

**ARCHDIOCESE OF  
CAPE TOWN**

**STATUTES FOR PARISH  
FINANCE COUNCILS**

**JUNE 2013**

## PREAMBLE

The Code of Canon Law prescribes that in each parish a finance council shall be established:

*In each parish there is to be a finance council which is governed, in addition to universal law, by norms issued by the diocesan bishop and in which the Christian faithful, selected according to these same norms, are to assist the parish priest in the administration of the goods of the parish, without prejudice to the prescriptions of canon 532. (canon 537)*

*In all juridical affairs, the parish priest represents the parish according to the norm of law. He is to take care that the goods of the parish are administered according to the norm of canons 1281-1288 (canon 532).*

The Second Vatican Council and the Code of Canon Law, hereinafter, “the Code”, stress the need for the involvement of lay persons and the recognition of their special talents in the life of the Church. The Code further mandates the formation of finance councils for all juridical persons in the Church. Accordingly, while the parish priest acts in the person of the parish in all juridical matters concerning the parish, (canon 532), parish finance councils are to be established in every parish (canon 537) to assist and advise the parish priest in the administration of the temporal goods of the parish. Such councils are regulated by the Code and by the particular law of the diocesan bishop, e.g. Statutes. It is in this spirit of collaboration that these *Statutes for Parish Finance Councils* are promulgated.

### **Some General Principles with respect to Temporal Goods and Accountability**

- i. It is mandatory that a finance council be established in every parish to assist and advise the parish priest in the administration of the temporal goods of the parish (canon 537).
- ii. Members of the parish are obliged to assist with the needs of the Church so that the Church has what is necessary for divine worship,

for apostolic works and works of charity, and the worthy support of its ministers (canon 222, §1).

- iii. The temporal goods of the parish belong to the parish as an ecclesiastical juridical person (cf canon 1256).
- iv. The parish priest is the administrator of the temporal goods of the parish and represents the parish in all juridical affairs in accordance with the norm of law (canons 532, 1279, §1). It is his role to ensure that the temporal goods of the parish are administered in accordance with the provisions of the Code (cf canon 1282), the Archdiocesan Directives and these Statutes.
- v. As soon as possible after the end of the financial year (June 30) of the Archdiocese of Cape Town, hereinafter, the archdiocese, but no later than August 31, parish priests are to render to the finance department of the archdiocese a statement of income and expenditure (cf canon 1287, §1). In an effort to promote transparency, parish priests are also to make such statements of income and expenditure available to parishioners in whatever way they deem appropriate (cf canon 1287, §2).

## **ARTICLE I - NAME**

The name of this body shall be the “Finance Council of the Parish of .....

## **ARTICLE II - AUTHORITY**

The parish finance council, hereinafter, “the PFC”, derives its authority from the Code and from these Statutes.

## **ARTICLE III - THE ROLE OF THE PFC**

Section 1: The PFC is a consultative body which advises the parish priest,<sup>1</sup> as administrator of the temporal goods of the parish, in all matters of major financial concern, in particular any acts of “extraordinary administration” (see Article IX).

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<sup>1</sup> For the purpose of these Statutes, wherever the term “parish priest” is used, “parochial administrator” is also to be understood.

Policy is carefully discerned by the PFC together with the parish priest in accordance with the provisions of the Code, the Archdiocesan Directives and these Statutes. However, while the parish priest is not bound to follow the advice given by the members of the PFC, even if it is unanimous, nevertheless he should **not** act against their advice, especially if it is unanimous, **unless** there be a reason which in his judgement is overriding (cf canon 127, §2,2°).

- Section 2: The PFC, through close cooperation with the parish priest, is to consider carefully the financial needs of the parish and develop and promote a plan of action to meet those needs.
- Section 3: Together with the parish priest, the PFC is responsible for preparing an annual budget for parish operational and capital expenditure. It is also responsible for assisting in the preparation and the approval of an annual statement of income and expenditure to be submitted to the archdiocese. To assist the members of the PFC in these tasks, the archdiocese provides formation programmes for them. Insofar as possible, parish priests are to ensure that the members of the PFC avail themselves of these opportunities.
- Section 4: The PFC, together with the parish priest, is to ensure that the annual statement of income and expenditure submitted to the finance department of the archdiocese is made available to the members of the parish (cf canon 1287, §2), in whatever way is deemed appropriate.
- Section 5: The PFC is to review the income and expenditure of the parish on a regular basis and to determine whether the parish is operating within its budget.
- Section 6: The PFC is to review all parish banking arrangements.
- Section 7: The PFC is to co-ordinate planned giving campaigns in the parish and make recommendations for increased

participation of parishioners on planned giving and for other fundraising projects in the parish.

Section 8: The PFC is to review annually, together with the parish priest, the inventory of parish movable property and, together with him, to conduct an annual inspection of parish buildings and grounds and make recommendations for necessary repairs, renovations and general maintenance.

## **ARTICLE IV - MEMBERSHIP**

Section 1: Membership of the PFC shall consist of *ex officio* and appointed members. The PFC shall have a three-year term of office bearing in mind the provision that all new PFC's are to commence their three-year term of office in the month of August in the first year of each three-year cycle.

Section 2: The senior assistant priest and the senior parish deacon shall be *ex officio* members of the PFC.

Section 3: The parish priest shall appoint at least three lay persons to the PFC. The size of the parish and the availability of expertise in the parish should be the determining factors with respect to the number of appointed members.

Section 4: Those appointed to the PFC shall be members of the Christ's faithful (canon 537) in communion with the Church and be resident within the parish and be registered on the parish roll or registered on the parish roll, though resident elsewhere. They should be outstanding in moral integrity, actively involved in the life of the local Church, possess expertise in and/or experience in financial management/administration or expertise in civil law, and capable of evaluating financial options.

Section 5: Persons who are related to the parish priest or other clergy assigned to the parish up to the fourth degree of consanguinity (first cousins) may not be appointed as members of the PFC.

Section 6: The term of office of appointed members of the PFC shall be three years. Appointed members may serve on the PFC for two full consecutive terms. A three-year period shall elapse prior to re-appointment. Notwithstanding this, should any member have a special expertise, he/she may be co-opted by the parish priest to serve on the PFC after the expiry of two consecutive terms.

Section 7: In the case of death, dismissal, resignation or permanent disability of a member of the PFC, the parish priest will proceed as soon as possible to appoint a qualified replacement. A member so appointed is to remain in office for the remainder of the original member's term and he/she may be re-appointed for another three-year term.

Section 8: In special circumstances such as the existence of a major capital project undertaken by the parish, or a legal matter, special appointments may be made to the PFC by the parish priest to provide the needed expertise. Such members serve with the regular members of the PFC for as long as the parish priest deems this special expertise necessary.

## **ARTICLE V - OFFICERS**

Section 1: The parish priest shall be the president of the PFC. He shall convoke meetings of the PFC and shall preside at all meetings. Since he is not a member of the PFC whose role is to advise him, should the PFC be required to vote on an issue, he shall not vote.

Section 2: A chairperson shall be elected by simple majority from among the lay members of the PFC at its first meeting. The chairperson shall chair meetings of the PFC, facilitate their smooth running and assist the parish priest in the co-ordination of all matters concerning the PFC.

Section 3: A vice-chairperson shall likewise be elected by simple

majority from among the lay or clerical members of the PFC at its first meeting. The vice-chairperson shall assist the chairperson and the parish priest in the performance of their duties, and will assume the duties of the chairperson in his/her absence.

Section 4: A secretary shall be elected from among the lay or clerical members of the PFC at its first meeting. The secretary shall notify all members of forthcoming meetings and distribute Minutes of past meetings together with an agenda at least one week prior to the meeting. He/she shall record accurately in the Minutes of the meeting the full names of those present and all matters of business, motions and votes of the PFC at the meeting. The Minutes should be preserved in a bound Minute book to be kept in the parish office.

## **ARTICLE VI - MEETINGS**

Section 1: The PFC shall meet at least once every three months. In consultation with the other officers of the PFC, the parish priest as president shall prepare an agenda for the meeting which shall be made available by the secretary to the other members of the PFC at least one week prior to the meeting.

Section 2: A simple majority of members of the PFC shall constitute a *quorum*.

Section 3: Since the PFC is a consultative body constituted to advise the parish priest with regard to his administration of the temporal goods of the parish, it shall not meet without him.

## **ARTICLE VII - SUB-COMMITTEES**

The PFC may establish sub-committees, either standing or *ad hoc*, which may include persons other than PFC members. These sub-committees are to assist the PFC in fulfilling its role and shall record in a bound Minute book what transpired at such meetings. The Minute book is to be retained

in the parish office. The number of sub-committees shall be in keeping with the size of the parish and its various initiatives.

## **ARTICLE VIII - ACTS OF ORDINARY ADMINISTRATION**

Acts of *ordinary* administration are those that do not require the permission of any authority outside of the parish. They are acts necessary for the day-to-day operation of the parish. In the archdiocese, the following are considered *acts of ordinary administration*:

Section 1: The opening of bank accounts for which the parish priest is the authorised signatory.

Section 2: The acceptance or banking of money acquired in approved ways.

Section 3: The purchase of what is required for daily maintenance provided that the amount involved does not exceed an amount determined from time to time by the archdiocesan finance council.<sup>2</sup>

Section 4: The payment of normal operational expenses, such as the salaries of personnel employed by the parish, motor car running expenses, electricity, telephone and water accounts, etc.

## **ARTICLE IX - ACTS OF EXTRAORDINARY ADMINISTRATION**

For acts of *extraordinary* administration to be posited *validly* at parish level, prior to the parish priest's approach to the archbishop or his delegate for permission to proceed with an act of extraordinary administration, the parish priest is to seek the *consent* of the PFC *and* the parish pastoral council. However, prior to the archbishop or his delegate granting the permission requested, the *consent* of the archdiocesan finance council and

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<sup>2</sup> As at June 24, 2013, the relevant amount is R6000 (six thousand rand). Where it is proposed to spend more than this amount from parish funds, for whatever purpose, permission is to be obtained from either of the vicars general.



the college of consultors is required.

Parish priests *invalidly* posit acts of extraordinary administration, *unless* permission in writing is received from the archbishop or his delegate (canon 1281, §1), the prior consent of the archdiocesan finance council and the college of consultors to the proposed act having been obtained.

In the archdiocese, the following are considered *acts of extraordinary administration* (cf decree 18 of the Southern African Catholic Bishops' Conference, hereinafter, SACBC, "*Acts of Extraordinary Administration*")<sup>3</sup>:

Section 1: The purchase of immovable property;

Section 2: The sale, exchange, mortgage or pawning of immovable Church property or the subjection of it to any other servitude or burden;

Section 3: The building, demolition or rebuilding in a new form of a building belonging to the Church, or effecting extraordinary repairs upon such a building, subject to the provision that the value for insurance purposes of the building to be demolished *or* the cost of the extraordinary repairs be in excess of the amount determined by the SACBC, and the building or rebuilding project involve an expenditure in excess of the amount determined by the SACBC.<sup>4</sup>

Section 4: The sale, exchange, mortgage or diversion in any other way

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<sup>3</sup> SACBC, Official Document Promulgating Complementary Norms, Implementation of the 1983 Code of Canon Law, January 1998, decree no 18, "*Acts of Extraordinary Administration*", p 31. The diocesan bishop cannot *validly* carry out or give permission for any act which has been determined as an act of extraordinary administration to be undertaken, unless he has first obtained the **consent** (by at least an absolute majority of **both** the diocesan finance council and the college of consultors

<sup>4</sup> These amounts are understood to be linked to the percentage increase (or decrease) of the cost of living indices in the territories of the SACBC to be interpreted and determined each year by the Conference at its January plenary session. An amount of R80,000 was determined by the SACBC in January, 2013.

from the place for which they were destined of objects of art, historical documents or other movable property of great importance;<sup>5</sup>

Section 5: The erection of a cemetery;

Section 6: Acts involving civil litigation.

## **ARTICLE X - REPRESENTATION ON THE DEANERY PASTORAL COUNCIL**

Section 1: The chairperson of the PFC shall *ex officio* represent the PFC at meetings of the deanery pastoral council, hereinafter, “the DPC”.

Section 2: The PFC shall elect for a three-year term an alternate who, when necessary, shall represent the chairperson of the PFC at meetings of the DPC. The election of an alternate from among the members of the PFC shall form part of the business at the first meeting of the new PFC, and shall take place immediately after the election of the PFC’s own officers in terms of Article V above.

Section 3: At the PFC meeting which takes place following a session of the DPC, the PFC shall receive a report from the chairperson of the PFC (or the alternate) concerning the matters discussed at the DPC and the resolutions taken.

Section 4: Bearing in mind the purpose of the DPC and recognising that the parish community is to strive to participate in the life of the local Church, the PFC is to comply in whatever

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<sup>5</sup> This norm treats of Church property which has special value by reason of artistic, historical or material content. The determination as to whether an article is of “great importance” is left to the discretion of the parish priest having taken into consideration the intention of the donor (if this can be established), the intrinsic value of the article, the opinion of experts and the financial situation of the parish, and after hearing the parish finance council. Cf SACBC, op cit, commentary on decree no 18, “*Acts of Extraordinary Administration*”, p 32 ff.

way it can with all requests made by the DPC, such as the implementation of an aspect/aspects of the pastoral plan.

Section 5: It shall be the responsibility of the executive of the PFC to ensure, by whatever means they deem appropriate, that each member of the PFC is familiar with the purpose of the DPC.

## **ARTICLE XI - SUSPENSION OR DISSOLUTION OF THE PFC**

Section 1: The archbishop may suspend the activities of the PFC or dissolve it if, in his opinion, the PFC is not fulfilling its role as specified in Article III of these Statutes, i.e. “the PFC is a consultative body which advises the parish priest as administrator of the temporal goods of the parish, in all matters of major financial concern ...” or if it has become a source of disunity in the parish, even if this has occurred without serious fault on its part. It is not within the competence of the parish priest to suspend the activities of the PFC or dissolve it.

Section 2: If, for any reason, a simple majority of the members of the PFC tender their resignation at the same time, the PFC shall be deemed dissolved; in such circumstances, the parish priest, in consultation with the chairperson of the outgoing PFC, shall, in virtue of the provisions of Article IV of these Statutes, and without undue delay, initiate a process for the establishment of a new PFC.

## **ARTICLE XII - DISMISSAL OF A PFC MEMBER**

Section 1: Having heard the parish priest, the PFC member concerned and any other member of the PFC, the archbishop may, after careful consideration, dismiss a member of the PFC if, in his opinion, the member is not fulfilling his or her role as a member of the PFC as specified in Article III of these Statutes, or if the member concerned has become a source of disunity in the PFC. It is not within the competence of

the parish priest to dismiss a member of the PFC.

Section 2: The decision of the archbishop to dismiss such a member of the PFC is final.

### **ARTICLE XIII - AMENDMENT TO AND INTERPRETATION OF STATUTES**

Section 1: The archbishop may amend these Statutes should, in his opinion, such amendment be deemed necessary.

Section 2: The archbishop has the authority to interpret the meaning and application of these Statutes, in accordance with the norm of law, in all situations in which their meaning or application is doubtful.

Section 3: These Statutes will be adopted upon the approval of the archbishop.

### **ARTICLE XIV - THE COMING INTO FORCE OF THESE STATUTES**

These Statutes which replace the previous Statutes dated September 8, 2009, are to become effective as from June 24, 2013, the Solemnity of the Nativity of St John the Baptist.

Given at Cape Town, this 24th day of June, 2013.

+Stephen Brislin  
**ARCHBISHOP OF CAPE TOWN**

Father Michael Clement SAC  
**CHANCELLOR**