

Guidance on adopting the Deanery model clauses.

The new model for the member parishes of the UK Deanery is to have at least a modern, up-to-date **parish constitution**, *consistent with* the new deanery statutes and to ensure that property is safeguarded through the use of a **parish property trust** (which can also be registered with the Charities Commission).

A key phrase is 'consistent with'. It is not desirable or possible for every parish to have an identical arrangement. For historical reasons and to reflect local circumstances, it is entirely acceptable that parishes will differ, especially if they have different renting/owning situations with respect to property.

There is also no need to rush into the changes. This can be done on a risk basis. If the differences in your arrangements are low risk (in terms of safeguarding property or people), then providing that information to the Clergy-Laity Meeting will just ensure that the risk is measured and managed. An example would be that your existing arrangements do not mention a Welfare Officer. This is a high risk situation, and the CLM would require you to make changes. On the other hand, not having clauses that allow you to hold electronic meetings is not high risk, so that would probably not be actioned. Due to the complexity of charity law and constitutions, this would have to be done on a case-by-case basis.

There are a number of scenarios that we expect to deal with in the deanery:

Scenario	Advice
1. We already have a detailed and recently devised parish constitution but we do not have a separate property trust	<ul style="list-style-type: none"> • Revise your existing constitution to make it 'consistent with' the model clauses, and adopt the property trust model. • Submit the revised parish constitution to the Clergy/Laity Meeting and it will request the Deanery Exec to review and approve the amendments. • On approval, adopt revised constitution • New parish council create a property trust and transfer assets and bank accounts.
2. We have an old or simple parish constitution and do not have a separate property trust	<ul style="list-style-type: none"> • Adopt, within the rules of your existing constitution, (usually by majority or unanimous vote) the new model parish constitution. • With the new parish constitution in place, the new parish council adopt the parish property trust.
3. We have no constitution at all	<ul style="list-style-type: none"> • Adopt both model parish constitution and property trust.
4. We have a recent parish constitution and a recently formed property trust	<ul style="list-style-type: none"> • Make sure that that your existing arrangements are consistent with the model clauses. • Where your existing arrangements differ the model clauses, provide a report to the Clergy-Laity Meeting outlining the differences, and

	explaining why they are either a)not significant differences, b) where they are significant, what you propose to do to ensure that your arrangements still fall within the scope of the Deanery statutes
5. We do not intend to change our existing arrangements	<ul style="list-style-type: none"> • The Deanery is a membership organisation constituted of parish members. A condition of membership is to have constitutional arrangements that are consistent with the Deanery and the Archdiocese. • Provide a paper to the Clergy-Laity Meeting explaining why you intend to keep your existing arrangements
6. We live in Scotland or Ireland, and the model clauses only cover England.	<ul style="list-style-type: none"> • A lack of finance has prevented us from devising model clauses under Scots and Irish law. • We propose that you take the model clauses to your local solicitor and ask them to make additions and revisions. • Your local Charities Commission will also have local model clauses on their websites.

Transfer of assets.

In many cases, the existing arrangements are that a parish council owns all the property and controls contracts like electricity and rates etc. Transferring of 'undertakings' , as it is called, can be complicated, but following the procedure below will help to separate out the steps and make sure you can complete them in the right order.

The parish meets under its existing constitution and resolves to:

1. Establish the new parish property trust
2. Make an *inventory* of all property owned or controlled by the parish; and where possible, take photographs of it.
3. Those in the parish constitution with executive powers (parish council) sign a document that entrusts all the property on the inventory to the new property trust.
4. The property trustees sign a document clearly stating that the new property trust is the owner of the property (i.e. the inventory becomes a property trust inventory)
5. Collect any property deeds or lease documents, contracts etc including energy, rates etc . Make arrangements with deed holders and leaseholders to transfer ownership to parish property trust.
6. Where this is not possible or desirable (some contract holders might refuse), then it is OK for that to remain within the remit of the parish council, but a note should be held by both parish council and property trustees that this arrangement exists