

Bill No. 3**EXPLANATORY MEMORANDUM**

The role of Select Vestries is outlined in Chapter III of the Constitution of the Church of Ireland and, on the basis of the responsibilities identified there, the charities regulators in both jurisdictions concluded that where a parish is registered as a charity, the members of the select vestry of a parish are the charitable trustees for the purposes of charities legislation. The role of the Select Vestry at the parish level is a key component of the governance of the Church of Ireland, bringing together clergy and laity in a shared decision-making body. The Select Vestry performs a range of governance functions including: providing support for Christian ministry and mission; acting as stewards of financial activity; acting as employer; and maintaining parish buildings and infrastructure.

The joint Representative Body/Standing Committee Working Group dealing with issues arising as a result of the new Charities legislation received several queries on the subject of trustee responsibilities of Select Vestry members. The Working Group believes it is desirable that the legal obligations of members of Select Vestries to comply with charities legislation should be made clear by means of decision of General Synod. To this end, the Working Group has prepared a bill for the consideration of the General Synod in 2016.

Bill No. 3

MR SYDNEY GAMBLE
MR KENNETH GIBSON

BILL

(At the request of the Standing Committee)

To amend Chapter III of the Constitution

WHEREAS for the purposes of the Charities Act (Northern Ireland) 2008, or as the case may be, the Charities Act 2009, the members of a Select Vestry are to be regarded as the charity trustees of the parish;

AND WHEREAS it is desirable that neither parishioners, nor incumbents nor other members of the clergy officiating in a parish should be entitled to act as members of a Select Vestry if they are unwilling or unprepared to comply with their obligations under the Charities Act (Northern Ireland) 2008 or the Charities Act 2009, as the case may be;

BE IT ENACTED BY the Archbishops and Bishops and the Clergy and Laity of the Church of Ireland in General Synod assembled in Dún Laoghaire in the year 2016, and by the authority of the same, as follows:-

1. In this Statute “Chapter III” means Chapter III of the Constitution of the Church of Ireland.
2. In Chapter III, after Section 18, the following sections shall be inserted:

18A. If, within twenty-one days of being duly called upon to do so, a lay member of the Select Vestry, shall fail, refuse or neglect to execute any documentation that may be required of him or her, as a charity trustee, under the Charities Act (Northern Ireland) 2008 or the Charities Act 2009 (as applicable), that person shall automatically vacate office as a member of the Select Vestry and the casual vacancy thereby arising shall be filled in accordance with the provisions of Section 22 or 23, as applicable, of this Chapter.

18B. If, within twenty-one days of being duly called upon to do so, a member of the clergy who is a member of the Select Vestry, shall fail, refuse or neglect to execute any documentation that may be required of him or her, as a charity trustee, under the Charities Act (Northern Ireland) 2008 or the Charities Act 2009 (as applicable) that person shall be liable to disciplinary action pursuant to Part IV of Chapter VIII and shall not be entitled to receive notice of, or to attend or vote at meetings of the Select Vestry for so long as he or she shall fail, refuse or neglect to execute the said documentation.