

## Annual Meeting Advice

(References to the CRR are to Regulations of the Church Representation Rules; references to CWM are to sections of the Churchwardens Measure 2001)

- 1. The APCM must be held no later than 30 April (CRR6(1)).**
  - a. It is convened by the minister (i.e. Incumbent, Priest in Charge, or relevant Team Vicar) (CRR7(1)); if there is a vacancy and no PinC or TV, then by the vice chair of the PCC or the Secretary or a person appointed by the PCC (CRR7(3)).
  - b. The date is either set by the last APCM or by the PCC or by the minister (CRR7(2)).
  - c. The place for the meeting is to be within the parish *unless PCC decide otherwise* (CRR7(4)).
  - d. Notice of the meeting, in the prescribed form (Appendix 1 part 4) is to be '*affixed on or near the principal door of every church in the parish and every building licensed for public worship*' for a period including the last two Sundays before the meeting (CRR7(1)).
  
- 2. Only the lay persons on the parish electoral roll are entitled to attend and take part (CRR6(2)). No-one else may attend.**
  - a. The Roll is kept by the PCC which appoints an electoral roll officer (CRR1(7)) who must keep it constantly up to date (eg as to death, leaving the parish, ceasing to be habitual worshipper (CRR1(9)); the next new Roll is due in 2019 (CRR2(4)).
  - b. The Qualification to be on the Roll is to be over 16 (or will be 16 by the time of the APCM) baptised, and a member of CoFE or of a Church in Communion with it, and either resident in the parish or a habitual worshipper during last 6 months prior to enrolment; or a member of another church subscribing to the Holy Trinity who is prepared to be a member of the CoFE as well.
  - c. The question of what amounts to habitual worship is a question to be determined by the electoral roll officer; but there is a right of appeal (CRR43).
  - d. An extra parochial place is deemed to be part of an abutting parish for the purpose of the Roll.
  - e. Residence is a question of fact; one may have more than one residence (eg students, or persons working away from home with a flat rather than a hotel or B&B room).
  - f. A person can be on more than one roll, but must decide in which parish s/he will stand for election.
  
- 3. The following clerks in Holy Orders may attend the APCM (CRR6(3)) - those who are:**
  - a. beneficed in the parish or licensed to the parish or to another parish in the benefice;
  - b. resident in the parish but not beneficed or licensed elsewhere;
  - c. *or if not beneficed or licensed elsewhere, those currently declared by the PCC to be habitually worshipping in the parish;*
  - d. co-opted members of the PCC;
  - e. *note there are special rules for teams groups and pluralities (CRR6(4) and (5)).*
  
- 4. The Chair of the APCM is the minister of the parish (CRR8(1)) or**
  - a. If absent the vice chair of the PCC or a person chosen by the APCM.
  - b. Note if the chair would be the Team Vicar but s/he is not present and *neither is the vice chair of the PCC*, then the Team Rector may preside (CRR8(2)).
  - c. The Chair has a casting vote in the APCM, except in elections.

**5. The business of the APCM is prescribed (CRR9): reports are to be received and discussed; elections are to be conducted and any parishioner may ask questions about parochial matters:**

- a. To receive a report from the PCC on changes to the roll, and in a new roll year, a report on numbers on the roll; *The PCC must ensure a copy of the roll is available for inspection at the meeting;*
- b. To receive an Annual report on proceedings of the PCC and activities in parish;
- c. To receive the independently examined / audited financial statements of the PCC for the year ending 31 December prior to the APCM; *which are to be signed off by the chairman of the PCC and exhibited on a notice board for at least 7 days prior to the APCM including at least one Sunday when the church is used for worship;*
- d. To receive a report on the fabric goods and ornaments of the church(es) of the parish under the Care of Churches Measure 1991;
- e. To receive a report on the proceedings of deanery synod;
- f. To conduct Elections (see below);
- g. AOB: any lawful attendee may ask any question or bring about discussion on Parochial matters. *No notice can be demanded of such questions, and if they cannot be answered then the correct course is to adjourn the meeting; or leave the matter unresolved and suggest the questioner calls a special meeting or suggest it be considered by the PCC and raised at the next APCM.*
  - i. *NOTE: It is legitimate to adjourn the business to another meeting or to determine rules of procedure where not covered by the CRR.*
  - ii. *NOTE: The business of the meeting is to be minuted by the Secretary (i.e. PCC secretary or someone appointed by the APCM) (CRR9(9)). The Registry take the view that the minutes should be circulated prior to the next meeting (i.e. displayed with the Notice of meeting) or read at the meeting and then confirmed by it, and signed by the Chairman of the meeting at the direction of the meeting, if they are to have evidential effect.*

**6. Elections (CRR9-11) – these are to be carried out in this order:**

- a. Of laity to the deanery synod : the number of persons to be elected is fixed by diocesan synod resolution (CRR25);
- b. Of laity to the PCC for a 3 year term (though see below as to term of office, CRR16)): the number of persons to be elected is determined by the number on the roll : <50 = 6; <100 = 9; >100, 3 extra for each 100 up to total of 15;
  - Persons to be elected must be
    - aged 16+
    - be on the roll of the parish for last 6 months (unless they are under 18)
    - and either be actual communicant members (of CofE or a Church in Communion (see list) and had communion 3 times in last 12 months
    - or be a person who has been confirmed, or is ready to be, or is receiving communion under Canon B15A para 1(b) ...
    - *NOTE [any question as to this can be put to the person, but if they respond affirming their qualification, their election should proceed and be subject to appeal by anyone who considers they can prove otherwise; if they respond 'no' or refuse to answer, their nomination should be rejected, but they then have the right of appeal ].*
  - They must be consent to serve or there must be 'sufficient evidence' of their willingness to serve;
  - they must not be disqualified:

- either under s72 Charities Act 1993: for this purpose they must not be subject to an unspent conviction for dishonesty or deception; or be an undischarged bankrupt; or have made a composition with creditors from which they remain undischarged; nor must they have been removed from office by the Charity Commissioners or the High Court (or equivalent in Scotland); nor may they be subject to disqualification under Companies or Insolvency legislation;
- or under the Incumbents (Vacation of Benefices) Measure 1997.
- Nominations and seconders are required before the meeting in writing, or orally at the meeting (CRR11(2)). *It is wrong to insist that only nominations prior to meeting are accepted, or that nominations must be received before a certain period prior to the meeting.*
- An Election is only required if there are more places to be filled than candidates (if there is no surplus of candidates, those nominated are deemed elected) (CRR11(3)).
- Clergy cannot vote (CRR11(5)).
- Laity can have one vote for each place (CRR11(6)).
- Voting is by show of hands OR if anyone objects to that, on papers; *if by paper then*
  - *Papers are to be signed by the voter on the reverse (CRR11(7a)).*
  - *If 10% of those present so demand, papers are to be numbered, and a record kept of the numbered paper issued to each person entitled to one (CRR11(7b)).*
- If there is an equality of votes then the decision as to who is elected is to be decided by LOT. *This means some random choice method, usually drawing straws.*
- The result of the election should be announced there and then.
- *Alternative schemes are possible for election by STV, postal voting: but this is only possible if a resolution is passed at an APCM and the scheme is then used at the NEXT meeting.*
- c. Of sidesmen (these have to be persons on the roll but there is no need for actual communication) (CRR10(2)).
- d. Of the independent examiner of the PCC (who may not be a member of the PCC) (CRR9(5d)).

## **7. Term of Office (CRR16)**

- a. An elected lay person holds office from the end of the APCM at which they are elected until the conclusion of the third APCM thereafter (CRR16(1))
- b. The norm is for one-third to retire each year. If a new PCC is created and all members are elected at the APCM then lots must be drawn to determine which members retire after one two and three years (CRR16(6))
- c. It is possible to direct instead that members all retire every year. Such resolutions do not affect those already serving, and they continue to the end of their current term. The resolution must be reviewed every 6 years (CRR16(3 and 4))
- d. Lay persons are entitled to be re-elected, unless the APCM passes a resolution to limit the number of years continuous service, or to direct that there must be an interval between periods of service (CRR17)
- e. Persons who are on a PCC ex officio as a result of their election to a deanery synod hold office from the date of their election until the 31 May next following the election of their successors

## 8. The election of the Churchwardens (See CWM 2001)

- a. This is conducted under the 2001 Churchwardens Measure: technically this is at a 'parish meeting' rather than at the APCM. It must be held by 30 April in each year (CWM4(2)).
- b. The parish meeting is a joint meeting of the persons who are on the *parochial* electoral roll names and of the residents of the ecclesiastical parish who are *registered electors* i.e. for secular government purposes (CWM5(1a-b)).
- c. No one else can therefore attend unless they have the permission of the meeting (e.g. press).
- d. The minister of the parish convenes this meeting separately but usually on the same occasion as the APCM. If there is no minister then it is convened by the Churchwardens (CWM5(2)).
- e. A person seeking to be elected as churchwarden must be nominated and seconded and must consent to serve in writing confirming also that they are not disqualified *this nomination must be made prior to the meeting* (CWM4(3)).
- f. If the minister thinks that the election of a person would '*give rise to serious difficulties between the minister and that person in their respective functions*' s/he may, prior to the election make a statement to the meeting that only one warden is to be *elected* by the meeting and that s/he will *appoint* the other (from the list of those nominated). S/He then makes the appointment prior to the election. A minister should seek counsel from the Archdeacon prior to making such a statement, because the process is necessarily controversial within a parish and is not to be undertaken lightly, but the decision whether to make the statement is the minister's alone (CWM4(5)).
- g. The persons elected as Churchwardens are admitted to office at the Archdeacon's Visitations which have to be held before 31 July in each year. The term of service does not begin until that date, and in the interim the last wardens serve.
- h. A warden must be baptised, on the electoral roll of the parish, an actual communicant, and aged over 21 (CWM(1)): *save that these rules may be waived by the Bishop in a proper case for a particular one year term*.
- i. A warden must not be disqualified from serving as such through misconduct: see CWM(2)
- j. A warden will be disqualified once they have served 6 successive terms of office; there must then be an interval of two years, unless the parish meeting determines not to apply this rule
- k. A person will cease to be churchwarden if their name is removed from the electoral roll or if they become disqualified under CWM(2)
- l. A warden may only serve in one parish unless the other parish(es) are 'related' through being in the same benefice, having the same minister or being held in plurality
- m. Number of wardens:
  - i. 2 Churchwardens are to be elected for each parish church, but all the wardens so elected are wardens for the whole parish. (CWM(1)). (A 'parish centre of worship' is treated as a parish church for this purpose
  - ii. If no-one is likely to stand for election, efforts should be made to find someone willing to serve. The Archdeacon should be alerted to assist in that regard at the earliest opportunity.
  - iii. Deputy Wardens are for district churches or places of worship other than formally designated parish centres of worship. Their functions are delegated to them by the churchwardens and they do not hold office as officers of the

bishop; they are not governed by the CWM at all. Their role is however recognised under the CRR for Rule 18-21 scheme purposes

- iv. Assistant Churchwardens have no legal authority at all
- n. Duties of Churchwardens
  - i. See Canon E1 which explains the main obligations of this ancient office
  - ii. A Churchwarden is an ex officio PCC member
  - iii. In default of the appointment of a Treasurer, the Churchwardens serve in that regard (CRR App II para 1(e)(i))
  - iv. They may be ex officio trustees of parochial charities, and should actively enquire of the Diocesan Trust as to whether they do have such responsibilities
  - v. During a vacancy
    - 1. they are appointed as sequestrators of the benefice usually with the rural dean
    - 2. they are custodians of the parochial registers

Niall Blackie

Lichfield Diocesan Registrar

Amended 10 April 2019