

GENERAL SYNOD

PRIVATE MEMBER'S MOTION

Parochial Church Councils (Powers) Measure 1956

'That this Synod call on the Archbishops' Council to bring forward legislation to amend the Parochial Church Councils (Powers) Measure 1956 so as to permit a PCC which is a registered charity to acquire and hold any interest in land and any interest in personal property to be held on permanent trusts, without any requirement for the interest to be vested in the diocesan authority.'

1. The purpose of this Private Member's Motion is to simplify the law governing the holding and management of parish property, and to increase powers at the lowest level of elected decision-making in the church.
2. The current law (in the form of the Parochial Church Councils (Powers) Measure 1956) makes it impossible for a PCC to acquire or hold land (other than on a short lease), or personal property held on permanent trusts, in its own name.
3. Under the current law such property must be held in the name of the 'diocesan authority' (usually the Diocesan Board of Finance). Whilst in general the PCC continues to be able to exercise the powers of ownership, if the PCC wants to sell, lease, let, exchange, charge or take legal proceedings in relation to such property, the agreement of the Diocesan Board of Finance is required. You could say that the Diocesan Board of Finance therefore acts as a safeguard.
4. The sort of property that might be held in this way includes church halls, curate's and other accommodation and offices. The PCC does not own the church building, nor the parsonage. This motion relates to property additional to the church building and parsonage.
5. In my experience it is not uncommon for PCCs to set up an independent trust in order to own property, perhaps thinking they can protect the property in some way, and also keep control speedy and local, by not having to keep going back to the Diocesan Board of Finance for approval (eg of prospective tenants for houses).
6. However such a trust will not be subject to the PCC, as the trustees will be different from the PCC members. It would not be unusual for these trustees to be self appointing, and thus property provided for by money from the church members in effect does not come under the oversight of the elected PCC.
7. Many PCCs are now registered with the Charity Commission. You could say we now have two masters: the Charity Commission and the Diocesan Authority. The present safe-guard may not now be necessary.
8. The point of this motion is that, where PCCs would like to take custodial ownership of their property, and are sufficiently competent to do so, indicated by their registration

with the Charity Commission, the General Synod would be saying we trust you to look after things in accord with the law (and you are answerable to the Charity Commission); we trust you to be able to make wise decisions without wasting our time, just as you do about so many other things.

9. Passing this Private Member's Motion now would ensure the Archbishops' Council and lawyers do some further work. The views of the Charity Commission would also be relevant. Obviously after that, Synod would have further opportunity to consider this matter in the future, to vote for it, or after further reflection, to vote against it.

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