

CORONAVIRUS – COVID19

REPRESENTATIVE BODY OF THE CHURCH IN WALES

LEGAL DEPARTMENT GUIDANCE ON VESTRY MEETINGS AND PCC MEETINGS

VESTRY MEETINGS

The Constitution of the Church in Wales envisages that all Vestry Meetings take place on or before 30 April in any given year. However, it is not currently possible to hold Vestry Meetings due to the restrictions on leaving home currently in place. The Bench of Bishops issued guidance on 17 March 2020 confirming that scheduled Vestry meetings should **not** go ahead, and that further guidance would follow. This document is that further guidance.

The Law

Any parishes who were able to hold their Vestry Meetings prior to 'lockdown' need to take no further action.

For everybody else, the effects of a Vestry Meeting not taking place on or before 30 April are set out in Regulation 5 of Chapter IV C (Regulations) of the Constitution. Where:

5.1 the Annual Vestry Meeting has not been held; or

5.2 Churchwardens, Parochial Church Councillors, or the parochial representatives on the Diocesan Conference or the Deanery Conference have not been elected or appointed; or

5.3 the parochial representatives on the Diocesan Nomination Board have not been elected or appointed; or

5.4 meetings of the Parochial Church Council have not been held as provided by Chapter IV C section 8;

the Bishop may appoint Churchwardens, Parochial Church Councillors or parochial representatives as the case may require and may summon a meeting of the Parochial Church Council, and in each such case the Bishop shall report any action taken by him under this Regulation to the next meeting of the Diocesan Conference.

The Agreed Actions of the Bishops

The Bench of Bishops have agreed the following actions in respect of all parishes who were unable to hold a Vestry Meeting before 30 April 2020:

1. All officers ('People's' Churchwardens, Parochial Church Councillors and parochial representatives) in office as at 30 April 2020 are reappointed and remain in office for a limited additional period from 1 May 2020 until the earlier of:
 - a. The date that the 2020 Vestry Meeting is held; and
 - b. 31 October 2020¹.
2. In the event of a vacancy in the above elected offices arising before 30 April 2020 (whether by death or resignation) the Bishops shall exercise their constitutional power of appointment by appointing a person nominated by written resolution or at an electronic meeting of the Parochial Church Council for the same limited period as at (1.) above.²

¹ In the unlikely event that the current restrictions remain in force until this point, further advice will be issued.

² See below for further details about PCCs and written resolutions/electronic meetings

3. Incumbents may appoint the 'Incumbent's' Churchwarden in the usual way, save that the appointment may be made outside of the context of a Vestry meeting, in writing, for the same limited period as at (1.) above.

Particular matters

Accounts

Whilst it is part of the Constitutional requirements for the Vestry Meeting to receive and discuss the Parochial Church Council's accounts, the *approval* of the Vestry Meeting is not required. Delay of the Vestry Meeting need not, therefore, delay the finalisation of the 2019 accounts and the submitting of annual returns and accounts to, for example, the Charity Commission (in the case of PCCs who are registered with the Charity Commission).

Electoral Roll

2020 is an electoral roll full revision year, but the new roll does not come into effect until the Annual Meeting. Therefore for those parishes who are yet to hold a Vestry Meeting in 2020, the old electoral roll continues in full force and effect for now. The Electoral Roll revision is the primary reason why the Legal Department believes that it is necessary for a Vestry Meeting to be held in 2020, even if it happens considerably later in the year than the Constitution envisages.

PAROCHIAL CHURCH COUNCILS – ELECTRONIC MEETINGS

Subject to the provisions of the Constitution and the associated Regulations, a Parochial Church Council is authorised to regulate its own procedures by way of Standing Orders (Chapter IV C, Section 12(a)). Parochial Church Councils meeting by electronic means (such as video or telephone conferencing) is not prohibited by the Constitution, although neither is it specifically authorised.

Some parishes may already have Standing Orders in place to authorise written/email resolutions and/or meetings being held by videoconference or teleconference; if this is the case, these Standing Orders should be followed and the rest of this section may be ignored.

If no such Standing Orders are in place, recent Charity Commission guidance has suggested that holding meetings electronically will, exceptionally, be permissible, even in the absence of a specific power:

Where there is no [electronic meetings] clause in your governing document and you decide to hold meetings over the phone or using digital solutions, we will understand but you should record this decision and that you have done this to demonstrate good governance of your charity.

The President and the Registrar of the Provincial Court have been consulted and the following procedure is recommended:

- 1) Enquiries are made as to how many PCC members have the facilities and ability to take part in a meeting by video and/or telephone conference;
- 2) Where over two-thirds of PCC members indicate that they are able to do so, meetings may take place by video or telephone conference provided that:
 - (a) the agenda for the meeting is circulated at least 72 hours in advance by email to all members with access to email; and

- (b) the agenda for the meeting is posted by first-class post³ to any member without email access at least 5 days before the meeting.
 - (c) Usual quorum rules shall apply, but no items not on the agenda shall be discussed (whether under “any other business” or otherwise) unless a quorum of two-thirds of the total membership of the PCC is present on the video/telephone conference.
- 3) If electronic meetings are not possible, then any urgent business should be passed by a written resolution of the PCC, as follows
- a. A proposed resolution is emailed round to all PCC members by the Chair or Secretary, with a request that votes in favour or against is received within 72 hours.
 - b. The same resolution is posted first-class to any PCC member without access to email the same day, together with details for that person to register a vote in favour or against by telephone;
 - c. A resolution is passed if two-thirds of the total membership of the PCC register a vote in favour.
- 4) For the avoidance of doubt and for good governance records, all decisions taken by videoconference, telephone conference or written resolution should be ratified retrospectively at the first in-person meeting following the lifting of the current restrictions.

The President of the Provincial Court has indicated that he would consider that a meeting via video or telephone conference would be a “meeting” for the purpose of Chapter IV C, Section 8 (1) of the Constitution (which requires a PCC to meet at least four times per year).

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³ ‘Print at home’ stamps are available from [parcel.royalmail.com](https://www.parcel.royalmail.com)