



Parishes as a legal entity

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Introduction

- A tricky issue and easily confusing
- But important - is about how we contract, who is liable at law and how we pay for things
- However not as hard as it looks – just focus on two different concepts

Concept One - Legal entity

- Are parishes legal entities?
- Yes!
- They are, like the Church, an unincorporated association of people
- They are an unincorporated association created by the Diocesan Synod
- They are governed by the rules of the Church and Diocese
- What does this mean?
 - They legally exist
 - They have legal rights and obligations

Concept Two – Legal Personality

- This is a different concept entirely
- Parishes do not have legal personality
 - Nor does the Diocese
 - Nor does the Province
- What does this mean?
 - Parishes cannot enter into contracts as the parish
 - Only people can - this is dealt with by the Mission and Ministry Units Statute which says only the wardens can enter into contracts
 - Parishes cannot be liable as a person – individuals will be

Concept Two – Legal Personality

- How do we deal this and not leave wardens hanging?
 - When you enter into contracts add a clause that says:
 - People's Warden and Vicar's Warden enter into this contract for and on behalf of the Anglican Parish of St Jerome and their liability under this contract is limited to, and can only be met from, the assets of the parish from time to time.
 - A good idea but not fatal if you do not...
 - There's an implied indemnity
 - So long as the legal liability is properly incurred then the obligation will be met by the assets of the parish – in all circumstances.

Conclusion

- Remember:
 - It is a legal entity
 - It has no legal personality
 - Parishes can contract and incur liability - but only through individuals acting with their authority