

DIOCESE OF OXFORD
CHURCH REPRESENTATION RULES

**Scheme to establish a Joint Council
with delegation of specified functions only**

The Parishes:

- (i) **Cottisford with Hardwick-cum-Tusmore**
- (ii) **Finmere**
- (iii) **Fringford**
- (iv) **Hethe**
- (v) **Mixbury**
- (vi) **Newton Pursell with Shelswell**
- (vii) **Stoke Lyne**
- (viii) **Stratton Audley with Godington**

All being parishes in the benefice of **SHELLOWELL** (“the Benefice”).

Preamble

1. This Scheme is made in accordance with Rules M37 to M42 of the Church Representation Rules 2020 (“the 2020 Rules”), which confer power on any two or more connected parishes to make a scheme to establish a Joint Council in place of, **or in addition to**, their separate PCCs.
2. The parishes set out above are connected for the purposes of Rule M37 in that they either belong to the same benefice, or to a benefice which is held in plurality with the benefice to which another included parish belongs, or that they are in the area of the same group ministry.
3. This Scheme has been made in accordance with the procedural requirements in M42 of the 2020 Rules:
 - (a) The Scheme was approved by at least two-thirds of the persons present and voting at a meeting of each parish to which this Scheme applies held on the following dates:
 - Parish (i) meeting date: **DATE TBC**
 - Parish (ii) meeting date: **DATE TBC**
 - Parish (iii) meeting date: **DATE TBC**
 - Parish (iv) meeting date: **DATE TBC**
 - Parish (v) meeting date: **DATE TBC**
 - Parish (vi) meeting date: DATE TBC**
 - Parish (vii) meeting date: DATE TBC**
 - Parish (viii) meeting date: DATE TBC**

- (b) The Scheme, once approved in accordance with (a) above, was referred to the bishop's council and standing committee together with:
 - (i) a copy of the resolution passed by the meeting of each parish at which the Scheme was approved; and
 - (ii) a statement of the number of persons attending each meeting and the numbers at each meeting who voted for and against approving the Scheme.
 - (c) The Bishop's Council and standing committee duly approved the Scheme on *[date TBC] [following any required amendments having first been approved at meetings of at least two-thirds of the persons present and voting at a meeting of each parish to which this Scheme applies]*.
 - (d) This Scheme deals with the delegation of PCC functions to the established Joint Council. It does not authorise the transfer or vesting of any property, assets or liabilities held by any PCC and any such property continues to be held by each PCC.
4. For the avoidance of doubt, each PCC shall continue in existence with the requirement for membership, responsibility for assets and those functions not delegated to the Joint Council by this Scheme. Each PCC shall continue to hold a sufficient number of PCC meetings for the efficient transaction of its business and retained functions.

Citation and commencement

- 5. This Scheme may be cited as: "The Joint Council Scheme *for the Shelswell Benefice*".
- 6. This Scheme comes into operation on *1st January 2025 (subject to ratification from Bishop's Council)*.

Interpretation

7. In this Scheme, the following words and phrases have the meaning given:
- "the Bishop" means the bishop of the diocese of Oxford.
 - "the 2020 Rules" means the Church Representation Rules 2020.
 - "minister" means the minister of each parish, namely:
 - (i) the incumbent or priest in charge of the benefice to which the Parish belongs or, in the case of a conventional district, the curate in charge; or
 - (ii) a vicar in a team ministry to the extent that the duties of a minister are assigned to the vicar by a pastoral scheme or order, or by the vicar's licence from the bishop.
 - "PCC" means parochial church council.
8. All references to Rules in this Scheme are reference to Rules in the 2020 Rules.
9. A reference in this Scheme to a provision made by or under a Measure or Act of Parliament (including the 2020 Rules) is to be read as a reference to that provision as for the time being amended, extended or applied by or under any other such provision.
10. The rules of interpretation and definitions contained in the Church Representation Rules shall have effect and if any conflict arises with this Scheme the Bishop shall be consulted and his/her directions followed.

Membership

11. The members of the Joint Council are—
- a. the Incumbent or Priest in Charge of the Benefice;
 - b. if the Benefice is one for which there is a team ministry, every member of the team;
 - c. every other clerk in Holy Orders licensed to the Benefice (other than curates in training);
 - d. every lay worker and lay reader licensed to the Benefice;
 - e. one churchwarden of every parish in the Benefice (selected annually by agreement or by lot);
 - f. **One** lay person from each parish, **agreed by the Parochial Church Council of the parish and being members of that Council for a term of up to three years** (subject to clause 12 of this Scheme).

So that the majority of members shall at all times be lay persons. If there are more clergy than lay members, all those within clause 11(c) shall not be members and, if that still does not result in a lay majority, then all those within clause 11(b) shall not be members.

Disqualification

12. The provisions of the 2020 Rules on disqualification from being nominated, chosen or elected as, or from serving as, a member of the PCC also apply in relation to the membership of the Joint Council.
13. A person who is disqualified by law from being a charity trustee and, accordingly, from being a member of a PCC is also disqualified from being a member of the Joint Council.
14. A member of the Joint Council who ceases to be a member of the Parochial Church Council that elected them shall also cease to be a member of the Joint Council, and the Parochial Church Council concerned may select a replacement. Otherwise, members of the Joint Council shall remain in office until the election of their successors.

Chair

15. The chair of the Joint Council is the Incumbent or Priest in Charge of the Benefice but s/he may agree that any other clerk in Holy Orders licensed to the Benefice or **the Lay vice-chair** may act as chair for particular meetings or purposes.
16. **A Lay vice-chair shall be elected from amongst the members of the Joint Council at its Annual General Meeting.**
17. If no person under clauses 14 – 15 is available to chair the meeting or particular items on the agenda a person chosen by and from the members of the Joint Council may act as chair.

Officers

18. The Joint Council may appoint one of its members as secretary, but if it does not, it must appoint some other fit person. The secretary is to have charge of all the documents relating to the business of the Joint Council, to keep the minutes, to record all resolutions passed, to circulate minutes to the secretary of each of the PCCs, and to notify the secretary's name and address to the Secretary of the Deanery Synod and the Secretary of the Diocesan Synod and the Diocesan Pastoral Secretary.

19. The Joint Council may appoint one of its members as treasurer or two or more of its members as joint treasurers, but if it does not, it must arrange for treasurer functions to be discharged by some other fit person or persons.
20. If one or more PCC's electoral roll functions are to be delegated to the Joint Council then the Joint Council must appoint a person or persons (whether or not a member of the Joint Council) as electoral roll officer or joint electoral roll officers to act under its direction for the purpose of carrying out its functions with regard to the roll(s) of the relevant Parish(es). The Joint Council's electoral roll officer or joint electoral roll officers accordingly has or have charge of the roll(s) of the relevant Parish(es) and must keep them up to date in accordance with the Church Representation Rules. Where a sole officer is appointed, that person shall act as such for the relevant Parish(es).
21. At the first meeting following 1 June in each year, the Joint Council shall appoint some fit person holding the qualifications required by the Church Representation Rules and not being a member of the Joint Council to be an independent examiner or auditor to the Joint Council. The term of office of the independent examiner or auditor ends at the conclusion of the first meeting following 1 June in the year after appointment but may be renewed (for any number of times) annually. The Joint Council shall meet the remunerations of such a person.
22. The Joint Council may appoint such other officers on such terms and with or without remuneration as it sees fit. In particular, the Joint Council may appoint or employ an administrator and, if the function has been delegated from one or more of the PCCs, may appoint a sole parish safeguarding officer who may act as such for the relevant Parish(es).

Meetings

23. The provisions of Rules M23-25 (time and place; attendance; notice) and M27-28 (procedure; minutes) shall apply to meetings of the Joint Council so far as consistent with the provisions of this Scheme, substituting 'parishes' for 'parish' and 'Joint Council' for 'PCC' as appropriate.
24. A reference to a meeting includes a reference to a meeting which persons may attend, speak at, vote in, or otherwise participate in without all of the persons, or without any of the persons, being together in the same place.
25. A reference to a place where a meeting is held, or is to be held, includes a reference to more than one place, including electronic, digital or virtual locations, web addresses or conference call telephone numbers.
26. A person is to be regarded as present at a meeting at any given time if the person is at that time able to hear and be heard, and where practicable see and be seen, by the other persons present.
27. A reference in this Scheme or in the Rules to being present at a meeting is to be interpreted as being a reference to being present by electronic means, including by telephone conference, video conference, live webcast and live interactive streaming.

Proceedings

28. Rules M29-33 (business by correspondence; audit of financial statements; standing committee; other committees; extraordinary meetings) shall apply to the Joint Council so far as consistent with the provisions of this Scheme, substituting 'parishes' for 'parish' and 'Joint Council' for 'PCC' as appropriate.

Functions

29. All the functions of each PCC specified in Schedule 1 are delegated to the Joint Council and shall not be carried out by the PCC.
30. Subject to clause 27, all other functions and rights shall not be delegated and shall remain the responsibility of each PCC. For clarity, this includes the non-exhaustive list of main functions set out at Schedule 2.
31. No PCC may revoke its delegation of a particular function without the consent of the Bishop. Upon application, the Bishop, in consultation with the Diocesan Registrar and after seeking the views of the Joint Council and the other parochial church councils, may grant such consent subject to such terms and directions as seem necessary before the revocation comes into effect.

Transfer of Funds

32. Each PCC within the Benefice may legitimately pay to the Joint Council such sums as are agreed in budgets for the payment of expenses and costs incurred by the Joint Council undertaking the PCC's relevant functions.

Variation and Revocation

33. This Scheme may be varied or revoked:
 - a. in accordance with the procedures set out in Rules M38(3), (4) and (5) of the 2020 Rules, in reliance on Rule 77; or
 - b. by the Bishop, in accordance with Rule M40 of the 2020 Rules, if any parish in the Joint Council ceases to be "connected" to the other parishes in the Joint Council, or if a parish which is in a Joint Council is dissolved by a pastoral scheme.
34. If the Parishes cease to be within the area of a united Benefice, the Bishop of the Diocese may exercise the powers contained in the Church Representation Rules to:
 - 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 has been dissolved; or
 - b. provide for the Scheme to be revoked, but it is recorded here that it is the intention of the Annual Parochial Church Meetings that the Bishop should provide for the following:

[set out any requests for provisions to be made by the bishop, including that certain assets and liabilities be allocated either to the joint council or a parochial church council in case of dissolution].

[Supplementary

35. *[Include any supplementary, transitional or saving provision required].]*

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SCHEDULE 1

The specified functions delegated away from each Parochial Church Council to the Joint Council

1. Governance:

- (i) Co-operating with the Incumbent in promoting across all parishes included within this Scheme the whole mission of the Church, pastoral, evangelistic, social and ecumenical, including:
- a. The regular review of worship across the benefice, and the determination of a pattern of service provision.
 - b. The sharing of good governance practices and supporting individual PCCs in remaining compliant with charity and ecclesiastical law.
 - c. The responsibility for benefice-wide activities, including:
 1. the production of the monthly magazine,
 2. the running of the benefice choir,
 3. the development and implementation of work and initiatives to support children, young people, and elderly people,
 4. the sharing of contactless giving options,
 5. the management of the benefice link with an overseas diocese (with a view to supporting its initiatives for Christian education and community development).
 6. The co-ordination of a benefice-wide response to specific financial appeals (where funds allow).
 7. the co-ordination across all parishes included within this Scheme for the procedure of appointing clergy, licensed lay ministers and other ministerial staff to the benefice, working in conjunction with the diocese, registry office, and where appropriate, Patrons.
 8. the co-ordination of benefice-wide purchasing where there are economies of scale or financial advantages of doing so (such as arrangements for tree surveys, photocopier rental, and the purchasing of candles)

2. Financial responsibilities:

- (i) Preparation of the Joint Council's annual accounts and budget including:
- a. determining the level of financial contribution to be made by each PCC included within this Scheme towards the Joint Council budget, based on the below financial functions delegated to the Joint Council, and in consultation with the PCCs as necessary, and
 - b. arranging annual independent examination/ audit of the Joint Council accounts.
- (ii) Co-ordinating the payment of parish share for all Parishes within the Joint Council.

- (iii) Co-ordinating the payment of clergy and licensed lay minister and/ or worker expenses.
- (iv) All rights under the Ecclesiastical Fees Measure 1986, and any matters, legislation or orders associated with receiving parochial fees, including the centralisation of income and the disbursement of wedding and funeral fees, and the timely reporting of all associated income with the diocese.
- (v) Producing an inventory of costs for each PCC to pay in relation to the services provided or co-ordinated by the Joint Council.
- (vi) Raising and managing funds towards benefice-wide activities, including those listed in clause 1(i)(c) of this schedule.

3. Insurance / inspections for buildings, land and contents:

Where there are economies of scale or financial advantages in doing so:

- (i) Arranging buildings and public liability insurance in the name of the relevant PCC, subject to their consent, in respect of buildings used for public worship and churchyards and of all land and buildings which are owned by the PCC.
- (ii) Arranging insurance in the name of the relevant PCC, subject to their consent, of the contents of buildings used for public worship within each of the Parishes.
- (iii) Arranging the Quinquennial Inspections of all relevant buildings subject to the requirement to undergo such inspections and with the consent of the relevant PCC.
- (iv) In accordance with the advice and requirements of the relevant insurance provider, ensuring compliance with legal obligations and best practice in relation to matters concerning the safety of the public in buildings used for public worship and churchyard and of all land and buildings which are owned by each PCC as well as the health and safety of workers, where applicable.

4. Employment and appointments:

- (i) The right to employ any person for the benefit of all the Parishes (subject to the prior approval of each PCC, by resolution, of the need to employ someone and for the specific funding arrangements involved), including to assume employment responsibility and accept the transfer of the employment of any person employed by any PCC. Where the Joint Council acts as employer of any person, it shall comply with all relevant employment legislation and best practice including in relation to role description, salary, pension, working conditions and equipment.
- (ii) As envisaged by clause 22 of this Scheme, the appointment of a sole parish safeguarding officer to act as such for each of the Parishes so that each Parish does not appoint its own safeguarding officer, noting that the functions referred to at paragraph 1(iv) of Schedule 2 continue to be held by each member of each PCC.

SCHEDULE 2

The main, non-exhaustive functions not delegated and remaining with each Parochial Church Council

1. Governance:

- (i) The functions under the Parochial Church Councils (Powers) Measure 1956 (“the Measure), other than those listed in clause 2(2)(a) of the Measure and listed here in clause 1(i) of Schedule 1 above.
- (ii) Acting as charity trustee of assets and associated responsibilities.
- (iii) All functions under the Church Representation Rules (including those relating to the electoral roll in Part 1, and insofar as necessary the appointment of the independent examiner or auditor under rules M6(2) and M22, and the appointment of a treasurer under rule M20(3), and the appointment of an electoral roll officer under rule M21(1)).
- (iv) All members of each PCC remain “church officers” for the purposes of Practice Guidance and Policies relating to the safeguarding of children and vulnerable adults issued by the House of Bishops and/or the National Safeguarding Team with continuing duties to have due regard to it, until such time as the House of Bishops issue a Code of Practice under s.5A of the Safeguarding and Clergy Discipline Measure 2016 at which point each PCC will be subject to the legal requirements imposed by that Code of Practice. (But the Joint Council may appoint a sole safeguarding officer to act for each of the Parishes, under clause 22 of this Scheme).
- (v) All functions under the Patronage (Benefices) Measure 1986 and related Rules and Code of Practice in relation to the process of appointing the incumbent of the Benefice (including consultations and notification of vacancy to the PCC under Canon C9 and service of notice to admit or institute on the PCC secretary under Canon C10), subject to co-operating with the Joint Council who will act as benefice co-ordinator for the procedure of appointing clergy, licensed lay ministers and other ministerial staff to the benefice, working in conjunction with the diocese and registry office (as set out in clause 1(i)(c)(7) in Schedule 1 above).
- (vi) All functions under the Mission and Pastoral Measure 2011 (including consultations as the interested party for draft proposals under s.6; right to terminate a plurality under s.32; consent to appointment of a member of a team ministry under s.34(3), (13) and Sch.3; liability for closed churches and contents notice under s.61(3)-(4); consent to closure of a church under s.66; consent to suspension under s.85-86 and restrictions under s.87).
- (vii) Functions of a parochial church council under the House of Bishops’ Declaration on the Ministry of Bishops and Priests.

- (viii) All functions, powers and rights under the Clergy (Terms of Service) Regulations 2009 (in particular: service of notice under Reg.17; functions as sponsorship body for a designated post under Reg.29(4); to enter into written agreement for a locally supported ministry post under Reg.29(7A); giving of consent for clergy over 70 being appointed or continuing in post under Reg.29(10)).
- (ix) Rights under the Incumbents (Vacation of Benefices) Measure 1977 and (Amendment) Measure 1993.

2. Financial:

- (i) Preparation of the PCC's annual accounts and budget (taking note to meet the financial contribution to the JC as set out in clause 2(i) of Schedule 1 above), and arranging annual independent examination / audit of the accounts.
- (ii) To pay to the Joint Council all costs incurred in undertaking the PCC's functions included in Schedule 1 and for the supply of other services to the PCC.
- (iii) Receiving and accounting for all cash received and liaising with the Joint Council in respect of this, including in respect of gift aid.

3. Property and other assets:

- (i) Ownership of all land, buildings, cash and investments, and all other fixed or moveable assets held or acquired by the PCC (including those held by the diocesan authority on the PCC's behalf).
- (ii) The maintenance and repair of all buildings used for public worship and all churchyards within the relevant parish (save to the extent that some maintenance responsibility for closed churchyards might be transferred to the local authority).
- (iii) The maintenance and repair of all other land and buildings which are owned by the PCC (including church halls, car parks, commercial facilities, residential properties).
- (iv) All functions under the Care of Churches and Ecclesiastical Jurisdiction Measure 2018 (including the right to receive advice from the Diocesan Advisory Committee under s.37; the appointment of inspecting architect under ss.45-47 – subject to such contracts as may be agreed under Schedule 1; responsibility for trees in churchyards under s.51; and noting in particular the continuing obligations of the churchwardens, in particular in respect of the inspection of the fabric of churches and the maintenance of the terrier, inventory and log-book under ss.49-50).
- (v) All functions, powers and rights under the Faculty Jurisdiction Rules 2015 (in particular: power to resolve to petition for faculties and temporary minor re-ordering licences; and right to be consulted and make representations in relation

to third party petitions, including churchyard memorials and gravespace reservations).

- (vi) All functions and obligations as data controller for the purposes of the Data Protection Act 2018 and GDPR.
- (vii) All functions under the Parochial Registers and Records Measure 1978 not otherwise included in Schedule 1.
- (viii) Rights under the Ecclesiastical Dilapidations Measure 1923 and any other legislation related to the chancels of churches.
- (ix) Any rights, powers, duties and obligations under legislation relating to the vesting, ownership or disposal of property or assets, including, but not exclusively, those under the Parochial Church Councils (Powers) Measure 1956, the Charities Act 2011, the Ecclesiastical Property Measure 2015 and the Church Property Measure 2018.
- (x) Rights and responsibilities under the Sharing of Church Buildings Act 1969.
- (xi) The service of a notice under s.215 of the Local Government Act 1972 relating to maintenance of a closed churchyard.
- (xii) All rights related to policies connected with the exercise of burial rights in any churchyard within each of the Parishes.

4. The Canons of the Church of England:

- (i) Approval of forms of service under Canon B2 and B3.
- (ii) Consultation and approval in relation to the form of clerical vesture under Canon B8.
- (iii) Consultation as to Morning and Evening Prayer under Canon B11 and approval of dispensation under Canon B14A.
- (iv) Disposal of alms collected at Holy Communion under Canon B17A.
- (v) Agreement as to the appointment/termination of appointment of organist, choirmaster or director of music under Canon B20.
- (vi) Approval of a local ecumenical co-operative scheme under Canon B43.
- (vii) Consultation with the priest on matters of concern to the parish under Canon C24.
- (viii) Consultation as to bishop's licence for minister's additional occupations under Canon C28.

- (ix) The appointment of sidesmen under Canon E2 and appointment of a parish clerk, sexton or verger under Canon E3.
- (x) Payment in respect of the obligations relating to churches and chapels, and the care and repair of churches, chapels and churchyards in Section F of the Canons, under Canon F14.

<<end>>

Diocesan Model CRR Scheme for Joint Councils approved by Bishop's Council on 7th May 2024

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