standing for election to the PCC, deanery synod, or as churchwardens; and
- During or after the APCM, for anyone elected to the PCC or deanery synod verbally at the meeting to sign;

(Ideally, when a verbal request for nominations is made at the APCM, it should be announced at that point that those offering themselves should be satisfied that they are not disqualified from serving as a member of the PCC. (Note that deanery synod members are automatically members of the PCC)).

- To those appointed to the PCC in other ways, such as by co-option.

Note regarding the declaration that a person is not disqualified from being a charity trustee:

The Form of Declaration referred to above, various nomination forms and other documents, make reference to section 72(1) of the Charities Act 1993. However, on 14 March 2012, the provisions of this section of the Charities Act 1993 will be replaced by section 178 of the (consolidating) Charities Act 2011.

Forms containing the 1993 reference can be treated as valid.

3 PCCs

Below in (a) and (b) is a recap on two significant changes in the Church Representation Rules which took place in 2004 relating to PCCs:

(a) **Number of lay representatives on the PCC, i.e. the formula now in force**

Number on Electoral Roll	Number of representatives to be elected
50 or less	6
51 – 100	9
101–200	12
over 200	15

Note that parishes are permitted to set a different number of lay representatives to elect. This is done by passing a resolution at the APCM. Any such resolution, however, will only take effect from the following APCM.

(b) **Term of office of elected lay members of the PCC**

The length of time that an elected member serves on the PCC changed in 2004 from one year to three years, with a third of the PCC to be elected each year – unless the APCM decides to retain the system of annual election of the whole PCC. Such a decision, when taken, is effective in the year in which it is passed, and must be reviewed at least every six years.

4 After the APCM

(a) Parish Annual Returns

A Parish Annual Return is completed each year by every parish. It is the means of collecting information required by the bishops, archdeacons, diocesan officers, and the committees of the Archbishops' Council, to assist in their various responsibilities for planning and administering the affairs of the Church at its different levels.

The Annual Return should be completed as soon as possible after your APCM, and in any event, must be completed by 1 June. (Note that when completing the Return online, it need not be filled out in one sitting, but the different parts can be filled out at different times).

You will be hearing from the Archdeaconry / Area Office staff later this month with information on how to access the online Annual Return site.

(b) Parish Annual Report and Accounts

PCCs are governed by the Churches Representation Rules, Rule 9 (4) of which states that, after the APCM, the PCC

shall cause copies of the annual report and financial statements to be sent within twenty-eight days of the annual meeting to the secretary of the [London Diocesan Fund] for retention by the [Diocese]

Failure to submit accounts before 1 June means that all members of the PCC are in breach of their duty as trustees.

On-line submission of accounts and report

Parishes are strongly encouraged to submit their annual accounts and report online. They will need to certify electronically that the copies being sent in electronic form are an accurate copy of the accounts which have been approved by the PCC and signed by the chairman presiding at the meeting. (Please note that the electronic certification will also constitute a declaration that the accounts have been signed off with an unqualified report by either the Independent Examiner or the Auditor).

Registered Charities

Parishes with income of over £100,000 must now be registered with the Charity Commission. Such PCCs must also submit their accounts and reports to the Charity Commission as well as to the Diocese. In addition to providing the Charity Commission with their annual report and accounts, they must also complete a 'Charity Commission Annual Return'. The Charity Commission will e-mail a reminder to the nominated contact about this.

Personal liability

The PCC is a charity (whether registered or not) and all PCC members are classed as trustees. As trustees, the PCC's members are not normally personally liable for the activities of the parish. However, as the Charity Commission's website makes clear, if the trustees act imprudently, or are otherwise in breach of the law or the governing document, the position is different. Here, trustees may be personally responsible for liabilities incurred by the charity, or for making good any loss to the charity. Since

trustees act collectively in running a charity, they will usually be collectively responsible to meet any such liability. Failing to keep proper records and accounts, to prepare annual statements or failing to submit accounts on time could well be considered to be an example of acting imprudently or in breach of law. A further impact of not filing accounts is that charity status could be withdrawn / suspended, and this would mean the PCC being unable to make Gift Aid claims, which would present a serious problem.

Please draw this section of the letter to the attention of your PCC Treasurer.

5 Churchwardens Measure 2001 Disqualification after six periods of office (Section 3)

The following note is based on one which was included in mailings of 'Ministry Matters' sent to clergy in the Diocese in 2008. They were asked to note that:

A person is disqualified from being appointed to the office of churchwarden when he or she has served as churchwarden of the same parish for six years in succession. A person must have a gap of at least two years before serving again.

However, the Annual Meeting of Parishioners can pass a resolution to the effect that this section of the Measure shall not apply, which would allow the person in question to be appointed after the six years has expired. Such a resolution would take effect immediately. The end of the first six year period, since this rule came into effect, was the Annual Meeting of Parishioners held in 2008.

This therefore meant that any churchwarden who had served continuously since the Annual Meeting of Parishioners of 2002 could not be re-appointed in 2008 unless the Meeting had passed a resolution specifically overruling this provision in relation to the parish, which would enable him or her to be reappointed.

Any such resolution can be revoked by a subsequent Annual Meeting of Parishioners.

The intention of the legislation appears to be that six successive terms should normally be regarded as the maximum, unless exceptional circumstances apply.

If necessary, advice can be obtained from the Diocesan Registrar.

6 The Role of PCC Secretary

A presentation which may help you in your role as PCC Secretary can be found on the Diocesan Intranet. (Please follow the directions provided in Appendix 1). This was given to a gathering of PCC Secretaries and Churchwardens.

A list of publications which may also provide some help is provided in Appendix 2.

Please do not hesitate to contact me on any of the above matters, on monica.bolley@london.anglican.org.

I am sending copies of this letter to those noted below. Please share the contents of this letter with your parish priest, and other church officers. Where appropriate please also pass on a copy to the secretaries of any district church council associated with your parish.

With kind regards

Yours sincerely

Monica Bolley
Synodical Secretary

Copies emailed to:

Archdeacons, the General Secretary, Diocesan Registrar, Incumbents and Priests-in-Charge,
(*) Churchwardens, Treasurers, Parish Administrators, Area Deans, Deanery Lay Chairs, Deanery Synod Secretaries, Area Directors of Training and Development, Area Finance Advisers and Area Office Staff.

Note to PCC Secretaries:

In view of the increased use of email, and its benefits including the reduction in diocesan postage costs, this letter is now being sent by email to those PCC Secretaries for whom we have an email address. Those not on email are being sent copies by post.

Enclosure:

PCC MEMBERSHIP - Form of Declaration that a person is not disqualified from being a PCC Member

Forms for Parish Annual Meetings

The following documents can be located on the Diocese of London website. This is accessed using the following address: <http://www.london.anglican.org/Resources/APCM>, Please then click on the document you require from the list which appears:

- (a) **Forms relating to Parish Annual Meetings**
 - Notice of Annual Parochial Church Meeting
 - Notice of Meeting of Parishioners - for Election of Churchwarden
 - Nomination Form for Election to the PCC
 - Nomination Form for Election to the Deanery Synod
 - Nomination Form for Election of Churchwardens
 - Results of Elections – Notice for display
 - Notice of Revision of the Church Electoral Roll
 - Application for enrolment on the Electoral Roll
 - Church Electoral Roll Certificate (for display in church)
- (b) **Parish Representation on Deanery Synods – Schedule of Numbers**
- (c) **The Role of PCC Secretaries – copy of a presentation on the legalities and practicalities**

Appendix 2

Publications for PCC secretaries

- (a) **Church Representation Rules 2011**

I would encourage all parishes to acquire a copy of the Church Representation Rules 2011 (ISBN 978 0 7151 1041 6). These Rules comprise Schedule 3 of the Synodical Government Measure 1969, together with subsequent amendments. They contain a wealth of information including details on the governance of PCCs, Parochial Church Meetings, deanery synods, as well as information on Electoral Roll formation, maintenance, revision and renewal.
- (b) **Other useful publications**
 - A Handbook for Churchwardens and Parochial Church Councillors (Kenneth MacMorran and Timothy Briden) ISBN 0-819-28111-5
 - Practical Church Management – A Guide for every Parish (James Behrens) ISBN 0-85244-602-0 (2nd edition)
 - An ABC for the PCC – A Handbook for Church Council Members (John Pitchford) ISBN 0-8264-6599-4
 - A Basic Church Dictionary and Compendium (Compiled by Tony Meakin) ISBN 1-85311-087-6
 - Your Church and the Law (A simple explanation and guide) – David Parrott ISBN 978-1-85311-927-9

All of these publications are available from Church House Bookshop, 31 Great Smith Street, London SW1P 3BN (tel: 020 7898 1300 / www.chbookshop.co.uk).