

Church Administration (Miscellaneous Amendments) Ordinance 1998

Explanatory Statement

Introduction

1. The purpose of the proposed ordinance is to make a number of miscellaneous amendments to the Church Administration Ordinance 1990 (the "Ordinance") to ensure consistency of expression, to simplify language, to clarify obligations and to delete provisions which are considered no longer to have much practical purpose.

Background

2. Clause 2(a) of the proposed ordinance seeks to remove meaningless language from clauses 11(1)(a) and 12(1)(a) of the Ordinance. Those clauses presently provide that "after the meeting has been opened" the first item of business of the annual vestry meeting is to receive the declarations of the persons then present. But since the meeting cannot transact business until it has opened the words "after the meeting has opened" are not necessary.

3. Clause 2(b) of the proposed ordinance seeks to amend clauses 11(1)(c) and 12 (1)(c) of the Ordinance by deleting the word "appoint" and inserting the word "elect". In the Ordinance the concept of "appointment" usually refers to the minister's power to appoint. The proposed amendment will remove any doubt that the power referred to in clauses 11(1)(c) and 12(1)(c) is for the annual vestry meeting to exercise and not the minister. The same amendment is proposed by clause 2(d) of the proposed ordinance in relation to clauses 11(1)(j) and 12(1)(j).

4. Clause 2(c) of the proposed ordinance seeks to delete clauses 11(1)(d) and 12(1)(d) of the Ordinance. These clauses require that the notice convening the meeting be read at the annual vestry meeting or the meeting to resolve that the notice be taken as read. Given the requirements for advertising the meeting set out in clause 6 of the Ordinance, and that it is reasonable to assume that those who are present at the meeting know why the meeting has been convened, there does not seem to be any reason why the notice of the meeting has to be read or for the meeting to resolve to take it as having been read.

5. Clause 2(e) of the proposed ordinance seeks to delete the words "or appointed" from clause 15(2) of the Ordinance. The words have no meaning in the context in which they are used.

6. Clause 2(f) of the proposed ordinance seeks to amend clause 19(1)(b)(iv) of the Ordinance to delete the requirement that the minister record in the church register the occupation of the parents of a baptised infant. The reason this information is required is uncertain - the occupation of a baptised adult is not required to be recorded under clause 19(1)(b)(ii). Clause 2(g) seeks to amend clause 19(1)(e)(ii) to similar effect.

7. Clause 2(h) of the proposed ordinance seeks to amend clause 19(3) of the Ordinance to allow for the keeping of church registers in the church or in a church office. Currently the clause requires that registers be kept within the church.

8. Clause 2(i) of the proposed ordinance seeks to amend clause 20(1)(c) in 2 respects. Under clause 20(1)(c) the churchwardens must collect all money *payable to them*, count the offertories and collections and record, *without delay*, the amounts of those offertories and collections in the service register. Arguably, moneys are payable *to the church* and not to the churchwardens and it is better that the obligation to count the offertories and collections be expressed as one which must be performed *as soon as possible* rather than *without delay*.

9. Clause 2(j) of the proposed ordinance seeks to delete clauses 20(1)(k)(vi) and (vii) of the Ordinance which require that the churchwardens prepare and present to the annual vestry meeting an interim statement showing all money received and expended by them after the end of the financial year and a statement required by those clauses of outstanding accounts as at the last day of the month immediately preceding the meeting. While clauses 20(1)(k)(vi) and (vii) are intended to enhance

accountability, it is doubtful that the statements have much utility since the timing of annual vestry meetings is such that the statements would not cover much more than 2 months at the most.

10. Clause 2(k) of the proposed ordinance seeks to amend clause 20(3) of the Ordinance to allow the churchwardens to delegate their functions under clause 20(1)(i). Clause 20(1)(i) requires that the churchwardens report promptly to the Registrar the names, addresses and occupations of all trustees, churchwardens and parish councillors. As worded, the clause requires that the churchwardens give the notification. But there is no reason why the churchwardens cannot ask that someone else give the notification on their behalf and the proposed amendment seeks to allow this.

11. Clause 2(l) proposes an amendment to clause 25(3) to take account of other relevant circumstances when a vacancy in the office of churchwarden requires that an election be held or a new appointment made.

12. Clauses 2(m), (n) and (o) are related amendments. They seek to make minor amendments to clauses 30(1)(iii) and 30(2)(c) which, if made, will allow the deletion of clause 33 but without losing the principle contained in that clause.

Recommendation

13. The Standing Committee recommends that the Synod pass the proposed ordinance.

For and on behalf of the Standing Committee

MARK PAYNE
Diocesan Secretary

14 August 1998