

**ACT TWENTY-FOUR**  
***Of The Parish Council***

Composition

- 1** The Parish Council shall consist of:
  - (a) The Incumbent and other stipendiary Clergy licensed to that Parish.
  - (b) Lay persons:
    - (i) the Churchwardens, Alternate Churchwarden and Treasurer *ex officio*, elected by Vestry;
    - (ii) not less than five other communicants elected by the Vestry.

Casual Vacancies and Quorum

- 2** The Parish Council shall have power to fill vacancies which may occur and to co-opt a Treasurer (if not elected by Vestry) and members who shall have the right to speak but not to vote. One-third of the Council shall constitute a quorum.

Meetings

- 3** The Parish Council shall meet at least every two months at the instance of the Incumbent. The Churchwardens shall submit to the Council at every ordinary meeting a statement of the revenue and expenditure of the Pastoral Charge to date.

Meetings upon Requisition

- 4** The Parish Council shall be summoned to meet at any time on a requisition to the Incumbent of the Pastoral Charge, signed by at least one-third of the members of the Council. Such requisition shall state the business for the consideration of which the meeting is desired. The meeting shall be called for a date not earlier than three nor later than ten days from the handing in of the requisition, and no business other than that stated in the requisition shall be discussed at such meeting. Should the Incumbent for any reason fail to convene such meeting, the Churchwardens must do so within three days after the expiry of the tenth day from the handing in of the requisition.

Secretary

- 5** The Council shall, at its first meeting after election, appoint a Secretary, who shall keep minutes of all meetings and issue all notices. The Secretary may, or may not be a member of Council, but shall not be a Churchwarden/ Alternate Churchwarden or the Treasurer. The first meeting of the Council shall be called by the Chairperson of the Vestry.

Functions of Parish Councils

- 6** The functions of the Council shall be –
- (a) to consider matters affecting worship, evangelism, education, social responsibility and pastoral care, to examine the needs of the community, and to initiate such action as shall be determined in any of these concerns;
  - (b) to consider the general welfare and accommodation of all licensed clergy and, where applicable, their families and dependants, and to take such action as they may deem necessary;
  - (c) to seek at all levels such contact with other Christians as shall strengthen Christian witness and promote Christian unity;
  - (d) to have direction and control of the properties and revenue and expenditure of the Parish, subject to Articles XVIII and XIX of the Constitution, the Canons of the Province and the Rules of the Diocese and the Parish Manual.
  - (e) to receive, consider and approve the estimates (budget) in respect of each ensuing financial year no later than 31 October of the current financial year.
  - (f) to receive and act upon all matters referred to it by the Bishop, the Diocesan Synod and other competent bodies.

Parish Roll

- 7** It shall be obligatory upon the Incumbent and Churchwardens of all Pastoral Charges to keep a register of all parishioners.

Matters to be submitted

- 8** The Incumbent or Churchwardens, or all of them, as the case may be, shall refer to the Parish Council for decision before either –
- (a) bringing into operation any alteration in the accustomed hours of Divine Service, or of the ceremonial thereof; or

- (b) the appointment or dismissal of any members of the salaried Lay staff, except those holding the Bishop's licence; or
- (c) any contemplated extraordinary expenditure beyond the ordinary necessary expenses of a Pastoral Charge; or
- (d) in fact any contemplated change or alteration which may reasonably be considered to be a variation from the customary routine of the Pastoral Charge.

Notwithstanding the above, the final decision in relation to the above matters shall lie with the Incumbent of the Pastoral Charge and the Churchwardens, as provided in the Constitution and Canons of the Province, and the Acts of the Diocese.

#### Information to Bishop of Disregarded Resolutions

- 9** Should the Parish Council on any such contemplated change or alteration pass any resolution, and should the Incumbent and/or Churchwardens not deem fit to give effect to such resolution, a majority of the Council shall be entitled to inform the Bishop of the Diocese of the fact of the resolution and of the attitude of the Incumbent and/or Churchwardens, for the exercise of his/her wisdom and counsel. The Bishop Suffragan and the Archdeacon must be similarly informed of any action or contemplated action under this Section.

#### Presidency and Chairperson's Vote

- 10** (a) The Chairperson of the Parish Council at all Parish Council meetings shall be the Incumbent of the Pastoral Charge, unless -
- (i) the Incumbent nominates some other member of the Parish Council to act on his/her behalf for a particular meeting - such nomination to be in writing if he/she is not present;
  - (ii) the Incumbent requests the Parish Council to elect some other member of the Parish Council to act as Chairperson for a particular meeting;
  - (iii) the Incumbent is absent and no nomination is received as in (i) above, in which case the Parish Council may elect a Chairperson from its own members for that particular meeting;
  - (iv) the meeting has been called by the Archdeacon in which case the Archdeacon or his/her nominee shall preside thereat.
- (b) The Chairperson of a Parish Council, if he/she is a member thereof, shall have a deliberative vote as well as a casting vote.

Employment of Lay Persons

- 11** (1) Lay persons employed in any capacity and who work more than 24 hours in a month are subject to Republic of South Africa labour laws. The most important of these are the Labour Relations Act No. 68 of 1995 (LRA) and the Basic Conditions of Employment Act No. 75 of 1997 (BCEA). Chapter 8 of the LRA covers the ins and outs of dismissals and must be borne in mind if that situation arises. The LRA also covers disciplinary matters.
- (2) The BCEA in Section 29 stipulates the written particulars of employment that must be furnished to an employee, i.e., there must be an employment contract. Section 37 indicates the periods of notice applicable on termination. Section 40 tells how (minimum) termination payments must be calculated.
- (3) It is of course not possible to restate these extensive civil Acts in this Diocesan Act. They are mentioned to place the employment of lay staff in its civil law context.
- (4) From the point of a parish council as an employer, it is important that the employment contracts make it very clear that the employer/employee relationship is governed by the South African labour law. The period of employment, remuneration, duties, periods of notice, leave and other matters mentioned in the civil laws referred to above must be contained in a letter of employment. The parish employee should sign a copy thereby accepting the employment and the conditions set out in the letter of employment.
- (5) In the case of persons over the age of 65 years employment contracts must be for 12 months only renewable for further periods not being more than 12 months in each case.