

LICHFIELD DIOCESAN REGISTRY
GUIDANCE NOTE
CHURCH REPRESENTATION RULES 2020
(4) PCC SCHEMES

1. This note is one of a group of documents to be produced by the Registry to explore the changes which will come into force on 1 January 2020 when the existing Church Representation Rules are replaced by a completely new set of rules. We will refer to the provisions as 'NewCRR' or 'OldCRR'. The NewCRR are available on the Church of England website, for information. The NewCRR are the Schedule to the Church Representation and Ministers Measure 2019, and are substituted by that Measure for the OldCRR which had their statutory force in the Synodical Government Measure 1969 as amended from time to time.
2. The NewCRR adopts a much more straightforward drafting style, and in many ways will not require much explanation. Steps have been taken to use inclusive pronouns; also to set out requirements in clear numbered or lettered paragraphs rather than in narrative text. However the problem of reading a new set of rules is knowing whether anything has changed, and that can only be achieved by a comparison of the two sets of rules. The purpose of these note is mainly to try to assist those who have responsibilities for different aspects of the CRR to understand what is *different*. We are not, therefore, setting out in detail what the new rules provide.
3. The NewCRR provides a set of Model Rules for parish governance. These are effectively a schedule to the main CRR. Part 2 of the NewCRR provides that the Model Rules in NewCRR Part 9 will apply to all parishes; but it also allows the parish to adopt its own rules through a scheme made by its Annual Meeting, and then approved by the Bishop's Council under NewCRR12. (These schemes will no doubt become known as Rule 12 Schemes! They are to be covered in the note on parish governance; certain of the Model Rules are immutable, including Special and Extraordinary Parochial Meetings; but Annual Meetings are technically capable of being subject to a Rule 12 Scheme). We will refer to the Model Rules simply as M1 etc.
4. The rules as to PCC Governance are now set out in NewCRR Part 9. The Model Rules allow 3 types of 'scheme' to alter governance, but, additionally, allow the PCC to request alterations to the Model Rules themselves. The provisions are a fairly radical departure from the OldRules.
5. It is perhaps sensible to start by noting that there are transitional arrangements for places with existing schemes. These are set out in NewCRR schedule 3.
 - a. This provides that an old style Rule 19, 20 or 21 Scheme (Joint Council, Team Council and Group Councils) which was in force on 31 December 2019 will continue to apply and operate until any new scheme is created.
 - b. Similarly any scheme to those effects made by means of a Bishop's Instrument under the Mission and Pastoral Measure will continue to have effect until it expires (all such schemes expire after 5 years).
 - c. No express reference is made to Rule 18 schemes (which were used to create District Councils. There is a provision in Schedule 3 paragraph 4 which says that 'any other body in existence under' the old rules will be treated as constituted under the new rules. Our view is that this provision will cover Rule 18 Schemes. There is no obligation, therefore, to renew an old style Rule 18 scheme and no particular benefit from doing so.
6. M34 and M35 govern parishes with more than one place of worship – ie the situation dealt with under old style Rule 18 Schemes. However, schemes under either of these provisions can now be made by the APCM *without the involvement of the Bishops Council* the scheme is simply sent to the Bishops Council and to the Registry. The provisions are therefore much simpler for a parish to adopt. As before, however, it is important to understand that a District Council has no legal status and is not a charity; it is the delegated body of a PCC to all intents and purposes. It should not therefore hold funds, except as agent for the PCC

- a. M34 allows for the representation of laity on the PCC so as to make provision for the separate congregations; and it encompasses the ability to appoint deputy churchwardens.
 - b. M35 allows for things facilitated by M34 but in addition allows for the creation of District Councils and for elections to those councils by an annual district meeting.
7. Joint Councils are now established by M37-42. The provisions for them are very different from the old Rule 19 arrangements. The system will still require the approval of each relevant APCM and then of Bishop's Council before it can be brought into effect, and a copy of the scheme is filed in the Registry.
8. The requirements enable *connected* parishes to make a Joint Council. Connected parishes are those falling within the same benefice, those where the benefices are held in plurality and those in a group ministry.
9. The concept of a Joint Council is different than the old style Joint Council. The new arrangements will be for a body corporate in its own right – previously, the body created did not have any status as a legal entity, and effectively they acted as agents of the PCCs. The Joint Council will have the powers of a PCC.
10. The APCMs must decide together whether all, *or only some*, of the property rights liabilities and functions of the constituent PCCs are to be transferred to the new Joint Council. These do not necessarily have to be the same for all parishes within the scheme. These powers etc are manifold. They range from powers of discussion and consultation to those in relation to the maintenance and upkeep of the parish church, and its goods and ornaments and of the churchyard whether open or closed. Some are pastoral or missionary in character. The powers include framing an annual budget, and raising collecting and allocating money for that; raising a voluntary church rate; appointments of clerks and sextons; determining the objects for which collections are allocated; consultations include such matters as pastoral schemes, matters pertaining to parsonage houses, transfers of patronage, forms of service to be used, the appointment or dismissal of the organist. The PCC would be a party to certain legal documents, such as sharing agreements, leases of churches. It would have to give consent for certain things, such as appointments of clergy over the age of 70. It deals with matters under the House of Bishops' Declaration as to women priests. This note can only convey a summary of the vitally important role of PCCs within a parish. PCCs contemplating a transfer of roles to a new body should consider the various powers and functions and then decide how they should be allocated so as to secure proper representation as to decision making.
11. However the Registry would particularly discourage over-complication of the matter. It is surely better to provide for representation of the interests of the laity within the new body and to trust that that will lead to all involved acting fairly, than to attempt to create a body which cannot actually function. The Registry sees little purpose at all in establishing a body to be a Joint Council and then limiting its functions or powers. The great benefit of the new arrangement is that in future it does not have to be an additional tier, but can be a replacement. (But in drafting, it was recognised that the all or nothing approach might discourage use of the provision, so that the option of having a partial scheme was introduced).
12. Once the scheme is approved, any property or assets etc which have to move from an old PCC to a new Joint Council will do so automatically. No legal documentation is involved other than the specification of the property and rights in the scheme. The Registry need not, therefore, be involved at all.
13. PCCs should note however that a gift, eg in a will, which takes effect after the date of the new scheme would have effect as being made to the new Joint Council unless it relates to a purpose retained by an old body – if such purposes are retained of course.
14. The transfer of the whole of the powers etc of all the constituent PCCs to the new Joint Council would render the PCCs otiose. However the parishes would remain distinct and would continue to hold APCMs.
15. The membership of the new Joint Council must include the ministers of each parish involved.

16. The scheme will specify the number of lay persons on the Joint Council and then identify how lay representatives are to be elected chosen or appointed to the new body. Lay persons will be drawn from those on the electoral rolls of the parishes.
17. Any scheme will need to identify the arrangements for the chairing of the new council, and its meetings and procedures. It is permissible to apply the Model Rules and to say that they will apply as if references to a PCC were to the Joint Council.
18. The scope for these new schemes is, therefore, very broad.

Niall Blackie and Andrew Wynne
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