

A Guidance Note on the Election of Churchwardens and The Annual Parochial Church Meeting

Following discussions with the Archdeacons, it was felt that it might be helpful if this Guidance Note was produced and distributed to assist those who will shortly be preparing for the election of Churchwardens for the ensuing year and for the holding of the Annual Parochial Church Meeting (APCM). I am sure that most incumbents and priests-in-charge will have a good grasp of the requirements for both these procedures but for those who are newly in post or for PCCs who are experiencing an interregnum, it may be helpful.

Introduction

The meeting to choose churchwardens is entirely separate from the APCM. Churchwardens are elected in accordance with the provisions of the Churchwardens Measure 2001 for which there is a different body of electors from those entitled to attend and vote at the APCM, the rules for which are to be found in Part II of the Church Representation Rules 2006 ("CRR"), rules 6-12 inclusive. If you or your PCC does not possess a copy of the CRR I would urge you to obtain one from Church House Publishing. It can be purchased online at www.chpublishing.co.uk and is really indispensable for the purposes of regulating parochial affairs.

Election of Churchwardens

The meeting of parishioners to elect churchwardens (often called "the Vestry Meeting") invariably takes place on the same occasion as the APCM and should always precede it. Churchwardens are ex-officio members of the PCC and it is therefore sensible to ascertain the identity of the churchwardens for the forthcoming year before elections to various categories of PCC membership take place.

The constituency for the election of churchwardens comprises all those whose names are on the electoral roll of the parish and all those resident in the parish whose names are on the local government register of electors. The distinction from the body of electors at the APCM should be noted, the latter being limited only to those on the electoral roll.

The election of churchwardens must take place no later than the 30th April in each year, on which occasion churchwardens are chosen to serve for the ensuing year only. In advance of the meeting a notice, signed by the minister or a churchwarden, must be affixed on or near to the principal door of the parish church and every other building licensed for public worship in the parish, for a period including the last two Sundays before the meeting. If the meeting is to take place on a Sunday, then that Sunday will not count in the calculation of the notification period. The notice must state the place, date and time at which the meeting will be held. A pro forma Notice can be downloaded from the Diocese of Wakefield website if you enter "churchwarden" in the search facility.

The qualifications for election as churchwarden are as follows:-

1. They must have been baptised
2. Their names are on the electoral roll of the parish

3. They are actual communicant members of the Church of England
4. They are aged at least 21
5. They are not disqualified from standing for election by virtue of the provisions of the Charities Act 1993, the Children and Young Persons Act 1933 or under the Incumbents (Vacation of Benefices) Measure 1977.

There is a disqualification from standing that no-one may be elected as churchwarden if they have already served six successive periods in office immediately prior to the present election. This provision was introduced for the first time last year by the Churchwardens Measure 2001 with the purpose of ensuring greater participation in the leadership of the church. However, the meeting is entitled, if it has not already done so, to pass a resolution that the six-year rule shall not apply to the parish. Although it is felt that the overruling of the six year rule should happen rarely, it is recognised that there may be occasions when, due to a lack of alternative candidates or the continuation of an interregnum, that the continuity of re-appointing an experienced churchwarden is necessary or sensible. A resolution to dis-apply the six-year rule can be expressed as being limited to a specific period of years or can be without limit. The six year rule can be re-applied upon a further resolution by the meeting of parishioners.

Two churchwardens are elected for each parish unless by tradition a parish appoints a greater number. Candidates must be nominated and seconded in writing by persons entitled to attend the meeting, and each nomination paper must include a statement, signed by the person nominated, that he or she is willing to serve as a churchwarden and is not disqualified from doing so. The nomination paper is only valid if received by the minister of the parish, or by the churchwarden who signed the notice convening the meeting, before the commencement of the meeting.

It sometimes happens that the minister may consider that the election of a particular person might give rise to serious difficulties between the minister and that person in carrying out their respective functions. In such a situation the minister may, before the election is conducted, make a statement to the meeting to the effect that only one churchwarden is to be elected by the meeting of the parishioners. If such a statement is made one churchwarden is appointed by the minister from among the persons nominated and the other is elected by the meeting. The name of the person appointed by the minister must be announced before the election is conducted. The minister should not directly identify a candidate to whom he or she objects but whoever that may be will remain eligible to be elected by the meeting.

Elections of churchwardens take place in accordance with rule 11 of the CRR. Amongst other things rule 11 provides that if there is an equality of votes between candidates the election shall be determined by lot.

If a casual vacancy arises amongst churchwardens during the course of the year then a further churchwarden can be elected by the same process at any time.

Annual Parochial Church Meeting

1. Date of the Meeting

As with the meeting of parishioners to elect churchwardens, the APCM must be held no later than the 30th April. It is recommended that the actual date is settled sufficient time in advance to enable the electoral roll to be revised and other procedural steps to be taken. The date, place and time of the APCM, if not directed by the previous annual meeting, shall be determined by the PCC or, in the absence of any such direction, by the minister.

2. The Electoral Roll

The electoral roll is wholly renewed every six years, the last occasion being in 2007. However in advance of the APCM the electoral roll officer should ensure that the existing list is brought up to date with any new names being added and, where appropriate, some names being removed. The procedure for the annual revision of the electoral roll is set out in rule 2 of the CRR and the notice of the intended revision of the roll can be found in the appendix to the CRR or again can be downloaded from the diocesan website simply by searching against "electoral roll".

3. Preparation of the Annual Report

By rule 9 of the CRR the PCC has to present the following items to the meeting:-

- 3.1 A report on changes in membership of the electoral roll since the last APCM
- 3.2 A report on the activities of the PCC over the previous year and of the parish generally
- 3.3 Financial statements of the PCC for the previous year ending the 31st December, independently examined or audited
- 3.4 A report on the fabric, goods and ornaments of the church, usually presented by the churchwardens
- 3.5 A report on the proceedings of the Deanery Synod

Good practice suggests that a convenient way for the presentation of the annual report is for the individual reports, as outlined above, to be consolidated into one document which is made available to parishioners in advance of the APCM. In this way parishioners can come to the meeting already informed and without the need for each item within the report to be read or delivered, but the appropriate officer to be available to speak to it and answer questions if needs be.

4. Convening the Meeting

A notice convening the APCM, signed by the minister or, during an interregnum or in the absence of the minister due to illness or other cause, the vice-chairman of the PCC, or if there is no vice-chairman, by the secretary of, or some other person

appointed by the PCC. The notice can again be downloaded from the diocesan website by searching against "Annual Meeting Notice". The notice should be displayed 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 day of the meeting.

5. Who can attend the Meeting?

Attendance at the meeting is limited only to those people whose names are on the electoral roll; it is not a public meeting. Consequently once the churchwardens have been selected by the meeting of parishioners any lay person whose name is not on the electoral roll can be asked to leave. Rule 6(2) of the CRR states that all lay persons whose names are entered on the roll of the parish shall be **entitled** to attend the annual meeting and to take part in its proceedings and that no other lay person shall be so entitled. This does not prevent the meeting allowing persons whose names are not on the electoral roll from attending although, of course, they have no vote.

6. Chair of the Meeting

The minister, if present, or if he or she is not present, the vice-chairman of the PCC, shall preside at the APMC. If neither the minister nor vice-chairman is present then the chairman shall be chosen by the meeting itself.

In the case of an equal division of votes, the chairman of the meeting shall have a second or casting vote. However no clerical chairman shall have a vote in the election of lay members of the PCC. In such a case the decision between candidates with equal numbers of votes shall be by lot.

7. Business of the APMC

7.1 Apologies and Matters Arising

The Agenda should provide for the receipt of apologies and the approval of the minutes of the previous year's APMC. If there are any matters arising they should be raised at this stage.

7.2 Reports and Accounts

The reports are then presented and once the accounts and financial statements have been discussed by the meeting and approved the chairperson should sign them before the meeting moves to the elections.

7.3 Elections

7.3.1 Every three years the meeting must elect members of the Deanery Synod. In intervening years members may be elected to fill casual vacancies. The number of members the meeting is entitled to elect will have previously been notified by the Diocesan Secretary. Deanery Synod representatives must be elected to the PCC

first because they are ex-officio members of the PCC and are not therefore to be counted amongst the number of lay members to be elected.

7.3.2 The APCM is entitled to elect the following lay members:-

<u>Number on the electoral roll</u>	<u>Number to be elected</u>
Under 50	6
51-100	9
101-200	12
Over 200	15

If a parish wishes to make some other provision, such as to increase the representation, they may do so by passing a resolution at the APCM, but any such resolution would not come into force until the first succeeding APCM.

7.3.3 Qualification to be elected a Lay Member of the PCC or to the Deanery Synod

- (a) The candidate is aged 16 or over
- (b) Their name is entered on the electoral roll of the parish and has been so entered for at least the preceding six months, unless under the age of 18 years at the date of the election
- (c) They are an “actual communicant” meaning a person who has received communion in the Church of England or in a church in communion with the Church of England, at least three times during the 12 months preceding the date of their election or appointment.
- (d) The candidate is nominated and seconded in writing by persons on the electoral roll or verbally at the meeting, and consents to be appointed.

7.3.4 If the number of candidates nominated is no greater than the number of seats to be filled then the candidates nominated shall be declared as elected. If more candidates are nominated than there are seats to be filled then an election shall take place at the time of the meeting.

7.3.5 Each person entitle to vote shall have as many votes as there are places to be filled but they may not give more than one vote to any one candidate. Votes may be given by show of hands but if one or more persons object then voting shall be on voting papers signed by the voter on the reverse thereof. If at least one-tenth of the persons present and voting at the meeting so request, the votes must be on numbered voting papers to preserve anonymity. In such a case a record shall be made of the identity of each person to whom a numbered voting paper is issued together with the number of the voting paper allocated to them, and any such record, so long as it is retained, shall be kept separate from the voting papers.

7.3.6 It is important that any voting papers that are used in the election of lay members of the PCC are retained. The reason for this is that either an elector or a candidate in any election has a right of appeal against some aspect of the election and in the course of that appeal it may be necessary for the appeal panel

constituted by the Bishop's Council to examine the voting papers. This might be to verify that an elector was indeed on the electoral roll of the parish and therefore entitled to vote, or to verify the numbers of votes cast for individual candidates. Because an appeal against the result of an election can be lodged any time up to 14 days after the declaration of the result of the election, the voting papers should be kept for at least that period of time. In the event of an appeal being lodged then the voting papers must be retained until the conclusion of that appeal. As the minister or vice-chair of the PCC – whoever had conduct of the election – is not necessarily informed that an appeal has been lodged with the Lay Chair of the Deanery Synod, the voting papers ought to be retained by the PCC for at least three months after the date of the election, preferably longer.

7.4 Sidespersons

There is no specified procedure for the choosing of sidespersons, but traditionally this is a matter usually left to the minister and the PCC who will draw up a list in advance of the meeting and seek approval for that list. The APCM should be asked to approve the appointment of sidespersons, the names of each of whom must be on the electoral roll of the parish.

7.5 Independent Examiner or Auditor

The APCM should also appoint the independent examiner or auditor to the PCC who has been proposed by the PCC.

7.6 Any Other Business and resolutions

Strictly speaking there is no requirement to provide for Any Other Business on an APCM agenda but, by the same token, there is no reason why it should not. Obviously all persons entitled to attend the APCM may ask questions about parochial church matters as they arise in connection with the presentation of the reports but the meeting is also an opportunity for a discussion about any other matter of parochial or general church interest. Rule 9(7) of the CRR provides that if a person wishes to ask any questions about parochial church matters not connected to the Reports, or bring about a discussion on any matter of parochial or general church interest, they must do so by moving a general resolution or by moving a resolution to give any particular recommendation to the PCC in relation to its duties. It is worth noting that under this last provision the APCM cannot pass a resolution **directing** the PCC to take any particular action, although it may pass a resolution **recommending** a certain course of action.

8. After the APCM

There are a number of procedural steps that must be completed following the APCM.

8.1 The new PCC should hold its first meeting in accordance with rule 15 and Appendix II of the CRR. At that meeting the PCC should appoint: –

- (a) A vice-chairman who should be a lay member of the PCC
- (b) A secretary who need not be a member of the PCC
- (c) A treasurer or joint treasurers from within the PCC
- (d) A electoral roll officer who need not be a member of the PCC
- (e) Members of the Standing Committee
- (f) The auditor or independent examiner to the PCC if the APCM has not appointed one.

8.2 If the PCC holds its first meeting immediately after the APCM then notice of that meeting should be put up on the church door at the same time as the announcement of the APCM to comply with the requirements of paragraph 4(a) of Appendix II of the CRR

8.3 After the APCM the following notices should be put on the church door and left there for 14 days:-

- (a) A notice announcing the names of the new PCC members, the new members of the Deanery Synod and the new churchwardens
- (b) A copy of the annual report and statements once they have been approved by the APCM and signed by the minister or vice-chair
- (c) A copy of the notice sent to the Diocesan Secretary giving the number of names on the electoral roll
- (d) Minutes of the APCM should be written up by the secretary whilst fresh in his or her mind for presentation at the next APCM

9. Suggested Timetable

Taking all the above matters into account the following would seem to represent a timetable which should be followed:-

- 9.1 At least 6 weeks before APCM publish notice of revision of Electoral Roll
- 9.2 At least 16 days before APCM complete revision of the Roll
- 9.3 Not less than 15 days before the APCM the revision period closes
- 9.4 Publish revised Roll for not less than 14 days before APCM with list of names removed. No names may now be added or removed unless as a result of an error
- 9.5 At least 2 Sundays before APCM publish notice of APCM; this might be extended to 3 or even 4 Sundays to give as much notice as possible and this notice can precede the publishing of the revised Roll
- 9.6 If the first meeting of the new PCC is to follow immediately after the APCM then a notice of that meeting should be posted at or near the church door at the same time as the notice of the APCM is displayed
- 9.7 At least 7 days before the APCM - preferably longer – display the PCC Financial Statements (already audited /independently examined, and approved and signed at a PCC meeting) and make the Report available
- 9.8 Hold the APCM no later than the 30th April

- 9.9 Within 28 days of the APCM send a copy of the Financial Statements and Report as approved by the APCM to the Diocesan Secretary
- 9.10 Publish the results of the Elections for not less than 14 days
- 9.11 Notify the Secretary of the Deanery Synod and the Secretary of the Diocesan Synod of the result of any election of Deanery Synod representatives
- 9.12 Not later than the 1st June notify the Secretary of the Diocesan Synod of the Roll numbers and publish that notice on or near the church door for at least 14 days

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