

# Information for New Ministry Area Council (MAC) Members



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### Serving on the MAC

#### Summary

- The MAC is the new name we are using for the PCC and is the key decision-making body of a Ministry Area (MA). It consists of clergy and churchwardens, together with laity elected by the Annual Vestry Meeting (AVM) of the MA.
- It has the responsibility with the clergy to promote the mission of God in the MA and operates within the rules of the Constitution of the Church in Wales and charity law.
- The MAC may make representations to the bishop on matters affecting the welfare of the MA.
- Legally, the MAC is responsible for the finances of the MA. It also has ultimate responsibility for the care and maintenance of all church buildings and their contents, together with any churchyards that are in MA care. However, buildings and money must not obscure the MAC's fundamental role in wider areas of mission. (Buildings are not owned by the MA directly, but on its behalf by the Representative Body of the Church in Wales.)
- Everyone on the MAC is also a Charity Trustee.

#### In a little more detail...

##### Attendance and Preparation

MAC members should aim to attend most meetings and to read minutes, financial statements and papers before each meeting. Some MAC members will be elected every three years to represent the MA on wider church bodies, such as the *Deanery Conference* and *Diocesan Conference*.

##### Financial Strategy

The MAC decides corporately how the MA's money is to be raised and spent. This is a key mission decision as well as a financial one.

##### Financial Oversight

Each MAC member is responsible for ensuring that the MAC complies with requirements of both charity law and current church accounting regulations. This should include receiving regular financial updates; ensuring procedures exist to approve appropriate payments and

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that all cheques are signed by two authorised MAC members; ensuring that the service offertories and other monies are appropriately supervised; generating the Annual Report & Accounts and submitting these documents to the AVM for approval, then sending them on to the Diocese and Charity Commission.

### Mission Planning

The MAC should ensure that there is an up-to-date and active MA mission plan which asks and answers the following questions:

- (i) what is the mission of God in our MA?
- (ii) what ministries do we need for this mission?
- (iii) what resources do we need for these ministries?

### Outreach

The MAC needs to work to promote within the MA the whole mission of the Church – pastoral, evangelistic, social, and ecumenical – and to enable every member of the Church to play a full part.

### Buildings

The MAC is responsible for the churches, ancillary buildings and churchyards. This will include Health & Safety matters, fulfilling the heritage requirements on buildings, insurance and maintenance work.

### Employer

The MAC acts as the employer of the local church's paid workers, for example cleaner, MA administrator, where applicable.

### Consultative Role

The MAC will be consulted about major changes to the forms of worship used in the MA, the appointment of a new incumbent and any proposed pastoral re-organisation. It can also raise issues with the Bishop.

### Categories of MAC Membership

There are three categories: ex-officio (Clergy, Wardens), elected and co-opted. The number of elected and co-opted members is set by the Constitution of the Church in Wales – max 25 elected members, and 6 co-opted. However, it's likely that most MACs will be significantly smaller than the maximum allowed.

### **Eligibility and Length of Office**

Candidates are elected to the MAC at the AVM which takes place before 30th April each year. To be elected to the MAC, a person needs to have been on the electoral roll for at least 6 months, over 16 years of age and consent to being appointed. The appointment is for one year, but members can stand for office in any number of years. There is no upper age limit for membership, but there are one or two other conditions under which a person is excluded from membership.

### **Committees of the MAC**

MACs can create sub-committees to carry out specific jobs, eg Mission Action Planning, Finance, Fabric, Social and Events. These committees all remain under the remit and oversight of the MAC.

### **Conflicts of Interest**

MAC members must ensure that neither they, nor their family members, benefit from their membership of the MAC. Thus MAC members and their families should not be employed by the church without the prior written approval of the Charity Commission.

### **Professionalism**

In all that is done MAC members need to see that the highest standards are maintained – breaches of Health & Safety, or not having someone's DBS checked because they are a long serving member of the church etc. is not acceptable. Our Christian faith demands that we are good stewards.

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## And now for Chapter (and verse) from the Constitution of the Church in Wales...

### Chapter IV

#### C: PAROCHIAL ADMINISTRATION

*(Note: The Constitution still uses the language of PCC, incumbent, churchwarden and Parish,  
and has been changed in what follows)*

#### Part I: Annual and Other Vestry Meetings

1.

(1) In every MA there shall be an Annual Vestry Meeting.

(2) The business of the Annual Vestry Meeting shall be to receive and discuss:

(a) a report and accounts for the previous year from the MAC made in accordance with the Church in Wales Accounting Regulations.

(b) reports on the proceedings of the Deanery and Diocesan Conferences each year.

(c) any other reports requested by the Council or allowed by the meeting; and

(d) with the consent of the Meeting, any other business of which notice has been given.

(3) The Annual Vestry Meeting shall elect the following, and in this order:

(a) a Ministry Area Warden, in accordance with section 13.

(b) subwardens, where designated under the Regulations.

(c) the Ministry Area Councillors.

(d) the Sidespersons, where required.

(e) in every third year, the lay MA representatives on the Deanery Conference and an equal number of supplemental lay representatives; and

(f) where appropriate, the lay MA representatives on the Diocesan Conference.

provided that no cleric shall vote in the election of a lay person.

(4) The Annual Vestry Meeting shall appoint an independent examiner or auditor who shall not be a member of the MAC of the MA.

(5) No person shall be eligible for election or appointment unless his or her consent to nomination has first been obtained.

(6) In a MA annexed to a Cathedral, subsection (2)(a) shall not extend to property and accounts relating to the Dean and Chapter, except with their consent.

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Further Vestry meetings may be called at any time and in particular a further Vestry Meeting shall be called at the request in writing of at least one-fourth or thirty of the qualified electors of that MA.

3 . *Appeals*

In the case of a dispute as to the right of a person to attend, speak or vote at any Vestry Meeting, the Chairman's ruling thereon shall for that meeting be conclusive, but any such person shall have the right to appeal to the Area Dean, provided always that where the Incumbent is the Area Dean the appeal shall lie to the Archdeacon.

## **Part II: The Electoral Roll**

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(1) In every MA there shall be an electoral roll ('the Roll').

(2) A lay person who is over sixteen years of age shall be entitled to have his or her name entered on the Roll if he or she:

(a) (i) is a Communicant; and

(ii) is not a member of any religious body which is not in communion with the Church in Wales, without the written dispensation of the Diocesan Bishop from this requirement.

(b) is resident in the MA, or, if not so resident, has habitually attended public worship in that MA during a period of six months prior to enrolment.

(c) has signed a form of application for enrolment; and

(d) does not have his or her name entered on the Roll of another MA in Wales, save with the consent of the MACs of both MAs.

(3) Any person may apply to the MAC for his or her name to be entered on the Roll

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### *Removal from the Roll*

A person's name shall be removed from the Roll if he or she:

(a) has died; or

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- (b) becomes a Clerk in Holy Orders; or
- (c) signifies in writing his or her desire that his or her name should be removed; or
- (d) becomes, without the written permission of the Bishop, a member of any religious body which is not in communion with the Church in Wales; or
- (e) has the written dispensation of the Bishop pursuant to section 4(2)(a)(ii) withdrawn; or
- (f) ceases to reside in the MA, unless after so ceasing he or she continues habitually to attend public worship in that MA; or
- (g) is not resident in the MA and, save if prevented from doing so by illness or other sufficient cause, has not attended public worship in that MA during the previous six months; or
- (h) at any time after the entry of his or her name on the Roll has his or her name entered on the roll of another MA, save with the consent of the MACs of both MAs; or
- (i) was not entitled to have his or her name entered on the Roll originally.

6.

- (1) The Roll shall be produced by the MAC for inspection by any qualified elector in the vestry of the MA church at any reasonable time, and any dispute arising out of this section and of regulations made hereunder shall be settled by the Archdeacon.
- (2) Any person whose application to have his or her name entered on the Roll has been refused by the MAC, or whose name has been removed from the Roll, may appeal in respect thereof in writing to the Archdeacon, who thereupon shall appoint one or more lay Communicants as a court to consider and determine the appeal. The court so appointed shall be entitled to inspect all papers and to be furnished with all relevant information connected with the appeal and the decision of such court shall be final.
- (3) The Archdeacon shall take such steps as he or she may think fit to ensure in any MA due compliance with the relevant provisions of section 4 and of Regulation 7 of the Regulations relating to Parochial Administration.

7.

Any qualified elector of a MA may lodge with the Secretary of the MAC an objection in writing, on grounds of lack of qualification, to the addition of a name or names to the Roll of that MA, or may in like manner object to the removal of a name or names therefrom. Such objection shall be considered by the Council, and should the Council not allow the objection the objector may appeal in writing to the Archdeacon, whereupon the matter shall proceed in accordance with the provisions of subsection 6(2).

### Part III: The Ministry Area Council

8.

#### *Powers and Duties*

- (1) In every MA there shall be a MAC (“the Council”), which shall meet at least four times in every year.
- (2) It shall be the duty of the MAL and the Council to consult together and co-operate in all matters of concern and importance to the MA.
- (3) The functions of the Council shall include:
  - (a) promotion of the whole mission of the Church, pastoral, evangelistic, social and ecumenical, in the MA
  - (b) consideration and discussion of matters concerning the Church in Wales or otherwise of religious or public interest, but the discussion of any doctrinal matters by the Council shall not extend to any formulation or declaration of doctrine
  - (c) propagation and implementation of any provision made by the Governing Body, the Representative Body, or the Diocesan or Deanery Conferences, but without prejudice to the powers of the Council on any particular matter
  - (d) the discharge of the duties placed upon it by any Regulations made under the provisions of the Constitution
  - (e) preparation of the parochial budget, which shall include: the various church expenses, the MA contributions to the diocesan share and home and overseas missions, and any other branches of church work, together with arrangements for raising the moneys required
  - (f) advising on any matter properly referred to the Council
  - (g) communication with the Diocesan or Deanery Conferences on such matters as the Council deems appropriate
  - (h) an annual review of the expenses for which the clergy should be reimbursed by the MA
  - (i) the production of a report and accounts in accordance with the Charities Act 1993 or any modification or re-enactment thereof and any regulations made thereunder and in accordance with the Church in Wales Accounting Regulations (such report and account being signed by the Chairman)
- (4) All MA finances (except special trusts which otherwise provide, the MAL’s discretionary fund and in a MA annexed to a Cathedral property and

accounts relating to the Dean and Chapter) shall be under the control of the Council.

(5) In the exercise of its functions the Council shall take into consideration any expression of opinion by any properly constituted church meeting.

(6) The Council shall be the normal channel of communication between the members of the MA and the Bishop and shall have the right to make representations to the Bishop concerning the affairs of the Church, the cure of souls in the MA, alterations in services, and ornaments.

### *Composition*

9.

(1) The members of the Council shall be:

- (a) *ex-officio* members whose offices are set out in the Governing Body Regulations relating to Parochial Administration
- (b) elected members elected in accordance with the provisions of the Regulations
- (c) members co-opted in accordance with the provisions of the Regulations

(2) The number of clerical members shall in no case exceed the number of lay members.

### *Qualification for Membership*

10.

Every lay member of the Council shall be a qualified elector of that MA, over eighteen years of age.

11.

Every lay member of the Council, before assuming office shall sign, in a book to be kept for that purpose by the Secretary of the Council, a declaration in the following form:

*I, J... S..., declare that I am a Communicant over eighteen years of age and that my name is properly entered on the electoral roll of this MA, that I will faithfully and diligently perform my duties as a Ministry Area Councillor during my year of office, and that I agree to accept and be bound by the Constitution of the Church in Wales.*

*General*

12.

Subject to the provisions of the Constitution and the Governing Body Regulations relating to Parochial Administration, the Council:

- (a) shall make standing orders for its own procedure; and
- (b) may appoint committees (including a Finance Committee) as necessary from amongst the members of the Council, and make standing orders governing the powers and procedure of any such committee (including powers of co-option); provided that all acts and decisions of any committee, unless previously authorised, must be ratified by the Council.

*Administration Part IV: Ministry Area Wardens*

13.

- (1) In every MA there shall be two Ministry Area Wardens to whom the provisions of the Governing Body Regulations relating to Parochial Administration shall apply, who shall be qualified electors of that MA and over the age of eighteen, one to be elected by the Annual Vestry Meeting and the other to be appointed at that Meeting by the MAL; provided always that where in any MA it was customary, before the passing of the Welsh Church Act 1914, to have more than two Churchwardens the number shall remain unchanged, and the method of appointing them shall continue in force, until the Diocesan Conference otherwise orders.
- (2) In a vacancy or suspended incumbency where a cleric in charge has been appointed, the appointment of a Ministry Area Warden under subsection (1) shall be made by him or her.
- (3) In a vacancy or suspended incumbency where no Cleric in charge has been appointed, or in the case of the incapacity of the Incumbent, the appointment of a Ministry Area Warden under subsection (1) may be made by the Area Dean.
- (4) The Ministry Area Warden when admitted are officers of the Diocesan Bishop. They shall discharge such duties as are by custom assigned to them; they shall be foremost in representing the laity and in consulting and co-operating with the MAL; they shall use their best endeavours to promote peace and unity amongst the members of the MA, and by example and precept to encourage them in the practice of true religion; they shall also maintain order and decency in the church

and churchyard, especially during the time of public worship; and they shall discharge the duties placed upon them by the Church Fabric Regulations.

14.

Every Ministry Area Warden before being admitted to office shall make and sign in the presence of the Bishop, the Chancellor, the Archdeacon or a person appointed for that purpose by the Archdeacon, a declaration in the following form:

*I, J...S..., declare that I am a Communicant over eighteen years of age and that my name is properly entered on the electoral roll of the MA of ....., that I will faithfully and diligently perform the duties of Ministry Area Warden of such MA during my year of office, and that I agree to accept and obey any decision of the Bishop or of the Diocesan Chancellor as to my right at any time to hold the office of Ministry Area Warden.*

#### **Administration Part V: General Parochial Administration**

15.

It shall be the duty of the MAL and Ministry Area Wardens of every MA to complete:

- (i) a Logbook and Terrier relating to each church and every other building in the MA used for public worship and belonging to the Church in Wales
- (ii) an Inventory of the respective contents thereof, and of any other articles belonging to the church and used in connection with the church in any place in the MA

which documents shall be completed in such form and at such times as may from time to time be prescribed by the Representative Body or the appropriate Committee thereof. Provided that, in the case of a Cathedral (except the Cathedral Church of St Woolos), the responsibility for completing the Logbook, Terrier and Inventory shall be that of the Dean and Chapter.

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## Requirements Laid Upon Trustees by the Charity Commission

MAC members are, in legal terms, the Trustees of a charity, and whether the charity is registered or not nearly all of the same duties and responsibilities apply.

The CC publishes helpful and accessible guidance for Trustees, eg *The Essential Trustee (CC3)*, a copy of which can be downloaded here:

<https://bit.ly/CC-cc3>

### The Charity Commission's Requirements for the Making of Decisions by Charity Trustees

The Charity Commission has issued formal statutory guidance on the law and regulation concerning the decision making of charitable trustees (*'It's Your Decision: Charity Trustees and Decision-Making'* – CC27)

If this guidance is followed then trustees can show that they have carried out their trustee decision-making obligations in good faith.

The principles for good decision-making are:

**1. Trustees must act within their powers.**

Trustees must only make decisions that advance or support their charity's objectives for the public benefit.

Trustees must ensure that they are acting in accordance with charity law and the governing document of their charity.

**2. Trustees must act in good faith.**

Trustees must be able that decisions are made with honest intention and genuine motives.

**3. Trustees must be satisfied that they are sufficiently informed.**

Trustees must be able to demonstrate that their decision-making was based on appropriate evidence.

This includes:

- taking into account professional advice
- carrying out a risk assessment

- deciding what would be the cost of the decision and whether there are sufficient funds
- are there alternative solutions to the proposed decision

**4. Trustees must identify factors relevant to the decision.**

Trustees must decide what factors are relevant in the circumstances. Decisions should always be considered in the light of the charity's objectives and what it is trying to achieve. They should not allow personal prejudices to sway their judgment.

**5. Trustees must be able to justify their decisions to supporters of the charity (in our case, the Church in Wales).**

**Conclusion**

The Commission states that it is important to follow their guidance. This is because in making their decisions, trustees 'must be able to show how they have followed these principles... The principles support effective decision-making and help to ensure that the charity complies with the law'.

The Commission states that '... If trustees did not follow the principles in this guidance: they might make a decision that was outside their powers...which would be automatically invalid or challenged on the grounds that they had acted in breach of their duties.'