

**VIII. VACANCY PROCEDURE ACT (ACT VIII 2003) (AS AMENDED BY ACTS IX, X AND XII 2004, II 2005, V 2006, I, IV AND VI 2008, II AND V 2009, IV 2010, V 2011, I AND IX 2013, X 2014, II 2015, III AND X 2016, II 2017 AND VII, XIV AND XV 2018)**

*Edinburgh, 17 May 2003, Session I*

The General Assembly, with the consent of a majority of Presbyteries, hereby enact and ordain as follows:–

**1. Vacancy Procedure Committee**

- (1) Each Presbytery shall appoint a number of its members to be available to serve on Vacancy Procedure Committees and shall provide information and training as required for those so appointed.
- (2) As soon as the Presbytery Clerk is aware that a vacancy has arisen or is anticipated, he or she shall consult the Moderator of the Presbytery and they shall appoint a Vacancy Procedure Committee of five persons from amongst those appointed in terms of subsection (1), which Committee shall (a) include at least one minister and at least one elder and (b) exclude any communicant member, the current or any former minister, or any person having, in the Presbytery's opinion, a significant personal connection to the ministry or a former ministry of the vacant charge or of any constituent congregation thereof. The Vacancy Procedure Committee shall include a Convener and Clerk, the latter of whom need not be a member of the Committee but may be the Presbytery Clerk. The same Vacancy Procedure Committee may serve for more than one vacancy at a time.
- (3) The Vacancy Procedure Committee shall have a quorum of three for its meetings.
- (4) The Convener of the Vacancy Procedure Committee may, where he or she reasonably believes a matter to be non-contentious, consult members individually, and may do so by electronic means. A meeting shall be held at the request of any member of the Committee.
- (5) Every decision made by the Vacancy Procedure Committee shall be reported to the next meeting of Presbytery, but may not be recalled by Presbytery where the decision was subject to the provisions of section 2 below.

**2. Request for Consideration by Presbytery**

Where in this Act any decision by the Vacancy Procedure Committee is subject to the provisions of this section, the following rules shall apply:–

- (1) The Presbytery Clerk shall intimate to all members of the Presbytery by mailing, by electronic means, or at a Presbytery meeting, the course of action or permission proposed, and shall arrange for one Sunday's pulpit intimation of the same to be made to the congregation or congregations concerned, in terms of Schedule A. The intimation having been made, it shall be displayed as prominently as possible at the church building for seven days.
- (2) Any four individuals, being communicant members of the congregation or full members of the Presbytery, may give written notice requesting that action be taken in terms of subsection (3) below, giving reasons for the request, within seven days after the pulpit intimation.
- (3) Upon receiving notice in terms of subsection (2), the Presbytery Clerk shall assist the process or permission referred to in subsection (1), which shall then require the approval of the Presbytery.

- (4) The Moderator of the Presbytery shall in such circumstances consider whether a meeting *pro re nata* of the Presbytery should be called in order to avoid prejudicial delay in the vacancy process.
- (5) The Presbytery Clerk shall cause to have served upon the congregation or congregations an edict in terms of Schedule B citing them to attend the meeting of Presbytery for their interest.
- (6) The consideration by Presbytery of any matter under this section shall not constitute an appeal or a Petition, and the decision of Presbytery shall be deemed to be a decision at first instance subject to the normal rights of appeal or dissent-and-complaint.

**3. Causes of Vacancy**

The causes of vacancy shall normally include:

- (a) the death of the minister of the charge;
- (b) the removal of status of the minister of the charge or the suspension of the minister in terms of section 20(2) of Act III 2001;
- (c) the dissolution of the pastoral tie in terms of Act I 1988 or Act XV 2002;
- (d) the demission of the charge and/or status of the minister of the charge;
- (e) the translation of the minister of the charge to another charge;
- (f) *deleted by Act X 2016.*

**4. Release of Departing Minister**

The Presbytery Clerk shall be informed as soon as circumstances have occurred that cause a vacancy to arise or make it likely that a vacancy shall arise. Where the circumstances pertain to section 3(d) or (e) above, the Vacancy Procedure Committee shall

- (1) except in cases governed by subsection (2) below, decide whether to release the minister from his or her charge and, in any case involving translation to another charge or introduction to an appointment, instruct him or her to await the instructions of the Presbytery or another Presbytery;
- (2) in the case of a minister in the first five years of his or her first charge, decide whether there are exceptional circumstances to justify releasing him or her from his or her charge and proceeding in terms of subsection (1) above;
- (3) determine whether a vacancy has arisen or is anticipated and, as soon as possible, determine the date upon which the charge becomes actually vacant, and
- (4) inform the congregation or congregations by one Sunday's pulpit intimation as soon as convenient;
- (5) The provisions of section 2 above shall apply to the decisions of the Vacancy Procedure Committee in terms of subsections (1) and (2) above.

**5. Seat in Presbytery**

- (1) Subject to the provisions of subsection (2) below, when a vacancy has occurred in terms of section 3(c) or (d) above, the Presbytery shall determine whether the minister is, in the circumstances, entitled to a seat in the Presbytery in terms of section 16 of Act III 2000 (as amended).
- (2) A minister who demits his or her charge without retaining a seat in the Presbytery shall, if he or she retains status as a minister, be subject to the provisions of sections 5 to 15 of Act II 2000 (as amended).

**6. Appointment of Interim Moderator**

- (1) At the same time as the Vacancy Procedure Committee makes a decision in terms of section 4 above, or where circumstances pertain to section 3(a), (b) or (c) above, the Vacancy Procedure Committee shall appoint an Interim Moderator for the charge and make intimation thereof to the congregation subject to the provisions of section 2 above. The Interim Moderator shall be either a ministerial member of the Presbytery in terms of Act III 2000 or Act V 2001 or a member of the Presbytery selected from a list of those who have received such preparation for the task as the Ministries Council shall from time to time recommend or provide, and he or she shall not be a member in the vacant charge nor a member of the Vacancy Procedure Committee. The name of the Interim Moderator shall be forwarded to the Ministries Council.
- (2) Subject always to section 6(3), if the Interim Moderator appointed is a ministerial member of Presbytery it is understood that in accepting the appointment she/he is thereby disqualified from becoming an applicant or accepting an invitation to be considered in the current vacancy.
- (3) A ministerial member of Presbytery who has in the past served as an Interim Moderator in the charge is not subject to the disqualification set out in section 6(2) if one of the following conditions applies:
  - (i) The person was discharged as Interim Moderator at least two years prior to time of applying for the vacancy, or
  - (ii) Intimation of the request to be discharged as Interim Moderator was given to the Presbytery Clerk prior to permission to call being given.

**7. Duties of Interim Moderator**

- (1) It shall be the duty of the Interim Moderator to preside at all meetings of the Kirk Session (or of the Kirk Sessions in the case of a linked charge) and to preside at all congregational meetings in connection with the vacancy, or at which the minister would have presided had the charge been full. In the case of a congregational meeting called by the Presbytery in connection with adjustment the Interim Moderator, having constituted the meeting, shall relinquish the chair in favour of the representative of the Presbytery, but he or she shall be at liberty to speak at such a meeting. In consultation with the Kirk Session and the Financial Court he or she shall make arrangements for the supply of the vacant pulpit.
- (2) The Interim Moderator appointed in a prospective vacancy may call and preside at meetings of the Kirk Session and of the congregation for the transaction of business relating to the said prospective vacancy. He or she shall be associated with the minister until the date of the actual vacancy; after that date he or she shall take full charge.
- (3) Provided that permission to call has been given, it shall be the duty of the Interim Moderator to ascertain whether or not the Kirk Session (or Kirk Sessions in the case of a linking or deferred linking or deferred union) may wish to follow the procedures contained in the Ministers and Deacons in Civil Partnerships and Same Sex Marriages Act (Act I 2015), as regards making a decision on whether or not to depart (as “depart” is defined within that Act). Any such decision should be made after the Kirk Session(s) meets with the Advisory Committee in terms of section 13(2)(a) of this Act.

- (4) The Interim Moderator shall act as an assessor to the Nominating Committee, being available to offer guidance and advice. If the Committee so desire he or she may act as their Convener, but in no case shall he or she have a vote.
- (5) In the event of the absence of the Interim Moderator, the Vacancy Procedure Committee shall appoint a member of the Presbytery who is not a member of the vacant congregation to fulfil any of the rights and duties of the Interim Moderator.
- (6) The Interim Moderator shall have the same duties and responsibilities towards all members of ministry teams referred to in section 16 of Act VII 2003 as if he or she were the parish minister, both in terms of this Act and in respect of the terms and conditions of such individuals.

**8. Permission to Call**

When the decision to release the minister from the charge has been made and the Interim Moderator appointed, the Vacancy Procedure Committee shall consider whether it may give permission to call a minister in terms of Act VII 2003, and may proceed subject to the provisions of section 2 above. The Vacancy Procedure Committee must refer the question of permission to call to the Presbytery if:

- (a) shortfalls exist which in the opinion of the Committee require consideration in terms of section 9 hereunder;
- (b) the Committee has reason to believe that the Vacancy Schedule referred to in section 10 below will not be approved;
- (c) the Committee has reason to believe that the Presbytery will, in terms of section 11 below, instruct work to be carried out on the manse before a call can be sustained, and judges that the likely extent of such work warrants a delay in the granting of permission to call, or
- (d) the Committee has reason to believe that the Presbytery may wish to delay or refuse the granting of permission for any reason.

Any decision by Presbytery to refuse permission to call shall be subject to appeal or dissent-and-complaint.

**9. Shortfalls**

- (1) As soon as possible after intimation of a vacancy or anticipated vacancy reaches the Presbytery Clerk, the Presbytery shall ascertain whether the charge has current or accumulated shortfalls in contributions to central funds, and shall determine whether and to what extent any shortfalls that exist are justified.
- (2) If the vacancy is in a charge in which the Presbytery has determined that shortfalls are to any extent unjustified, it shall not resolve to allow a call of any kind until:
  - (a) the shortfalls have been met to the extent to which the Presbytery determined that they were unjustified, or
  - (b) a scheme for the payment of the unjustified shortfall has been agreed between the congregation and the Presbytery and receives the concurrence of the Ministries Council and/or the Stewardship and Finance Committee for their respective interests, or
  - (c) a fresh appraisal of the charge in terms of Act VII 2003 has been carried out, regardless of the status of the charge in the current Presbytery plan:
    - (i) During such appraisal no further steps may be taken in respect of filling the vacancy, and the Presbytery shall make final determination of what constitutes such steps.

- (ii) Following such appraisal and any consequent adjustment or deferred adjustment the shortfalls shall be met or declared justifiable or a scheme shall be agreed in terms of subsection (b) above; the Presbytery shall inform the Ministries Council and the Stewardship and Finance Committee of its decisions in terms of this section; and the Presbytery shall remove the suspension of vacancy process referred to in sub-paragraph (i).

#### 10. **Vacancy Schedule**

- (1) When in terms of sections 4 and 6 above the decision to release the minister from the charge has been made and the Interim Moderator appointed, there shall be issued, by the Ministries Council a Schedule or Schedules for completion by the responsible Financial Board(s) of the vacant congregation(s) in consultation with representatives of the Presbytery, setting forth the proposed arrangements for payment of ministerial expenses and for provision of a manse, showing the ministry requirements and details of any endowment income. The Schedule, along with an Extract Minute from each relevant Kirk Session containing a commitment fully and adequately to support the ministry, shall be forwarded to the Presbytery Clerk. For the avoidance of doubt, the Vacancy Schedule submitted to Presbytery shall include a recently completed Manse Condition Schedule following inspection of the manse of the charge.
- (2) The Schedule shall be considered by the Vacancy Procedure Committee and, if approved, transmitted to the Ministries Council by the Presbytery Clerk. The Vacancy Procedure Committee or Presbytery must not sustain an appointment and call until the Schedule has been approved by them and by the Ministries Council, which shall intimate its decision within six weeks of receiving the Schedule from the Presbytery.
- (3) The accuracy of the Vacancy Schedule shall be kept under review by the Vacancy Procedure Committee.
- (4) The provisions of section 2 above shall apply to the decisions of the Vacancy Procedure Committee.

#### 11. **Manse**

As soon as possible after the Manse becomes vacant, the Presbytery Property Committee shall inspect the Manse and come to a view on what work, if any, must be carried out to render it suitable for a new incumbent. The views of the Property Committee should then be communicated to the Presbytery which should, subject to any modifications which might be agreed by that Court, instruct the Financial Board of the congregation to have the work carried out. No induction date shall be fixed until the Presbytery Property Committee has again inspected the Manse and confirmed that the work has been undertaken satisfactorily.

#### 12. **Profiling**

Subject to the right to call having first been granted, the Kirk Session(s) shall prepare a profile of each congregation and parish within the charge, in accordance with the template published in the Guidelines for Kirk Sessions. In the case of a linked charge, this shall take the form of a single document, with separate sections for each constituent congregation. In all cases the profile shall contain, as an appendix, a copy of the most recent report on each constituent congregation produced in accordance with the Local Church Review Act (Act I 2011). The draft profile(s) shall then be

submitted to the Advisory Committee, prior to its meeting with the Kirk Session(s) (section 13(2)(a)), for possible comment and revision.

13. **Advisory Committee**

- (1) As soon as possible after intimation of a vacancy or anticipated vacancy reaches the Presbytery Clerk, the Vacancy Procedure Committee shall appoint an Advisory Committee of three subject to the following conditions:
  - (a) at least one member shall be an elder and at least one shall be a minister;
  - (b) the Advisory Committee may comprise members of the Vacancy Procedure Committee and act as a Support Committee to congregations in a vacancy;
  - (c) the Advisory Committee may contain individuals who are not members of the Presbytery;
  - (d) the appointment shall be subject to section 2 above.
- (2) The Advisory Committee shall meet:
  - (a) before the election of the Nominating Committee, with the Kirk Session (or Kirk Sessions both separately and together) of the vacant charge, to consider together in the light of the whole circumstances of the parish or parishes (i) what kind of ministry would be best suited to their needs, (ii) the finalising of the profile which has been prepared in accordance with section 12, and (iii) which system of election of the Nominating Committee described in section 15(2)(e) hereunder shall be used;
  - (b) with the Nominating Committee before it has taken any steps to fill the vacancy, to consider how it should proceed;
  - (c) *deleted by Act III 2016*;
  - (d) with the Kirk Session(s) as soon as an application is made for permission to proceed in terms of section 27 of this Act, to ensure that the requirements of that section are fulfilled.
  - (e) with the Nominating Committee at any other time by request of either the Nominating Committee or the Advisory Committee.

In the case of charges which are in the opinion of the Presbytery remote, it will be adequate if the Interim Moderator (accompanied if possible by a member of the Nominating Committee) meets with the Advisory Committee for the purposes listed in paragraphs (a) and (b) above. The Advisory Committee may continue its work in the absence of one member, subject to the agreement of both of the remaining members.

- (3) Before the Nominating Committee reports the identity of the nominee to the Kirk Session and Presbytery, it shall report the process followed to the Advisory Committee (by electronic means if desired) who shall give any further advice it deems necessary.

14. **Electoral Register**

- (1) It shall be the duty of the Kirk Session of a vacant congregation to proceed to make up the Electoral Register of the congregation. This shall contain (1) as communicants the names of those persons (a) whose names are on the communion roll of the congregation as at the date on which it is made up, (b) whose names have been added or restored to the communion roll on revision by the Kirk Session subsequently to the occurrence of the vacancy, and (c) who have given in valid Certificates of Transference by the date specified in terms of Schedule C hereto; and (2) as adherents the names of those persons who, being

regular worshippers in the congregation at the date when the vacancy occurred, and not being members of any other congregation, have claimed (in writing in the form prescribed in Schedule D and within the time specified in Schedule C) to be placed on the Electoral Register, the Kirk Session being satisfied that they desire to be permanently connected with the congregation and knowing of no adequate reasons why they should not be admitted as communicants should they so apply.

- (2) At a meeting to be held not later than fourteen days after intimation has been made in terms of Schedule C hereto, the Kirk Session shall decide on the claims of persons to be placed on the Electoral Register, such claims to be sent to the Session Clerk before the meeting. At this meeting the Kirk Session may hear parties claiming to have an interest. The Kirk Session shall thereupon prepare the lists of names and addresses of communicants and of adherents which it is proposed shall be the Electoral Register of the congregation, the names being arranged in alphabetical order and numbered consecutively throughout. For the avoidance of doubt, the names of individuals who are not contactable and whose address is unknown shall not be entered on the Electoral Register. The decision of the Kirk Session in respect of any matter affecting the preparation of the Electoral Register shall be final.
- (3) The proposed Electoral Register having been prepared, the Interim Moderator shall cause intimation to be made on the first convenient Sunday in terms of Schedule E hereto that any person who believes they are eligible to be included in the Electoral Register may inquire as to whether their name has been included, and the provisions which the Kirk Session has made for such inquiry, and further shall specify a day when the Kirk Session will meet to hear further requests for inclusion in the Register and will finally revise and adjust the Register. At this meeting the list, having been revised, numbered and adjusted, shall on the authority of the court be attested by the Interim Moderator and the Clerk as the Electoral Register of the congregation.
- (4) This Register, along with a duplicate copy, shall without delay be transmitted to the Presbytery Clerk who, in name of the Presbytery, shall attest and return the principal copy, retaining the duplicate copy in his or her own possession. For all purposes connected with this Act the congregation shall be deemed to be those persons whose names are on the Electoral Register, and no other.
- (5) If after the attestation of the Register any communicant is given a Certificate of Transference, the Session Clerk shall delete that person's name from the Register and initial the deletion. Such a Certificate shall be granted only when application for it has been made in writing, and the said written application shall be retained until the vacancy is ended.
- (6) At any time after a period of six months has elapsed since the Electoral Register being attested, but before the name of a nominee is reported to the Kirk Session, the Kirk Session shall have power, if it so desires, to:
  - (a) revise and update the Electoral Register. Intimation of this intention shall be given in terms of Schedule F hereto. Additional names shall be added to the Register in the form of an Addendum which shall also contain authority for the deletions which have been made;

or

- (b) add to the Electoral Register the name of any person who has been added to the Communion Roll of the congregation, in the form of an Addendum.

In the case of (a) or (b) above, two copies of this Addendum, duly attested, shall be lodged with the Presbytery Clerk who, in name of the Presbytery, shall attest and return the principal copy, retaining the duplicate copy in his or her own possession.

**15. Appointment of Nominating Committee**

- (1) When permission to call has been given and the Electoral Register has been attested, intimation in terms of Schedule G shall be made that a meeting of the congregation is to be held to appoint a Committee of its own number for the purpose of nominating one person to the congregation with a view to the appointment of a minister.
- (2)
  - (a) The Interim Moderator shall preside at this meeting, and the Session Clerk, or in his or her absence a person appointed by the meeting, shall act as Clerk.
  - (b) The Interim Moderator shall remind the congregation of the number of members it is required to appoint in terms of this section and shall call for Nominations. To constitute a valid Nomination the name of a person on the Electoral Register has to be proposed and seconded, and assurance given by the proposer that the person is prepared to act on the Committee. The Clerk shall take a note of all Nominations in the order in which they are made.
  - (c) For the avoidance of doubt, a member of a vacant charge shall not be eligible for nomination to serve on a Nominating Committee, if he or she is:
    - (i) a minister (including a retired minister) of the Church of Scotland,
    - (ii) a member of the diaconate of the Church of Scotland,
    - (iii) an employee of the vacant charge,
    - (iv) an employee of the Ministries Council who works in the vacant charge, or
    - (v) the spouse or civil partner, of the current minister, or of any former minister of the charge.
  - (d) When it appears to the Interim Moderator that the Nominations are complete, they shall be read to the congregation and an opportunity given for any withdrawals. If the number of persons nominated does not exceed the maximum fixed in terms of subsection (4) below there is no need for a vote, and the Interim Moderator shall declare that these persons constitute a Nominating Committee.
  - (e) If the number exceeds the maximum the election shall proceed by one of the following means, chosen in advance by the Kirk Session, and being either (i) the submission of the names by the Interim Moderator, one by one as they appear on the list, to the vote of the congregation, each member having the right to vote for up to the maximum number fixed for the Committee, and voting being by standing up, or (ii) a system of written ballot devised by the Kirk Session to suit the size of the congregation and approved by the Vacancy Procedure Committee or the Presbytery. In either case, in the

event of a tie for the last place a further vote shall be taken between or among those tying.

- (f) The Interim Moderator shall, at the same meeting or as soon thereafter as the result of any ballot has been determined, announce the names of those thus elected to serve on the Nominating Committee, and intimate to them the time and place of their first meeting; which may be immediately after the congregational meeting provided that has been intimated along with the intimation of the congregational meeting.
- (3) Where there is an agreement between the Presbytery and the congregation or congregations that the minister to be inducted shall serve either in a team ministry involving another congregation or congregations, or in a designated post such as a chaplaincy, it shall be competent for the agreement to specify that the Presbytery shall appoint up to two representatives to serve on the Nominating Committee.
- (4) The Vacancy Procedure Committee shall, subject to the provisions of section 2 above, determine the number who will act on the Nominating Committee, being an odd number up to a maximum of thirteen.
- (5) When the vacancy is in a linked charge, or when a union or linking of congregations has been agreed but not yet effected, or when there is agreement to a deferred union or a deferred linking, or where the appointment is to more than one post, the Vacancy Procedure Committee shall, subject to the provisions of section 2 above determine how the number who will act on the Nominating Committee will be allocated among the congregations involved, unless provision for this has already been made in the Basis of Union or Basis of Linking as the case may be.
- (6) The Nominating Committee shall not have power to co-opt additional members but the relevant Kirk Session shall have power when necessary to appoint a replacement for any of its appointees who ceases, by death or resignation, to be a member of the Nominating Committee, or who, by falling ill or by moving away from the area, is unable to serve as a member of it.

**16. Constitution of the Nominating Committee**

It shall be the duty of the Interim Moderator to summon and preside at the first meeting of the Nominating Committee, which may be held at the close of the congregational meeting at which it is appointed and at which the Committee shall appoint a Convener and a Clerk. The Clerk, who need not be a member of the Committee, shall keep regular minutes of all proceedings. The Convener shall have a deliberative vote (if he or she is not the Interim Moderator) but shall in no case have a casting vote. If the Clerk is not a member of the Committee, he or she shall have no vote. At all meetings of the Committee only those present shall be entitled to vote.

**17. Task of the Nominating Committee**

- (1) The Nominating Committee shall have the duty of nominating one person to the congregation with a view to the election and appointment of a minister.
- (2) It shall proceed by a process of announcement in a monthly vacancy list, application and interview, and may also advertise, receive recommendations and pursue enquiries in other ways. The Nominating Committee shall make available to all applicants and enquirers the Profile and Appendix specified in section 12. Regardless of how such individuals may initially have been

approached or identified, no individual shall be considered as a candidate for the vacancy unless he or she has first submitted a formal application.

- (3) The Committee shall make themselves aware of the roles of the other members of any ministry team as described in section 16 of Act VII 2003 and may meet with them for this purpose, but shall not acquire responsibility or authority for the negotiation or alteration of their terms and conditions.

#### 18. **Eligibility for Election**

The following categories of persons, and no others, are eligible to be nominated, elected, and called as ministers of parishes in the Church of Scotland, but always subject, where appropriate, to the provisions of Act IX 2002:

- (1) A minister holding Category **O** registration, in terms of the Registration of Ministries Act (Act II 2017);
- (2) A minister who has applied for Category **O** registration, whose application is currently under consideration, provided that before the call can be sustained or the minister in question inducted, Category **O** registration must have been granted;
- (3)
  - (a) A licentiate of the Church of Scotland who has satisfactorily completed, or has been granted exemption from, his or her period of probationary service.
  - (b) A Graduate Candidate holding a Graduate Candidate's Certificate in terms of section 22 of Act X 2004.
- (4) The holder of a Certificate of Eligibility or of a Temporary Certificate of Eligibility, in either case in terms of Act IX 2002. The holder of a Certificate of Eligibility who is a national outside the European Economic Area and Switzerland shall be eligible to apply for charges only in terms of section 27 of Act VIII 2003.
- (5) For the avoidance of doubt anyone who has served as an Interim Moderator in the current vacancy will not be eligible to apply or to be considered as an applicant in terms of section 6(2) of this Act unless the conditions set out in section 6(3) apply.
- (6) Notwithstanding subsections (1) to (4) above, an individual shall not be eligible to apply, or to be considered as an applicant, while he or she is the subject of ongoing proceedings being undertaken in accordance with the Discipline of Ministry Act (Act III 2001).

#### 19. **Ministers of a Team**

Ministers occupying positions within a team ministry in the charge, or larger area including the charge, and former holders of such positions, shall be eligible to apply and shall not by virtue of office be deemed to have exercised undue influence in securing the call. A *locum tenens* in the vacant charge shall not by virtue of office be deemed to have exercised undue influence in securing the call.

#### 20. **Temporary Certificates of Eligibility**

A minister who holds a Temporary Certificate of Eligibility shall, if inducted to a charge, be inducted for a period of three years only, extendable on one occasion only in accordance with the provisions of section 6(b)(ii) of Act IX 2002.

#### 21. **Nomination**

- (1) Before the candidate is asked to accept Nomination, the Interim Moderator shall ensure that the candidate is given an adequate opportunity to see the whole ecclesiastical buildings (including the Manse) pertaining to the congregation, and

to meet privately with all members of staff of the charge or of any wider ministry team. Furthermore, the candidate shall be provided with:

- (a) a copy of the current Presbytery Plan and of any current Basis of Adjustment or Basis of Reviewable Charge;
- (b) copies of the most recent annual report and accounts for each congregation of the charge, as approved by an independent examiner; and
- (c) copies of the most recent quinquennial inspection reports in relation to the buildings of the charge.

The candidate shall acknowledge receipt of the above documents in writing to the Interim Moderator.

- (2) Before any Nomination is intimated to the Kirk Session and Presbytery Clerk, the Clerk to the Nominating Committee shall secure the written consent thereto of the nominee.
- (3) Before reporting the Nomination to the Vacancy Procedure Committee, the Presbytery Clerk shall obtain from the nominee or Interim Moderator evidence of the eligibility of the nominee to be appointed to the charge.
  - (a) In the case of a minister being a member of Presbytery, this shall constitute a certified extract from the Register of Ministry showing that the minister has Category **O** registration.
  - (b) In the case of a minister not being a member of any Presbytery of the Church of Scotland, this shall constitute an Exit Certificate or Graduate Candidate's Certificate in terms of Act X 2004, or a Certificate of Eligibility in terms of Act IX 2002.
  - (c) In addition, in the case of a minister in the first five years of his or her first charge, an extract minute shall be obtained either from the Vacancy Procedure Committee of his or her current Presbytery, or from that Presbytery, exceptionally releasing the minister.

## **22. Preaching by Nominee**

- (1) The Interim Moderator, on receiving notice of the Committee's Nomination, shall arrange that the nominee conduct public worship in the vacant church or churches, normally within four Sundays, and that the ballot take place immediately after each such service.
- (2) The Interim Moderator shall thereupon cause intimation to be made on two Sundays regarding the arrangements made in connection with the preaching by the nominee and the ballot thereafter, all in terms of Schedule H hereto.

## **23. Election of Minister**

- (1) The Interim Moderator shall normally preside at all congregational meetings connected with the election, which shall be in all cases by ballot, and shall normally be in charge of the ballot.
- (2) The Interim Moderator may invite one or more persons (not being persons whose names are on the Electoral Register of the vacant congregation) to assist him or her in the conduct of a ballot vote when he or she judges this desirable.
- (3) When a linking or a deferred union or deferred linking is involved the Interim Moderator shall consult and reach agreement with the minister or Interim Moderator of the other congregation regarding the arrangements for the conduct of public worship in these congregations by the nominee as in section 22(1) above. The Interim Moderator shall in writing appoint a member of Presbytery

to take full charge of the ballot vote for the other congregation. In the case of a deferred union or deferred linking the minister already inducted shall not be so appointed, nor shall he or she be in any way involved in the conduct of the election.

**24. Ballot Procedure**

- (1) The Kirk Session shall arrange to have available at the time of election a sufficient supply of voting-papers printed in the form of Schedule I hereto, and these shall be put into the custody of the Interim Moderator who shall preside at the election, assisted as in section 23 above. He or she shall issue on request to any person whose name is on the Electoral Register a voting-paper, noting on the Register that this has been done. Facilities shall be provided whereby the voter may mark the paper in secrecy, and a ballot-box shall be available wherein the paper is to be deposited when marked. The Interim Moderator may assist any person who asks for help in respect of completing the voting-paper, but no other person whatever shall communicate with the voter at this stage. The Interim Moderator, or the deputy appointed by him or her, shall be responsible for the safe custody of ballot-box, papers and Electoral Register.
- (2) As soon as practicable, and at latest within twenty-four hours after the close of the voting, the Interim Moderator shall constitute the Kirk Session, or the joint Kirk Sessions when more than one congregation is involved, and in presence of the Kirk Session shall proceed with the counting of the votes, in which he or she may be assisted as provided in section 23 above. When more than one ballot-box has been used and when the votes of more than one congregation are involved, all ballot-boxes shall be emptied and the voting-papers shall be mixed together before counting begins so that the preponderance of votes in one area or in one congregation shall not be disclosed.
- (3) A voting-paper shall only be considered as spoilt and the vote not counted where the intention of the voter is unclear, and in no other circumstances. It shall be for the Kirk Session, on the recommendation of the Interim Moderator, to determine whether the intention of the voter is clear.
- (4) If the number voting For exceeds the number voting Against the nominee shall be declared elected and the Nominating Committee shall be deemed to be discharged.
- (5) If the number voting For is equal to or less than the number voting Against, the Interim Moderator shall declare that there has been failure to elect and that the Nominating Committee is deemed to have been discharged. He or she shall proceed with the election of a fresh Nominating Committee in terms of section 15 above, without further reference to the Presbytery.
- (6) After the counting has been completed the Interim Moderator shall sign a declaration in one of the forms of Schedule J hereto, and this shall be recorded in the minute of the Kirk Session or of the Kirk Sessions. An extract shall be affixed to the notice-board of the church, or of each of the churches, concerned. In presence of the Kirk Session the Interim Moderator shall then seal up the voting-papers along with the marked copy of the Electoral Register, and these shall be transmitted to the Presbytery Clerk in due course along with the other documents specified in section 29 below.

**25. Withdrawal of Nominee**

- (1) Should a nominee intimate withdrawal before he or she has preached as nominee, the Nominating Committee shall continue its task and seek to nominate another nominee.
- (2) Should a nominee intimate withdrawal after he or she has been elected, the Nominating Committee having been discharged, the Interim Moderator shall proceed with the election of a fresh Nominating Committee in terms of section 15 above, without further reference to the Presbytery.

**26. The Call**

- (1) The Interim Moderator shall, along with the intimation regarding the result of the voting, intimate the arrangements made for those on the Electoral Register of the congregation over a period of not less than eight days to subscribe the Call (Schedule K). Intimation shall be in the form of Schedule L hereto.
- (2) The Call may be subscribed on behalf of an individual on the Electoral Register not present to sign in person, provided a mandate authorising such subscription is produced as in Schedule M. All such entries shall be initialled by the Interim Moderator or by the member of the Kirk Session appending them.
- (3) Those eligible to sign the Call shall be all those whose names appear on the Electoral Register. A paper of concurrence in the Call may be signed by persons associated with the congregation whose names have not been entered on the Electoral Register.

**27. Applications from outwith the EEA and Switzerland**

- (1) Six months after the vacancy has first appeared in a monthly vacancy list, and provided there are no applications currently under the consideration of the Nominating Committee, the Kirk Session (or in the case of a linkage the Kirk Sessions in agreement) may apply to the Presbytery to have the charge listed for the purposes of this section.
- (2) Such applications shall be considered by the whole Presbytery, and shall not form part of the remit of the Vacancy Procedure Committee.
- (3) The Presbytery must be satisfied that there are no outstanding issues of superintendence, or other factors that would make such listing inappropriate, and must consult with the Ministries Council before deciding whether to permit the listing. The Presbytery Clerk shall within seven days send an extract minute of the decision to the Ministries Council.
- (4) Upon receiving notification of the listing from the Presbytery, the Nominating Committee shall proceed again from section 17 of this Act, and holders of Certificates of Eligibility who are nationals of countries outwith the EEA and Switzerland shall now be eligible to apply.
- (5) For the avoidance of doubt, the Nominating Committee (a) must always dispose of any competent applications received in terms of section 18 of this Act before considering those made in terms of this section, but (b) shall not be obliged to make a nomination from any particular group of applicants.
- (6) When a Presbytery withdraws permission to call, or the permission expires in terms of section 28 of this Act, the Presbytery shall decide whether permission to proceed in terms of this section remains in force during the ensuing process to make a nomination.

**28. Failure to Nominate**

The exercise by a congregation of its right to call a minister shall be subject to a time-

limit of two years; this period shall be calculated from the date when intimation is given of the agreement to grant leave to call.

If no election has been made and intimated to the Presbytery by the expiry of that time then the leave to call expires and the Presbytery shall review the matter. Thereafter the Presbytery may either (1) resolve to review the relevant aspects of the Presbytery Plan in accordance with the Appraisal and Adjustment Act (Act VII 2003) or (2) if the Presbytery is still satisfied that a minister should be appointed, resolve that the leave to call shall be reinstated and the Presbytery shall proceed in one of the following ways:

- (a) grant an extension, which shall usually be for a further year and instruct the Kirk Session to revise and update the parish profile in line with the template published in the Guidelines for Kirk Sessions. If no appointment is made in this further period, the Presbytery shall proceed again in terms of this section of the Act and may select any option, including further extensions;
- (b) instruct that a fresh Nominating Committee be elected in terms of section 15 above, subject to a further time-limit on the right to call of two years, calculated from the date that Presbytery so resolves. The process shall then be followed in terms of this Act from the point of the election of the Nominating Committee; or
- (c) take steps to make such an appointment, proceeding as follows:–
  - (i) The Presbytery shall discharge the Nominating Committee, strengthen the Advisory Committee which had been involved in the case by the appointment of an additional minister and elder, instruct that Committee to bring forward to a subsequent meeting the name of an eligible individual for appointment to the charge and intimate this instruction to the congregation. If satisfied with the recommendation brought by the Advisory Committee, the Presbytery shall thereupon make the appointment.
  - (ii) The Presbytery Clerk shall thereupon intimate to the person concerned the fact of his or her appointment, shall request him or her to forward a letter of acceptance along with a certified extract from the Register of Ministry showing that the minister has Category **O** registration, and shall arrange with him or her to conduct public worship in the vacant church or churches on an early Sunday.
  - (iii) The Presbytery Clerk shall cause intimation to be made in the form of Schedule N that the person appointed will conduct public worship on the day specified and that a Call in the usual form will lie with the Session Clerk or other suitable person for not less than eight free days to receive the signatures of the congregation. The conditions governing the signing of the Call shall be as in section 26 above.
  - (iv) At the expiry of the time allowed, the Call shall be transmitted by the Session Clerk to the Presbytery Clerk who shall lay it, along with the documents referred to in sub-paragraph (ii) above, before the Presbytery at its first ordinary meeting or at a meeting *in hunc effectum*.

## 29. **Transmission of Documents**

- (1) After an election has been made the Interim Moderator shall secure from the person appointed a letter of acceptance of the appointment and evidence of Category **O** registration in the form of a certified extract from the Register of Ministry.

- (2) The Interim Moderator shall then without delay transmit the relevant documents to the Presbytery Clerk. These are: the minute of Nomination by the Nominating Committee, all intimations made to the congregation thereafter, the declaration of the election and appointment, the voting-papers, the marked copy of the Register, the letter of acceptance and evidence of Category **O** registration in the form of a certified extract from the Register of Ministry. He or she shall also inform the Clerk of the steps taken in connection with the signing of the Call, and shall arrange that, at the expiry of the period allowed for subscription, the Call shall be transmitted by the Session Clerk to the Presbytery Clerk.
- (3) After the person elected has been inducted to the charge the Presbytery Clerk shall:
  - (a) deliver to him or her the approved copy of the Vacancy Schedule referred to in section 10(2) above, and
  - (b) destroy the intimations and voting-papers lodged with him or her in terms of subsection (2) above and ensure that confidential documents and correspondence held locally are destroyed.

### 30. **Sustaining the Call**

- (1) All of the documents listed in section 29 above shall be laid before the Vacancy Procedure Committee which may resolve to sustain the Call and determine arrangements for the induction of the new minister, subject to (a) a request for the release, if appropriate, of the minister from his or her current charge in terms of this Act and (b) the provisions of section 2 above. The Moderator of the Presbytery shall, if no ordinary meeting of the Presbytery falls before the proposed induction date, call a meeting *pro re nata* for the induction.
- (2) In the event that the matter comes before the Presbytery in terms of section 2 above, the procedure shall be as follows:–
  - (a) The Call and other relevant documents having been laid on the table the Presbytery shall hear any person whom it considers to have an interest. In particular the Advisory Committee shall be entitled to be heard if it so desires, or the Presbytery may ask for a report from it. The Presbytery shall then decide whether to sustain the appointment in terms of subsection (1) above, and in doing so shall give consideration to the number of signatures on the Call. It may delay reaching a decision and return the Call to the Kirk Session to give further opportunity for it to be subscribed.
  - (b) If the Presbytery sustain an appointment and Call to a Graduate Candidate, and there be no appeal tendered in due form against its judgement, it shall appoint the day and hour and place at which the ordination and induction will take place.
  - (c) If the Presbytery sustain an appointment and Call to a minister of the Church of Scotland not being a minister of a parish, or to a minister of another denomination, and there be no ecclesiastical impediment, the Presbytery shall appoint the day and hour and place at which the induction will take place.
- (3) In the event that the Call is not sustained, the Presbytery shall determine either (1) to give more time for it to be signed in terms of section 26 above or (2) to proceed in terms of subsection (1) or (2)(b) or (2)(c) of section 28 above.

- (4) No Call shall be sustained until evidence that the new minister has Category O registration, in the form of a certified extract from the Register of Ministry, has been laid before the Vacancy Procedure Committee.

31. **Admission to a Charge**

- (1) When the Presbytery has appointed a day for the ordination and induction of a Graduate Candidate, or for the induction of a minister already ordained, the Clerk shall arrange for an edict in the form of Schedule O to be read to the congregation on the two Sundays preceding the day appointed.
- (2) At the time and place named in the edict, the Presbytery having been constituted, the Moderator shall call for the return of the edict attested as having been duly served. If the minister is being translated from another Presbytery, the relevant minute of that Presbytery or of its Vacancy Procedure Committee agreeing to translation shall also be laid on the table. Any objection, to be valid at this stage, must have been intimated to the Presbytery Clerk at the objector's earliest opportunity, must be strictly directed to life or doctrine and must be substantiated immediately to the satisfaction of the Presbytery, in which case procedure shall be sisted and the Presbytery shall take appropriate steps to deal with the situation that has arisen. Otherwise the Presbytery shall proceed with the ordination and induction, or with the induction, as hereunder.
- (3) The Presbytery shall proceed to the place of worship where public worship shall be conducted by those appointed for the purpose. The Clerk shall read a brief narrative of the cause of the vacancy and of the steps taken for the settlement. The Moderator, having read the Preamble, shall, addressing him or her by name, put to the person to be inducted the questions prescribed (*See the Ordinal of the Church as authorised from time to time by the General Assembly*). Satisfactory answers having been given, the person to be inducted shall sign the Formula. If he or she has not already been ordained, the person to be inducted shall then kneel, if able to do so, and the Moderator by prayer and the imposition of hands, in which members of the Presbytery, appointed by the Presbytery for the purpose, and other ordained persons associated with it, if invited to share in such imposition of hands, shall join, shall ordain him or her to the office of the Holy Ministry. Prayer being ended, the Moderator shall say, "I now declare you to have been ordained to the office of the Holy Ministry, and in name of the Lord Jesus Christ, the King and Head of the Church, and by authority of this Presbytery, I induct you to this charge, and in token thereof we give you the right hand of fellowship". The Moderator with all other members of Presbytery present and those associated with it shall then give the right hand of fellowship. The Moderator shall then put the prescribed question to the members of the congregation. Suitable charges to the new minister and to the congregation shall then be given by the Moderator or by a minister appointed for the purpose.  
*[This subsection is to be construed in conformity with Act III 2004]*
- (4) When an ordained minister is being inducted to a charge, the act of ordination shall not be repeated and the relevant words shall be omitted from the declaration. In other respects the procedure shall be as in subsection (3) above.
- (5) When the appointment is for a limited or potentially limited period (including to a Reviewable Charge, or an appointment in terms of section 20 above) the service shall proceed as in subsections (3) or (4) above except that in the declaration the

Moderator shall say "I induct you to this charge on the Basis of [specific Act and Section] and in terms of Minute of Presbytery of date ....." .

- (6) After the service the Presbytery shall resume its session, when the name of the new minister shall be added to the Roll of Presbytery, and the Clerk shall be instructed to send certified intimation of the induction to the Session Clerk to be engrossed in the minutes of the first meeting of Kirk Session thereafter, and, in the case of a translation from another Presbytery or where the minister was prior to the induction subject to the supervision of another Presbytery, to the Clerk of that Presbytery.

### 32. **Service of Introduction**

- (1) When a minister has been appointed to a linked charge the Presbytery shall determine in which of the churches of the linking the induction is to take place. This shall be a service of induction to the charge, in consequence of which the person inducted shall become minister of each of the congregations embraced in the linking. The edict regarding the induction, which shall be in terms of Schedule O, shall be read in all of the churches concerned. There shall be no other service of induction, but if the churches are far distant from one another, or for other good reason, the Presbytery may appoint a service of introduction to be held in the other church or churches. Intimation shall be given of such service, but not in edictal form.
- (2) In any case of deferred union or deferred linking the minister elected and appointed shall be inducted "to the vacant congregation of A in deferred union (or linking) with the congregation of B" and there shall be no need for any further act to establish his or her position as minister of the united congregation or of the linked congregation as the case may be. The Presbytery, however, shall in such a case arrange a service of introduction to the newly united congregation of AB or the newly linked congregation of B. Intimation shall be given of such service, but not in edictal form.
- (3) When an appointment has been made to an extra-parochial office wholly or mainly under control of the Church (community ministry, full-time chaplaincy in hospital, industry, prison or university, full-time clerkship, etc.) the Presbytery may deem it appropriate to arrange a service of introduction to take place in a church or chapel suitable to the occasion.
- (4) When an appointment has been made to a parochial appointment other than that of an inducted minister, the Presbytery may arrange a service of introduction to take place within the parish. If ordination is involved, suitable arrangements shall be made and edictal intimation shall be given in terms of Schedule P.
- (5) A service of introduction not involving ordination shall follow the lines of an induction except that instead of putting the normal questions to the minister the Moderator shall ask him or her to affirm the vows taken at his or her ordination. Where the service, in terms of subsection (3) or (4) above, includes the ordination of the minister, the vows shall be put in full. In either case, in the declaration the Moderator in place of "I induct you to ....." shall say, "I welcome you as ....." .
- (6) When an appointment is for a limited or potentially limited period (including an appointment in terms of section 20 above) the service shall proceed as in subsection (4) and (5) above and the Moderator in welcoming the new minister shall specify the basis of the appointment.

### 33. **Demission of Status**

If a minister seeks to demit his or her status as a minister of the Church of Scotland, any accompanying demission of a charge will be dealt with by the Vacancy Procedure Committee in terms of section 4 of this Act without further delay, but the question of demission of status shall be considered by the Presbytery itself. The Moderator of Presbytery, or a deputy appointed by him or her, shall first endeavour to confer with the minister regarding his or her reasons and shall report to the Presbytery if there appears to be any reason not to grant permission to demit status. Any decision to grant permission to demit status shall be immediately reported to the Ministries Council.

**34. Guidelines**

- (1) The Ministries Council and the Legal Questions Committee shall jointly prepare and issue Guidelines for (a) Interim Moderators, (b) Kirk Sessions, (c) Nominating Committees and (d) Advisory Committees, in order to facilitate procedures in vacant congregations and also to expedite specific processes outlined in this Act. Such Guidelines shall be kept under review and shall be updated periodically to reflect current policy and practice.
- (2) The above Guidelines shall be followed by the individuals and bodies named above, who shall only depart from them with due cause and having first sought the advice of the Vacancy Procedure Committee.

**35. Miscellaneous**

For the purposes of this Act intimations to congregations may be made (a) verbally during every act of worship, or (b) in written intimations distributed to the whole congregation provided that the congregation's attention is specifically drawn to the presence of an intimation there in terms of this Act.

For the purposes of this Act attestation of all intimations to congregations shall consist of certification thereof by the Session Clerk as follows:—

- (a) Certification that all intimations received have been duly made on the correct number of Sundays shall be sent to the Presbytery Clerk before the service of induction or introduction.
- (b) Certification that any particular intimation received has been duly made on the correct number of Sundays shall be furnished on demand to the Vacancy Procedure Committee or the Presbytery Clerk.
- (c) Intimation shall be made immediately to the Presbytery Clerk in the event that intimation has not been duly made on the appropriate Sunday.

**36. Repeals and Amendments**

- (1) Act V 1984 (as amended) is hereby repealed; it is hereby provided that all other legislation prior to this Act shall be construed in conformity with this Act.
- (2) Earlier Acts and Regulations are amended as follows:—
  - (a) In sections 2 and 7 of Act XVIII 1932, delete the latter sentence of section 2 and all of subsection 7(b).
  - (b) In Act IV 1999 delete "Act V 1984 section 25 (3)" and substitute "section 29(3) of Act VIII 2003".
  - (c) In section 19(2) of Act II 2000 delete "section 2 (3) of Act V 1984" and substitute "section 7 of Act VIII 2003".
  - (d) In section 9 of Act XV 2002 delete "in terms of section 27 of Act V 1984".
  - (e) In section 12(i) of Act XIII 2000 and in section 2(i) of Regulations V 2000, delete "sections 6-8 of Act V, 1984" and substitute "section 13 of Act VIII 2003".

- (f) In section 2(2) of Act IV 2001, delete “in terms of Act V, 1984 section 27” and “in terms of the said Act V, 1984”.
  - (g) In paragraph 1 of Schedule 3 to Act V 2002, delete “section 13 of Act V 1984” and substitute “section 17 of Act VIII 2003”.
  - (h) In paragraph 2(ii) of Schedule 3 to Act V 2002, delete “Sections 6 to 8 of Act V 1984” and substitute “section 13 of Act VIII 2003”.
  - (i) In section 2 of Act VII 2002, delete “Act V 1984 section 25” and substitute “section 29 of Act VIII 2003”.
  - (j) In section 9 of Act XV 2002, delete “in terms of section 27 of Act V 1984”.
  - (k) In Regulations II 1996 delete reference to Act V 1984 (as amended) and substitute Act VIII 2003.
- (3) Notwithstanding subsection (1) above, the repeal of Act V 1984 as amended shall not affect the operation of the said Act (or Deliverances of the General Assembly in pursuance thereof) prior to the repeal of the said Act, or anything done or suffered under the said Act or Deliverances; and any rights or obligations acquired or incurred thereunder shall have effect as if the said Act had not been repealed.

**37. Interpretation**

For the purposes of this Act the Interpretation section (section 1) of Act VII 2003 will apply.

**SCHEDULES**

**A NOTICE OF DECISION OF VACANCY PROCEDURE COMMITTEE  
– Section 2(1)**

***To be read on one Sunday***

Notice is hereby given that the Vacancy Procedure Committee of the Presbytery of ..... proposes [*proposed course of action*]. This action will proceed unless at least four persons, who are either communicant members of this congregation of X [and Y]\* or full members of Presbytery, together or separately submit to the Presbytery Clerk a request for this proposal to be considered at the next meeting of the Presbytery. Any such request must set out the relevant reasons.

You should submit any such request in writing to [*name and postal address of Presbytery Clerk*] by [*date seven days after date of this intimation*].

If four valid requests are received, then [*state the proposed course of action*] will be suspended and the approval of Presbytery will be required.

A ..... B ..... Presbytery Clerk

*\*refer to other congregation(s) if a linked charge*

*NB this intimation is also to be displayed as prominently as possible at the church building for seven days*

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**B NOTICE CITING A CONGREGATION TO ATTEND – Section 2(5)**

***To be read on one Sunday***

Notice is hereby given that in connection with the [anticipated] vacancy in this congregation of X [and Y]\*, a valid request has been made for the matter of [*here insert action or permission which had been proposed*] to be considered by the Presbytery. [*The proposed course of action*] is in the meantime suspended

The Presbytery will meet to consider this matter at .....on ..... the ..... day of ..... at ..... o'clock. Any member of this congregation of X [and Y]\* may attend that meeting and Presbytery shall hear any person whom it considers to have an interest.

A ..... B ..... Presbytery Clerk

*\*refer to other congregation(s) if a linked charge*

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**C PREPARATION OF ELECTORAL REGISTER – Sections 14(1) and (2)**

***To be read on two Sundays***

Notice is hereby given that in view of the [anticipated] vacancy in this congregation of X [and Y]\*, the Kirk Session is about to make up an Electoral Register. This Electoral Register is a list of those who will be eligible to vote when the time comes to elect a Nominating Committee, and subsequently in the election of a new minister.

If your name and current address are already on the Communion Roll, then you will automatically be placed upon the Electoral Register. You will need to take no further action.

If you are a regular worshipper here, but are still a member of another congregation, and you wish to participate in the election of a minister to this congregation of X [and Y]\*, then you should arrange to hand in to the Session Clerk a valid Certificate of Transference before the Kirk Session meets

If you are a regular worshipper here, and not a member of this or any other congregation, then the Kirk Session can add your name to the Electoral Register as an “adherent”. If you wish the Kirk Session to consider this, you should obtain a form from the Session Clerk, complete it and return it to [him or her] before the Kirk Session meets.

The Kirk Session will meet in ..... on ..... the ..... day of ..... at ..... to make up the Electoral Register

C ..... D ..... Interim Moderator

*\*refer to other congregation(s) if a linked charge*

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**D FORM OF ADHERENT’S CLAIM – Section 14(1)**

I, 1 ..... of 2 ....., being a regular worshipper in the Church of ..... and not being a member of any other congregation in Scotland, request to have my name put on the Electoral Register of the congregation of ..... as an adherent.

Date ..... (Signed) .....

*1 Here enter full name in block capitals  
2 Here enter address in full*

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**E CONFIRMATION OF ELECTORAL REGISTER – Section 14(3)**

***To be read on one Sunday***

Notice is hereby given that the proposed Electoral Register of this congregation of X [and Y]\* has now been prepared.

If you believe that your name should be on the Register, you can ask for confirmation that it has been included immediately after this service [details of provision for this] or from the Session Clerk [details of how the Session Clerk can be contacted].

If your name is not on the proposed Electoral Register, and you believe it should be, you should inform the Session Clerk in writing before the Kirk Session meets to finalise the register on [date] at [place]. You are also welcome to attend that meeting, if you wish to make the case for your name being included.

C ..... D ..... Interim Moderator

*\*refer to other congregation(s) if a linked charge*

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**F REVISION OF ELECTORAL REGISTER – Section 14(6)**

***To be read on two Sundays***

Notice is hereby given that since more than six months have elapsed since the Electoral Register of this congregation of X [and Y]\* was finally made up, it is now proposed that it should be revised.

If you believe that your name ought to be on the Register, you can ask for confirmation immediately after this service [details of provision for this] or from the Session Clerk [details of how the Session Clerk can be contacted].

If you find that your name does not appear, it can be added in the following circumstances:

If your name has been added to the full Communion Roll since the Register was drawn up, then your name will automatically be placed upon the Electoral Register on its revision. You will need to take no further action.

If you are a regular worshipper here, but are still a member of another congregation, then you should arrange to hand in to the Session Clerk a valid Certificate of Transference before the Kirk Session meets

If you a regular worshipper here, and not a member of this or any other congregation, then the Kirk Session can add your name to the Electoral Register as an “adherent”. If you wish the Kirk Session to consider this, you should obtain a form from the Session Clerk, complete it and return it to [him or her] before the Kirk Session meets.

The Kirk Session will meet in ..... on ..... the ..... day of ..... at ..... to revise the Electoral Register

C ..... D ..... Interim Moderator

*\*refer to other congregation(s) if a linked charge*

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## **G ELECTION OF NOMINATING COMMITTEE – Section 15(1)**

### ***To be read on two Sundays***

Notice is hereby given that a meeting of this congregation of X [and Y]\* will be held in the Church [or other arrangement may be given here] on Sunday ..... at the close of morning [or other main occasion of] worship for the purpose of appointing a Nominating Committee. The task of the Nominating Committee will be to nominate one person to this congregation of X [and Y]\* to be the new minister.

At that meeting, the congregation shall be invited to elect [number of persons] people, who are on the Electoral Roll of this congregation of X [and Y]\*, to serve on the Nominating Committee. If you wish to propose anyone to serve on the Committee you may do so at the meeting providing the person has indicated a willingness to serve.

C ..... D ..... Interim Moderator

*\*refer to other congregation(s) if a linked charge*

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**H NOTICE OF NOMINATION – Section 22(2)**

**To be read on two Sundays**

At a meeting held at..... on ....., the Nominating Committee chose the person who they wish to propose to this congregation of X [and Y]\* to be our new minister. The name of the person proposed is 1 .....

Arrangements have been made for [give name again], to conduct public worship in this Church on Sunday the ..... day of ..... at ..... o'clock.

Immediately after that service, there will be a vote on whether or not [Name] should be appointed as the new minister of this congregation of X [and Y]\*. Anyone whose name appears on the Electoral Register of this congregation of X [and Y]\* shall be entitled to vote. No-one else shall be entitled to vote.

C ..... D ..... Interim Moderator

*\*refer to other congregation(s) if a linked charge  
1 The name and status of the person should at this point be entered in full*

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**I VOTING-PAPER – Section 24(1)**

FOR Electing [Name]	
AGAINST Electing [Name]	

Directions to Voters – If you are in favour of electing [Name] put a cross (x) on the upper right-hand space. If you are not in favour of electing [Name] put a cross (x) in the lower right-hand space. Mark your voting-paper in this way with a cross, and put no other mark on your voting-paper or your vote may not be counted.

*Note: The Directions to Voters must be printed prominently on the face of the voting-paper.*

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**J DECLARATION OF ELECTION RESULT – Section 24(6)**

I hereby declare the results of the voting for the election and appointment of a minister to the vacant charge of ..... 1 to be as follows.

FOR Electing [Name]: [No of votes]  
AGAINST Electing [Name]: [No of votes]

**EITHER**

(1) Therefore, [Name] has accordingly been elected and appointed as the new minister subject to the approval of Presbytery

**OR**

(2) In consequence of this vote there has been a failure to elect. The Nominating Committee is deemed to have been discharged. [Continue in terms of Schedule G if appropriate.]

Date .....

C ..... D ..... Interim Moderator

*1 Here enter details*

---

## **K THE CALL – Section 26(1)**

### **Form of Call**

We, members and adherents of the Church of Scotland and of the congregation known as ..... 1, being without a minister, address this Call to be our minister to you, [Name]....., of whose gifts and qualities we have been assured, and we warmly invite you to accept this Call, promising that we shall devote ourselves with you to worship, witness, mission and service in this parish, and also to the furtherance of these in the world, to the glory of God and for the advancement of His Kingdom.

*1 Here enter details*

### **Paper of Concurrence**

We, persons associated with the congregation of the Church of Scotland known as ..... 1 concur in the Call addressed by that congregation to [Name]..... to be their minister.

*1 Here enter details*

*Note: The Call and Paper of Concurrence should be dated and attested by the Interim Moderator before they are transmitted to the Clerk of the Presbytery.*

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## **L SUBSCRIBING THE CALL – Section 26(1)**

### **To be read on at least one Sunday**

Notice is hereby given that this congregation of X [and Y]\* has elected [Name] to be our new minister and a Call to the said [Name] has been prepared. This Call will lie in [Place].....

from..... the .....day of [Month]..... until [Date which is at least eight days later], between the hours of ..... and ..... . During that time any person whose name is on the Electoral Register of the congregation may sign the Call in person or by means of a mandate.

If a mandate is to be used, the relevant form may be obtained from the Session Clerk.

A paper of Concurrence will also be available for signature by any person who is connected with the congregation but whose name is not on the Electoral Register of the congregation. Children are also welcome to add their names to this paper.

C ..... D ..... Interim Moderator

*\*refer to other congregation(s) if a linked charge*

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### **M MANDATE TO SIGN CALL – Section 26(2)**

I,<sup>1</sup> ..... of <sup>2</sup>....., being a person whose name is on the Electoral Register of the congregation, hereby authorise the Session Clerk, or other member of Session, to add my name to the Call addressed to [Name] to be our new minister.

(Signed) .....

*1 Here enter full name in block capitals*

*2 Here enter address in full*

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### **N CITATION IN CASE OF NOMINATION BY PRESBYTERY – Section 28(c)(iii)**

#### ***To be read on one Sunday***

Notice is hereby given that [Name], whom the Presbytery has appointed to be minister of this congregation of X [and Y] \* will conduct public worship in the Church on Sunday the ..... day of ..... at ..... o'clock.

A Call addressed to the said [Name] will lie in [Place]..... from ..... the ..... day of ..... between the hours of ..... and ..... during the day and between the hours of ..... and ..... in the evening, until [Date which is at least eight days later]. During that time any person whose name is on the Electoral Register of the congregation may sign the Call in person or by means of a mandate.

If a mandate is to be used, the relevant form may be obtained from the Session Clerk.

A paper of Concurrence will also be available for signature by any person who is connected with the congregation but whose name is not on the Electoral Register of the congregation. Children are also welcome to add their names to this paper.

The Presbytery will meet to deal with the appointment and Call at ..... on ..... the ..... day of ..... at ..... o'clock. Any member of the congregation may attend that meeting.

A ..... B ..... Presbytery Clerk

*\*refer to other congregation(s) if a linked charge*

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## **O NOTICE OF INDUCTION – Section 31(1) and section 32(1)**

### ***To be read on two Sundays***

Notice is hereby given that the Presbytery of ..... has received a Call from this congregation of X [and Y]\* addressed to ..... [Name] to be the new minister. This Call has been sustained as a regular Call, and has been accepted by him/her<sup>1</sup>.

The Presbytery, having judged the said .....[Name] qualified for the ministry of the Gospel and<sup>2</sup> for this charge, has resolved to proceed to his/her [ordination and] induction<sup>3</sup> on .....[day of the week] the .....[date] day of .....[month] at .....[time] o'clock. The only circumstance in which this would not occur is if an objection occurs which may reasonably impede it.

Notice is given that if any member of this congregation of X [and Y]\*, has objection to the life or doctrine of the said ..... [Name] you should intimate your objection at the earliest opportunity to the Presbytery Clerk. If you do this, you will also need to submit to the Presbytery Clerk appropriate evidence to substantiate your objection.

The Presbytery is to meet at .....[time] on .....[date as above]. If an objection is not notified in advance but is first brought at that meeting the objector must satisfy the Presbytery that there was no earlier opportunity to bring the objection to the attention of the Presbytery Clerk.

Unless a substantiated objection is made which is then upheld, the Presbytery shall proceed to [ordination and] induction<sup>3</sup> of the said .....[Name] without further delay.

By order of the Presbytery

A.....B.....Presbytery Clerk

1 Add, where, appropriate, "and his/her translation has been agreed to by the Presbytery of....."

2 Omit "for the ministry of the Gospel and" if this minister to be inducted has been ordained previously

3 Omit, where appropriate, "ordination and"

*\*refer to other congregation(s) if a linked charge*

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**P NOTICE OF ORDINATION IN CASE OF INTRODUCTION – Section 32(4)**

***To be read on two Sundays***

Notice is hereby given that a service of introduction is to take place because [*narrate circumstances requiring service of introduction*]. The Presbytery has found that the said [*Name*] has been regularly appointed and is qualified for the ministry of the Gospel and for the said appointment. The Presbytery has resolved to proceed to his or her ordination to the Holy Ministry and to his or her introduction as [*specify appointment*].

This ordination and introduction will take place on ..... the ..... day of ..... at ..... o'clock, and will proceed unless an objection occurs which may reasonably impede it.

Notice is given if any member of this congregation of X [and Y]\* has anything to object to in the life or doctrine of the said [*Name*], you may appear at the Presbytery meeting at ..... on ..... the ..... day of ..... at ..... o'clock to state your objection. Any objection which is made must be substantiated.

Unless a substantiated objection is made which is then upheld, the Presbytery will proceed to ordination and introduction of the said .....[*Name*] without further delay.

By order of the Presbytery

A ..... B ..... Presbytery Clerk

*\*refer to other congregation(s) if a linked charge*