

The Constitution of the Anglican Consultative Council
a statement from the Secretary General

The origin of the changes to the constitution of the ACC goes back to 1999. In that year the ACC meeting passed the following resolution:

Resolution 6: Constitutional Amendments

d) That the Standing Committee consider, and if it thinks fit, adopt an appropriate legal structure for the ongoing work of the council within the framework of a limited company in accordance with legal advice and any directions of the charity commissioners for England and Wales, but so far as possible in all other respects in accordance with the existing constitutional arrangements.

ACC 12 (Hong Kong in 2002), passed the following resolution:

Resolution 41: ACC Constitution

This Anglican Consultative Council:

- 1. asks that the Standing Committee appoint a committee to review the Constitution and By-Laws of the ACC, and to report to the Standing Committee;*
- 2. asks that the Standing Committee circulate such proposals for amendment to the members of ACC in advance of ACC-13.*

The outcome of this process was a recommendation based on legal advice to the Joint Standing Committee to ACC 13 to change the status of the ACC from that of Charitable Trust to a Charitable Company limited by guarantee. This advice was similar to that being given to any sizeable charity working under English law today. The main purpose of the change is to give a greater degree of protection to the trustees (the members of the Standing Committee). Some other changes were incorporated into the process, the most significant of which is to make the Primates' Standing Committee *ex-officio* members of the ACC and of its Standing Committee (hence the name change of the Standing Committee).

ACC 13 (2005) passed the following resolution:

Resolution 3: Constitutional Change (ACC to be a charitable company)

The Anglican Consultative Council:

- a. notes and approves the draft memorandum and articles proposed by the Standing Committee in order to reconstitute the work of the Council within the framework of a limited liability company as requested by ACC 11 and ACC 12*
- b. authorises the Standing Committee to make such final amendments to the documentation as may be needed in the light of this Council's discussions and the views of the Primates Meeting, and in accordance with legal advice and any further comments received from the Charity Commissioners*
- c. requests the Standing Committee to establish such a body with charitable status in accordance with the such approved draft Memorandum and Articles as amended as a result of any such views, advice or comments*
- d. resolves to transfer to the new charitable company all the Council's assets and liabilities in due course and to wind up the affairs of the existing legal entity once the new arrangements are in place.*

The views of the Primates were sought at the Primates' Meeting in Dar Es Salaam, Tanzania, in 2007.

The change (in effect a change to the Constitution) required approval in principle from a majority of the provinces, and the Standing Committee just before ACC 14 in Jamaica in 2009 noted that the requisite number of approvals had been received. The change to the status of the Primates' Standing Committee with respect to the ACC and its Standing Committee came into effect when approvals had been received. The company itself is now in the process of registration with the Charity Commissioners.