

VI VIRTUAL ATTENDANCE AT MEETINGS ACT (ACT VI 2018)
Edinburgh, 19 May 2018, Session 3

The General Assembly enact and ordain as follows:

Definitions

1. In this Act, the following words shall have the following meanings:
 - (1) “Designated Body” shall mean a Council or Committee of the General Assembly, or a Presbytery, Kirk Session, Congregational Board, or other financial body existing in the constitution of a congregation.
 - (2) “Relevant Meeting” shall mean, subject to section 6 of this Act, a meeting called on the authority of any Designated Body.
 - (3) “Virtual Attendance” means that a person is not physically present at a Relevant Meeting, but instead is able to participate in the Relevant Meeting by means of a video and/or audio platform, in like manner to those who are physically present. For the avoidance of doubt, in order to constitute Virtual Attendance the presence of such a person at a Relevant Meeting must entail:
 - (a) the capacity for effective two-way communication, by visual and/or spoken means, between such a person and those physically present and with other people attending virtually; (b) the ability of such a person to engage in debate with, and to ask questions of, those who are physically present and others attending virtually, and to answer questions from them; and (c) the ability of such a person to cast a vote contemporaneously with those physically present and others attending virtually.

Permission for Virtual Attendance

2.
 - (1) It shall be lawful for a Designated Body to resolve that at any subsequent Relevant Meeting(s) of the Designated Body, any person(s) is/are permitted to be in Virtual Attendance.
 - (2) If and to the extent that a Designated Body resolves to permit Virtual Attendance, it shall mean that the person(s) in Virtual Attendance is/are deemed to be present at the Relevant Meeting for the purposes of Church law in the same way as if such person(s) had been physically present.
 - (3) The Designated Body may make a resolution under this section to permit Virtual Attendance at all Relevant Meetings of that Designated Body, or may make such a resolution only for a specified Relevant Meeting or Relevant Meetings.
 - (4) A decision to permit Virtual Attendance at all Relevant Meetings of a Designated Body may subsequently be revoked in respect of future Relevant Meetings.
 - (5) For the avoidance of doubt, this section is permissive only and not directive.

Convener or Moderator at a Relevant Meeting

3. (1) It shall be the responsibility of the Convener or Moderator, as the case may be, of any Relevant Meeting where Virtual Attendance is permitted, to establish at the opening of the Relevant Meeting;
 - (a) the identity of any persons(s) who purport to be in Virtual Attendance, and
 - (b) that such a person(s) is/are in Virtual Attendance as defined in section 1, so that they are permitted to participate in the Relevant Meeting and have the right to vote.
 - (2) If at any time during a Relevant Meeting the continuing ability of a person in Virtual Attendance to participate in the Relevant Meeting in terms of sections 1 and 3(1)(b) is questioned, it shall be the responsibility of the Convener or Moderator to establish whether the person still meets the requirements of sections 1 and 3(1)(b) and if not to deem that person to have left the Relevant Meeting.
 - (3) In all cases described in this section the decision of the Convener or Moderator, as the case may be, shall be final.
4. If the Convener, or Moderator, is in Virtual Attendance at a Relevant Meeting and becomes unable to participate in terms of sections 1 and 3(1)(b), then the Relevant Meeting shall either appoint an alternative Convener, or Moderator from amongst those attending, or else the Relevant Meeting shall be deemed to have ended. No substitute shall be so appointed unless qualified to perform the relevant function(s) in accordance with the standing law of the Church.

No appeal

5. Providing that a Relevant Meeting remains quorate, no failure of technology however caused, or decision to deem any person to be or not to be in Virtual Attendance or to have left the Relevant Meeting, shall invalidate the Relevant Meeting or any decision taken at the Relevant Meeting, nor shall any such matter be a ground for appeal against any decision taken at a Relevant Meeting.

Exception for Vacancy Procedure Act (Act VIII 2003)

6. This Act shall not apply to any Congregational Meetings held under the Vacancy Procedure Act (Act VIII 2003), in respect of which Virtual Attendance shall not at this time be permitted.