Section C: Joint Councils

Power to make scheme

M37 (1) A meeting of the parish and meetings of one or more connected parishes may jointly make a scheme for the establishment of a joint council comprising –

(a) the minister of each parish to which the scheme applies, and

(b) representatives of the laity elected, chosen or appointed in the manner and in the numbers specified in the scheme from among the persons each of whom has his or her name on the roll of a parish to which the scheme applies.

(2) The provision which may be made in reliance on Rule 77 (implied power to vary) includes provision for enabling a joint council to include the minister and representatives of one or more other parishes.

(3) A reference in this Section of this Part of these Rules to a meeting of a parish is a reference to the annual meeting or a special parochial church meeting of that parish.

(4) A parish is connected to another parish if –

(a) they each belong to the same benefice,

(b) the benefice to which one belongs is held in plurality with the benefice to which the other belongs (whether or not they are held in plurality with one or more other benefices), or

(c) they are in the area of the same group ministry.

Status, property and functions of joint council

M38(1) A joint council established by a scheme under Rule M37 is a body corporate; and section 3 of the Parochial Church Councils (Powers) Measure 1956 applies to the joint council as if it were a PCC.

(2) A scheme under Rule M37 for the establishment of a joint council must include provision for the transfer from the PCC of each parish to which the scheme applies to the joint council of –

(a) all property, rights, liabilities and functions, or

(b) only such property, rights, liabilities and functions as are specified in the scheme.

(3) A scheme under Rule M37 may (in reliance on Rule 77) vary a scheme for the establishment of a joint council by providing for the transfer of specified property, rights, liabilities or functions from the joint council to the PCC of a specified parish to which that scheme applies.

(4) A scheme under Rule M37 may (in reliance on Rule 77) vary a scheme for the establishment of a joint council by providing for that scheme to cease to apply to a specified parish; and the scheme making the variation must include provision for the transfer from the joint council to the PCC for that parish of the property, rights, liabilities and functions concerned.

(5) A scheme under Rule M37 may (in reliance on Rule 77) revoke a scheme for the establishment of a joint council; and the scheme making the revocation must include provision for the transfer from the joint council to the PCC for each parish of the property, rights, liabilities and functions concerned.

(6) A scheme under Rule M37 may make different provision for different purposes and may, in particular, provide for –

(a) transfers of different property, rights, liabilities or functions to take place on different days;

(b) transfers of property, rights, liabilities or functions to take place on different days for different parishes.

(7) Any gift which is expressed as a gift to the PCC of a parish to which a scheme under Rule M37 applies, and which takes effect on or after the relevant transfer date, takes effect as a gift to the joint council, unless all the purposes for which the gift was made relate to functions which continue to be exercisable by the PCC.

(8) In paragraph (7), the 'relevant transfer date' means –

(a) where all the PCC's functions are transferred to the joint council on the same date, that date, or

(b) in any other case, the date or the first date on which one or more of the PCC's functions are transferred to the joint council.

(9) Where a scheme under Rule M37 provides for the transfer of land, the land is, by virtue of the scheme itself and without any further deed or other document, to vest subject to and with the benefit of any tenancies, covenants, conditions, agreements, easements or rights to which the land was subject, and of which it had the benefit, immediately before the transfer took effect.

(10) Where any question arises as to the allocation of property, rights, liabilities or functions to a PCC on a transfer made by virtue of paragraph (3), (4) or (5), the question is to be resolved by the diocesan board of finance for the diocese in which that PCC's parish is situated.

(11) A scheme under Rule M37 does not affect the status of any parish to which the scheme applies or any right which a person has by virtue of being a parishioner or having his or her name on the roll of the parish.

Officers, business etc. of joint council

M39(1) A scheme under Rule M37 for the establishment of a joint council must include provision for –

(a) the chairing of the joint council,

(b) the meetings of the joint council, and

(c) the procedure of the joint council.

(2) Provision made under paragraph (1)(b) which entitles the representatives of a parish to which the scheme applies to attend a meeting of the joint council and take part in its proceedings does not prevent the holding of a meeting of the parish.

(3) A scheme under Rule M37 may include provision for the membership of a joint council to include persons other than those mentioned in paragraph (1) of that Rule.

(4) A scheme under Rule M37 may include supplementary, transitional or saving provision.

(5) Provision under paragraph (4) may, in particular, apply (with or without modifications) provisions of these Rules or of the Parochial Church Councils (Powers) Measure 1956 or any other provision made by or under a Measure.

Parish ceasing to be connected or being dissolved

M40(1) This Rule applies where a parish to which a scheme under Rule M37 applies ceases, by virtue of a pastoral scheme or order or the termination of provisions of a pastoral scheme or order under section 32(2) of the Mission and Pastoral Measure 2011, to be connected to the other parish or parishes to which the scheme applies.

(2) This Rule also applies where a parish to which a scheme under Rule M37 applies is dissolved by a pastoral scheme which makes provision under section 31(1)(b) of the Mission and Pastoral Measure 2011.

(3) The bishop may by written instrument under his or her hand –

(a) provide for the scheme to cease to apply to the parish which has ceased to be connected to the other parish or parishes or (as the case may be) has been dissolved, or

(b) provide for the scheme to be revoked.

(4) An instrument under this Rule which makes provision under paragraph (3)(a) must also provide for the transfer from the joint council to the PCC for the parish concerned of the property, rights, liabilities and functions concerned.

(5) An instrument under this Rule which makes provision under paragraph (3)(b) must also provide for the transfer from the joint council to the PCC for each of the parishes concerned of the property, rights, liabilities and functions concerned.

(6) Where any question arises as to the allocation of property, rights, liabilities or functions to a PCC on a transfer made by virtue of paragraph (4) or (5), the question is to be resolved by the diocesan board of finance for the diocese in which that PCC's parish is situated.

Disqualification

M41(1) The provisions of these Rules on disqualification from being nominated, chosen or elected as, or from serving as, a member of the PCC apply also in relation to membership of a joint council established by a scheme under Rule M37 to which the parish belongs.

(2) Any enactment providing for the disqualification of a person from being a trustee of a charity and, accordingly, from being a member of the PCC also has the effect of disqualifying the person from being a member of the joint council.

Procedure for making scheme

M42(1) A scheme under Rule M37 is valid only if it is approved by at least two-thirds of the persons present and voting at a meeting of each parish to which the scheme applies.

(2) A scheme approved under paragraph (1) by each parish to which it applies must be referred to the bishop's council and standing committee; and the scheme must be accompanied by –

(a) a copy of the resolution of each meeting at which the scheme was approved, and

(b) a statement of the number of persons attending each meeting, the number at each meeting voting for approval of the scheme and the number voting against.

(3) The bishop's council and standing committee, having had a scheme referred to it under paragraph (2), may –

(a) approve the scheme without amendment,

(b) approve the scheme subject to proposed amendments, or

(c) decline to approve the scheme.

(4) The bishop's council and standing committee may approve a scheme only if it is satisfied that the scheme makes due provision for the representation on the joint council of the laity of each parish to which the scheme applies.

(5) The provision made in the scheme for the purposes of paragraph (4) must, in particular, include provision for ensuring that the number of clerical members of the joint council does not equal or exceed the number of lay members.

(6) An amendment to a scheme proposed under paragraph (3)(b) is made only if it is approved by at least two-thirds of the persons present and voting at a meeting of each parish to which the scheme applies.

(7) A scheme under Rule M37 comes into operation on the day specified in the scheme.

(8) Where a scheme under Rule M37 is approved under this Rule, a copy of the scheme –

(a) must be filed in the diocesan registry, and

(b) must be sent to the secretary of the bishop's council and standing committee.

Notes

* See Rule 83(1) for the definition of 'minister'.

* The next elections are to be held in 2023.

* 'Casual vacancy' includes the case where there is a vacancy because not enough candidates were nominated to fill the places available: see Rule 83(9).

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* 'Church' means any church or chapel which has been consecrated for the purpose of public worship according to the rites and ceremonies of the Church of England: see section 3, Interpretation Measure 1925.

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Taken from https://www.churchofengland.org/about/leadership-and-governance/legal-services/church-representation-rules/part-9