

Advice Note –APCMs

For those parishes which did NOT hold their annual meeting of parishioners to elect churchwardens and APCM to elect PCC members and deanery synod reps before the March 2020 national lockdown, you are still required to hold the annual meetings for the purposes of both charity law and church law.

* These must now be by 31 October 2020 at the latest, there will not be any further extension to this deadline.

Please remember that minimum periods of notice apply.

An indicative timetable for the process of convening annual meetings scheduled to be held on 31 October is attached (at the end of this advice note) with the various minimum notice and publication periods detailed.

Where meetings are being held on an earlier date, the timetable should be adjusted accordingly but at all times adhering to the minimum notice periods.

* It is permissible for the 2020 meetings to be held virtually using electronic means, including by telephone conference, video conference, live webcast and live interactive streaming.

This also allows for a "hybrid" arrangement whereby some attendees might be present in person and some might be present via virtual means;

* A person is to be regarded as present at the meeting if the person is able to hear and be heard, and where practicable see and be seen, by the other persons present.

* A vote may be taken by such method of voting as may be determined by the Chair.

* Any appointment made to an office is considered to relate to 2020 and even though this may well mean that the appointment is held for six months or less.

It is currently the case that further nominations and elections will fall due as usual in 2021; and

* The meeting solely concerns the reports etc. to 31 December 2019 and nothing more,

It will be at the 2021 meetings that events and reports for the period 1 January 2020 to 31 December 2020 will be considered.

Churchwardens

The term of office for those churchwardens who were chosen in 2019 is extended until 31 January 2021.

However, as has always been the case, a churchwarden will formally take up the office immediately upon being admitted at a visitation service. Thus, when a new churchwarden is admitted at a

visitation service before the end of January, he or she will take up office from the date of that service.

Deanery synod representatives

As the term of office of serving lay members of deanery synods has been extended until 30 November 2020, PCCs are required to elect new reps despite the forthcoming deanery reorganisation. The newly elected representatives will take up office on 1 December 2020.

Revision of the electoral roll

The purpose of a church electoral roll is to provide a body of persons who are entitled to have a say in the running of the church in that parish. Hence, rule M1 in Part 9 of the Church Representation Rules provides that every lay person whose name is on the roll of the parish is entitled to attend the annual meeting and take part in its decisions. This is why parishes are always required to revise or renew their electoral roll before holding their annual meetings.

It is appreciated that this year parishes will find themselves in one of the following three situations:

1. The revision of the electoral roll had not been commenced or had been commenced and not completed prior to lockdown and must therefore be undertaken in the usual manner;
2. The revision of the electoral had been completed before lockdown but the annual meetings had not been held in the subsequent 28 day period; or
3. The revision of the electoral roll had been completed and the annual meetings held.

For those parishes which fall into the second category, the best advice is to repeat the revision process and display all requisite notices (as detailed on the attached indicative timetable). Whilst this requires additional work, it does ensure that nobody will be disenfranchised and the intention of the Church Representation Rules can be met. The same is not necessarily true if the version of the roll which was locked earlier this year is utilised.

Whilst, the Church Representation rules make provision for the addition of any 16 year old to the roll after its publication and also for the correction of any omission or error, it is not possible to rely upon this and negate the need for further notices. An amendment cannot be considered to be an 'error or omission' made at the date of publication if the individual was or was not entitled to be on the electoral roll at that time. If he or she was not so entitled but now is, without a full revision a new application form could not be considered until after the meeting and that individual would then be effectively disenfranchised.

Equally, where an individual has ceased to reside in the parish or is not resident in the parish, there would usually be a requirement for attendance at public worship in the parish for six months. This is to be disregarded where the individual concerned has not been prevented from doing so by illness or other sufficient cause and would normally necessitate investigation and the exercise of some discretion. However, in light of the national situation for the last six months, failing to habitually attend public worship would surely fall within "other sufficient cause" (rule 4[b][6] and [7]) and such individuals should not have their names removed from the roll.

In practical terms, for any parish which had already completed the revision of its electoral roll and published the same but was prevented from holding its meetings within the following 28 day period, it is unlikely that there will be a large number whose names either need to be added or removed.

The rules do not provide for any particular period for the revision itself, it will be a matter for each individual PCC and electoral roll officer to determine but will need to allow adequate time to consider all appropriate additions and those names which are to be removed from the roll. Ordinarily this would be a period of 10/14 days but could be shorter or longer. Any further corrections of errors or omissions and/or the addition of any 16 year olds to the electorate between the publication date and that of the meetings remains possible after the publication.

Applications for inclusion on and publication of the revised electoral roll

The new Church Representation Rules permit:

- * If desired, an application for enrolment on the electoral roll (Form 1) to be completed, signed electronically and submitted by email where the PCC has provided an email address; and

- * For the PCC to publish the electoral roll in such form (whether electronic or otherwise) as it decides, and the roll as published (together with the copy made

available for inspection) must include every name entered on the roll but no other personal data.

Notice of meeting

The usual display of notices is still required (i.e. at least the last two Sundays before the date of the meeting, see example timetable) but it is strongly recommended that this is supplemented by the PCC taking steps to bring to the attention of parishioners generally the arrangements by using WhatsApp, social media, email, websites, parish newsletters, invitation letters etc.

Venue

Whilst it is generally only members of the congregation who will attend, the election of churchwardens requires a meeting of parishioners, which is a much larger group of possible attendees. This may then lead to capacity issues.

However rule M2(3) only requires the annual meeting to be held 'at a place in the parish unless the PCC decides otherwise'. Thus if a larger building is available this could be used as a venue.

Provided the meeting forms part of an act of socially distanced worship or, if held on a separate occasion, has absolutely no social element i.e. there is no fellowship or refreshments and attendees merely use the building in a socially distant manner, then leave immediately after the conclusion of business, the limits on the number of attendees will be dictated by the maximum capacity of the building. Otherwise the 'rule of six' will apply.

In any event, it is advisable to use of other technology in place of or to complement the 'live' meeting, so as not to disenfranchise any of those who are entitled to attend.

Nominations

There is a delicate balance to be struck between preparing as fully as possible ahead of time and the need to comply with the Church Representation Rules.

Rule M9 (2) states as follows:

'A candidate must be nominated, either before the meeting in writing or at the meeting, by two persons each of whom -

(a) must be entitled to attend the meeting, and

(b) must have his or her name on the roll of a parish.'

Accordingly a closing date or deadline for nominations cannot be set. Although you can encourage all concerned to submit the written forms of nomination ahead of time, either by hard copy or electronically. In accordance with rule 76 of the new Church Representation Rules a 'communication sent by email is to be treated as being in writing if it is received in a form which is legible and capable of being used for subsequent reference.' You may therefore accept electronic nomination forms. However, even at a Zoom meeting, a nomination may be made in person as described above.

If such a verbal nomination is made, it would be good practice to ensure that the candidate is made aware of the declarations which need to be made before accepting the nomination. A brief period of reflection and prayer can also be offered before the candidate confirms that he or she wishes to stand. This should then reduce the risk of potential embarrassment if the candidate is in any way disqualified from holding the office concerned.

Should the candidate then be appointed to the office, there will then be a need to 'back fill' the documentation to ensure that the declarations made on the nomination forms are given. This should be done as soon as possible after the meeting.

Voting

By virtue of an instrument signed by the Bishop in July, at this year's meetings a vote may be taken by such method of voting as may be determined by the Chair. Non-attendees would not usually be given the opportunity to vote at the meetings and it is suggested that there is no reason to alter that stance this year. Although there has to be some flexibility, the Chair needs to understand who is

'present' at the meeting and able to vote.

Ultimately, the simplest and fairest way for a vote to be taken during a virtual or hybrid meeting would be by a show of hands or verbally (for those with audio access only). To move to postal votes would involve additional work for all concerned and may mean that the result of the vote cannot be determined until after 31 October, which may then impact upon attendance at any deanery synod meetings etc.

It is therefore vital that the PCC considers and agrees the simplest and most inclusive way to proceed with the meetings and any voting procedure. Where it is necessary to hold an election due to

an excess of nomination forms for available vacancies, the decision reached will need to be clearly communicated to all concerned as soon as possible.

Annual meetings which have already been held without further revising the electoral roll in the prior 28 day period

For those parishes which have held their annual meetings after July of this year but overlooked the need to repeat the process of revising their electoral roll, there will be concerns raised regarding the validity of those proceedings and any appointments made to offices.

Attendance and ability to vote at the meeting of parishioners is based upon persons either being named on the electoral roll or resident in the parish. Section 5A of the Churchwardens Measure 2001 contains an appeals process for elections held at such meetings. The appeal must be lodged within 14 days of the election and *'the allowance or disallowance of a vote is not a ground of appeal.....unless the allowance or disallowance would or might be material to the result of the election'*. Thus where the annual meeting took place more than 14 days previously or an election for the office of churchwarden was not required, the appointment will be considered immediately valid, any other matters will be determined with the appropriate appeal.

With regard to the APCM, rule 80(1) provides that the proceedings *'are not invalidated by a vacancy in the membership of the body or a defect in the qualification, election, choice or appointment of any of its members'*. Thus the business of the APCM will have been properly concluded.

As regards the election of PCC members and deanery synod reps, Part 6 of the Church Representation Rules makes provision for election appeals to be made within 14 days to the relevant deanery lay chair. Again this is on the basis that *'the allowance or disallowance would or might be material to the result of the election'*. Thus where the annual meeting took place more than 14 days

previously or an election for an office was not required, the appointment will be also considered valid.

For the sake of completeness, rule 80(3) requires that, where here there is an omission in a parish to prepare or maintain the roll or to hold the annual parochial church meeting, the areal dean must, on having the omission brought to his or her attention, ascertain the cause of the omission and report to the bishop of the diocese accordingly. Parishes should therefore not disregard the need to revise the electoral roll.

Should you have any further queries, please do not hesitate to contact Donna Myers at the Diocesan Registry (dm@mandioreg.co.uk or 07395 322707)

Donna Myers, 15 September 2020

EXAMPLE TIMETABLE FOR CONVENING THE DELAYED 2020 ANNUAL MEETINGS

1	<p>Notice of revision of electoral roll published using Form 2 and announced at services</p> <p>The Notice must specify how to obtain application forms <u>and</u> the date when applications will close together with the date by which the revision will be completed</p> <p><i>The PCC needs to decide how long this will be, as there is no minimum period set by the rules</i></p>	<p>Not later than</p> <p>Monday 28 September 2020</p>
2	<p>On the date specified on the Form 2 notice, the revision of the roll commences</p>	<p>Not later than</p> <p>Tuesday 13 October 2020</p>
3	<p>On the date specified on the Form 2 notice, the revision of roll is completed</p>	<p>Not later than</p> <p>Wednesday 14 October 2020</p>
4	<p>Publication of revised roll (electronically or otherwise)</p>	<p>Not later than</p> <p>Thursday 15 October 2020</p>
5	<p>Notice of annual meetings displayed</p>	<p>Not later than</p> <p>Saturday 17 October 2020</p>
6	<p>Publication of annual reports and financial statements to be physically displayed and, if appropriate, circulated electronically</p>	<p>Not later than</p> <p>Friday 23 October 2020</p>
		<p>Not later than</p>

7	Annual meetings are held	Saturday 31 October 2020
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 The 'Notice of revision' must be published for at least 14 days.

 The 'revision of the roll' to be completed not less than 15 days and not more than 28 days before the annual meeting.

 The publication period for the revised roll must be at least 14 days.

 The 'Notice of annual meeting' must be not less than two Sundays before the meetings.

 The publication period for the financial statement and annual reports must be at least 7 days prior to the meetings.