

THE OFFICE

OF

SESSION CLERK

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THE OFFICE OF SESSION CLERK

Among office-bearers in the Church of Scotland, the Session Clerk has long been seen to occupy a position of special significance. To the minister the Session Clerk is his or her "right hand man", even when the position is held by a woman, as is now the case in a number of congregations. To the other office-bearers the Session Clerk is chief among them, even though not necessarily senior either in age or in length of service. To the congregation the Session Clerk is the person who, more than any other, embodies the congregation, and is the link between it and the minister.

People may have some kind of intuitive sense of what is involved in being a Session Clerk, but for anyone who is invited to accept this appointment it is difficult to know exactly what is involved. While recognising that there is much more to being a Session Clerk than simply carrying out the prescribed duties of the office, it is nonetheless important to know what these are and what is generally expected of a Session Clerk.

APPOINTMENT

Every Kirk Session requires to have a Clerk. The appointment is not for life, but only during the pleasure of the Session. Particularly in a large Kirk Session a case can be made out for making the appointment only for a specified number of years, but it should be recognised that even a smaller Session may be depriving itself of valuable talent by leaving it to one person to hold this office for potentially a very long time. There are also those who, because of other commitments, might be more willing to act as Clerk if the appointment were to be for a definite, rather than an indefinite, number of years.

The person chosen does not have to be an elder. Historically the Clerk was just that, no more than what nowadays might be called a minute secretary. Now all or nearly all Session Clerks are elders. Regrettably it sometimes proves impossible to persuade anyone to be the Session Clerk. When this happens, the minister must act as Clerk as well as Moderator of the Session, but this is a most unsatisfactory state of affairs, and it should not continue longer than is absolutely necessary.

On appointment the Oath *de fidei administratione* ("I promise to carry out faithfully the duties of Session Clerk") is to be taken. It would be in order for a Session Clerk to have the assistance of a secretary or typist in taking the minutes and attending to correspondence. It would be in order also for such a person to attend Kirk Session meetings for this purpose. If the Clerk is absent from any meeting of the Session, a Clerk *pro tempore* is appointed and the oath has to be administered.

MAIN DUTIES

The main duties of a Session Clerk are:-

- (a) with the Moderator or Interim Moderator to call and prepare for meetings of the Session;
- (b) to keep Minutes of Kirk Session meetings;
- (c) to attend to correspondence, including the issuing of Extracts;
- (d) to be responsible for all Records of the congregation;
- (e) to submit the Records of the congregation annually to the Presbytery for attestation;
- (f) generally to see to the functioning of the Session, to be concerned for the welfare of the congregation, and to have a working knowledge of the Church's practice and procedure.

PREPARING FOR MEETINGS

It is the Moderator who calls meetings of the Kirk Session, but, if more than pulpit intimation is given of a meeting, it is the Session Clerk who will see to it that individual Notice is given to each elder. This notice may be accompanied by a copy of the Minutes of the previous meeting, and also the Agenda for the meeting about to be held.

CHAIRING OF MEETINGS

Kirk Session meetings are normally chaired by the minister of the congregation, designated as "Moderator". With the prior approval of the minister and the Session it is now possible for another current member of Session – an elder, a member of the Diaconate, or a minister associated with the Session – to act as Moderator. Only elders who have adequately completed a prescribed course of training may act as Moderator. The Session Clerk, if qualified to do so, may act as Moderator, provided a substitute acts as Clerk. If the minister is present but not acting as Moderator, he or she has a deliberative vote. Whoever is acting as Moderator has a casting vote only.

These arrangements can also apply in the foreseen or unforeseen absence of the minister. Unless it is impossible, authorisation shall be in writing, and the business shall be stated. These facts shall be minuted, and the Presbytery Clerk shall be informed. Any decision taken in these circumstances shall not take effect until agreed in writing by the minister, and minuted or ratified at a meeting where the minister is present.

These provisions shall also apply where an Interim Moderator has been appointed.

When the minister is acting as Moderator, the quorum of a meeting is three (the minister and two elders). Otherwise the quorum is three elders.

CONDUCT OF A MEETING

In general, proceedings in the lower courts of the Church should be modelled on those that are employed in the General Assembly. In practice, because most Kirk Sessions are relatively small in comparison, their proceedings tend to be carried out much less formally. However, some procedural points should be noted as a means of securing good order and possibly also of saving time.

There should be an Order of Business. This should be drawn up by the Clerk in consultation with the Moderator. If papers are issued in advance, the Order of Business should be included among them. This too is the responsibility of the Clerk. If advance notice of the agenda has not been given, it is helpful if, at the outset, either the Moderator or the Clerk indicates what the known business is.

The conduct of a Session meeting is the responsibility of the Moderator, but there may be times when the Clerk can supply useful information or give guidance on matters of procedure. The remaining paragraphs in this Section outline standard practice in regard to the conduct of a meeting.

Meetings are first **CONSTITUTED** with prayer. Then the attendance is recorded and apologies noted. Next the **MINUTE** of the previous meeting is submitted by the Clerk for approval. This will be done, either by the Clerk reading the whole Minute, or by the Clerk moving that "the Minute be taken as read" page by page as in the print and as circulated. If the Minute, although in print, has not been circulated in advance, ample time must be given for members to read it. When a Minute is submitted for approval, the only point at issue is whether the Minute accurately records what happened. The Minute cannot be altered, either because of wiser judgment on reflection, or even because of some fault in arriving at a decision. Typographical and clerical errors may be corrected in the text. Where this is done, the corrections should be initialled by the Clerk. Where more substantial corrections have to be made, these should be fully detailed in the Minute of the meeting that is taking place, as well as being made in the original Minute. These corrections to the original Minute need to be initialled by both the Moderator and the Clerk. With the Minute (corrected if need be and) approved, the Session will now turn to consider the **Business** of the current meeting.

When the Agenda is submitted for approval, it is then that members should indicate **Any Other Matters** they would like to have considered, and it should there and then be agreed whether or not to consider them and, if so, when. The value in proceeding in this way is to guard against the possibility of someone who has had to leave before a meeting has ended discovering at a later date, certainly to their surprise and possibly to their annoyance, that some topic has been discussed or some decision taken of which they had no forewarning. The only justification for having **Any Other (Competent) Business** as an item on the agenda at the end of a meeting is to permit consideration of some matter which may genuinely emerge in the course of a meeting and which could not possibly have been anticipated when the Order of Business was agreed.

The business then proceeds through its various items. When the Moderator considers that an item has been adequately considered, he or she will seek to bring the Session to a decision. This may be reached either with obvious unanimity or by a process of consensus. Some matters, however, may give rise to varying or opposing points of view. In these circumstances it is well to follow standard procedures in regard to making Motions and to Voting.

Every proposed course of action needs to be not only moved but also seconded. If a proposal is not seconded, it falls and is not to be recorded. The proposal as originally put is called the Motion. Once seconded, it is then subject to alteration by means of amendment, addendum, or counter-motion. An Amendment slightly alters a motion, but does not run counter to its main thrust. An Addendum is a particular form of amendment. As the word implies, it adds something to a motion and amends it in that way but, in doing so, again it does not go against the aim of the motion. The purpose of a Counter-motion is equally obvious. It seeks to go radically against the aim of a motion.

An amendment or an addendum should be disposed of as soon as possible after being moved and seconded. The vote is taken FOR the amendment or addendum and then AGAINST it. An amendment or addendum to a counter-motion is treated in the same way. Similarly, any further amendment if seconded should be voted on before the original amendment or addendum is considered. If an amendment or an addendum is successful, for further debate the motion or counter-motion becomes the motion as amended or the counter-motion as amended. Eventually what will be before the Session will be the motion, possibly amended, and perhaps also a counter-motion or counter-motions, also possibly amended. Voting is then FOR the motion (as possibly amended) and then FOR any counter-motion (as possibly amended). If the vote is between the motion and several counter-motions, whichever receives the fewest votes falls, and another vote is taken. This process is repeated until there is a majority for one over all the others. That one must then be put again to the vote FOR or AGAINST to establish finally the mind of the Session, as it is still possible that the Session may want to reject the whole issue outright in any shape or form. The Moderator has a casting vote only, if this is needed. In this way the business moves on in a reasonably orderly fashion.

Decisions (unless appealed against) take immediate effect; they do not have to wait until the Minute of the meeting at which they were taken is approved. Decisions remain in force until countermanded. This should not happen until at least six months have elapsed, unless it can be shown that the original decision was flawed for some reason or other.

When all the business has been completed, the Moderator will close the meeting with prayer (usually by pronouncing the Benediction).

Kirk Session meetings are now no longer presumed to be held in private, but shall normally be held in public. When intimation of a Session meeting is made, the congregation should be so advised. The Session may decide that a specific

matter should be taken in private, at which point non-members of Session must leave.

MINUTING A MEETING

This too is a major responsibility of the Session Clerk. Until comparatively recently the Minutes of Kirk Session meetings were recorded by the Session Clerk in long hand in a bound volume. Increasingly Minutes are now recorded in loose-leaf form. This has many advantages. It allows the Minutes to be typed on a typewriter or word processor, and to be more legible than would be the case in many instances! It also allows them to be duplicated and circulated to the members of Session prior to a meeting, and so to be "taken as read" when the Session meets. This means that considerable time can be saved at the beginning of a meeting by the Clerk not having to read the Minutes.

The General Assembly have approved the keeping of Minutes in loose-leaf form provided certain precautions are taken. One copy should be printed on heavier paper for eventual binding. Each page should be numbered consecutively. Each page should begin with the last word of the preceding page. When the Minutes are submitted for approval, each page should be initialled by the Moderator, and the Minute as a whole should be signed by both the Moderator and the Clerk. From time to time the signed pages are to be bound together into a conveniently-sized volume.

As for the Format in which Minutes should be kept, while none is prescribed, a standard pattern has come to be accepted. The Minute should begin by stating the place and date of the meeting, and that it has been constituted with prayer. Next the Sederunt (Attendance) and Apologies are recorded. The names may be entered in a separate Sederunt Book but, if so, it should be borne in mind that sufficient detail must be given in the Minute to show that a quorum was present. (see Section on The Chairing of Meetings above). If a separate Sederunt Book is kept, it as well as the Minute Book must be submitted to the Presbytery at the time of the Annual Inspection of Congregational Records.

Next the fact that the Minute of the previous meeting was submitted by the Clerk for approval (see Section on Conduct of a Meeting above) is minuted and any necessary corrections noted. After that Minute has been approved and the Session has then agreed the Agenda for the meeting that is taking place, the business will proceed item by item, and the Clerk will take adequate notes with a view to the eventual preparation of the Minute. If an item has been especially complex or contentious, or if a decision reached by the Session is likely to be the subject of an Extract Minute (see below), as, for example, where a decision has been challenged by the taking of an appeal, the Minute of that particular item should be approved before proceeding to the next item of business.

Every Minute should end by showing that the meeting was closed with prayer.

As for the Style in which Minutes should be kept, all that needs to be recorded

are the actual proposals made and the decisions taken. No details need be given of how a particular debate went or of who spoke in the course of it. Some records are more detailed and doubtless make for more interesting reading, but strictly speaking, as is stated in Cox's "*Practice and Procedure in the Church of Scotland*", "the less elaboration in a Minute the better" (p. 82). Clerks should aim to be as succinct as possible in their minuting.

Some other points should be noted in regard to the keeping of Minutes.

1. It is useful to have Headings for the different items. The Heading may be placed either in the margin or at the beginning of the paragraph to which it refers, but either way the text should be complete in itself, and should not need the Heading to be added to give it sense.
2. There should be no substantial Blank Spaces, but, if there are any, they should be scored through.
3. No papers should be pasted or clipped into the minute.

CORRESPONDENCE AND EXTRACTS

It is the Session Clerk, not the minister, who should attend to correspondence relating to Session business. It is, of course, the Clerk of the Financial Board who should deal with all correspondence relating to the temporal affairs of the congregation, including property and finance. This will be the Session Clerk where there is no separate Financial Board.

The Clerk may have to issue an Extract Minute in connection with some particular item of business from a Kirk Session meeting or from a meeting of the congregation called by the Session or by a higher court of the Church. An Extract Minute must be in the actual words of the Minute itself, and the extracted material must not be abbreviated in any way. An Extract Minute must begin by stating the place, date, and constitution of the meeting. Then, after the words "*inter alia*" ("among other things"), it must quote exactly the material that has to be forwarded. The Extract should end:-

"Extracted from the records of the Kirk Session of "X" , this day of 20....years by meSession Clerk".

If the document runs to more than a single page, each page should be initialled by the Clerk. Extracts can be issued only by the Clerk, but, as Cox warns, "a Clerk should be very cautious in giving extracts without the authority of his court" (p. 79).

CUSTODIER OF RECORDS

The Session Clerk is the custodier of the Kirk Session Records. These include, in addition to its Minute Book, the Communion Roll and the Supplementary Roll

of the congregation, and also the Baptismal Register, the Property Register and the Manse Condition Schedule. Only the Clerk should keep the Session Minute Book, but others (e.g. the minister, Roll-keeper, Property Convener) may keep the other books (as appropriate), but only if the Session so decides and records its decision. Whoever holds any of these records is responsible for their safe-keeping.

The General Assembly of 1995 agreed that "only one roll [need] be kept, but in such a way that names can be coded or annotated so as to identify members, adherents, children attending communion, children not attending communion, persons on the supplementary roll, and any other categories a Kirk Session may choose." (Reports p. 3).

Each year the Minutes of the Kirk Session should include a reference to the fact that the Annual Attestation of the Communion Roll by the Session has taken place. The number of communicant members after revision of the Roll should be stated, as well as the names of those who have been removed from the Roll after due warning.

The Records of the congregation are inspected annually by the Presbytery. The Clerk should ensure that, prior to the annual inspection, sufficient space is left after the last signed Minute in the Kirk Session Minute Book to allow for the Presbytery's attestation to be inserted.

When a new Clerk is appointed, an Inventory of the books and papers of the Kirk Session that are being handed on ought to be recorded in the Minute Book.

OTHER ASPECTS OF THE OFFICE

It is also part of the Session Clerk's responsibilities to help the Session to function smoothly in its oversight of the congregation. This will include:-

1. allocating, or delegating the allocation of, Elders' Districts;
2. making, or delegating the making of, all the necessary preparations for Communion Services, including assigning elders their duties, seeing to the ordering and preparing of the bread and wine, seeing to the communion linen, and making arrangements for the disposal of the elements and the washing of the cups, plates and linen;
3. assisting the minister in the arrangements to secure New Elders;
4. giving a lead to the Session when it meets with prospective First Communicants;
5. encouraging the Session to give thought not just to routine matters of business;

6. keeping one's ears and eyes open to what is going on in the congregation, and bringing to the attention of the minister matters that the congregation are happy with or are expressing concern over;
7. liaising with the conveners of sub-committees where these are used to spread a Session's work-load;
8. making sure that proper intimation is given to the congregation of meetings called by the Session;
9. giving all possible assistance to an Interim Moderator appointed by the Presbytery;
10. making oneself familiar with practice and procedure in the Church of Scotland and with certain Acts and Regulations in particular, viz:-

ACT	DATE	SUBJECT
XVI	1931	Appointment of Organist
X	1932 *	Election and Admission of Elders and Deacons
XVIII	1932 *	Congregational Meetings: by whom called – length of Notice – who presides – who acts as clerk –where minuted
II	1984 *	Presbytery Visits to Congregations (formerly Quinquennial Visitation of Congregations)
VI	1984*	Congregations in Changed Circumstances
I	1988 *	Congregations in an Unsatisfactory State
V	1989 *	Church Finance: appeal for funds - their use - Church purposes only unless otherwise specified or gifted
II	1994*	Model Deed of Constitution
III	1994*	Calling of Congregational Meeting to approve Accounts (Quoad Omnia Congregations)
VII	1995 *	Powers of General Trustees
VI	1997 *	Commission of Assembly: hearing Property Appeals, Readjustment References
II	2000 *	Consolidating Act anent Ministry – conduct of public worship (Sections 20-25) – use of church buildings (Sections 26-29)
III	2000 *	Consolidating Act anent Courts of the Church – Kirk Session (Sections 33-40)
V	2000 *	Consolidating Act anent the Sacraments
VI	2000	Consolidating Act anent Communion Rolls
VII	2003*	Appraisal and Adjustment of Charges
VIII	2003*	Vacancy Procedure
VI	2004	Kirk Session Meetings: elders and others acting as Moderator
XII	2007	Care of Ecclesiastical Properties

REGULATION/DATE	SUBJECT	PAGE REFERENCE
VI 2000*	Deployment of TA Chaplains in Voluntary Mobilisation	(p. 46)
VII 1979*	Central Fabric Fund	(p. 55)
I 1998*	Work at Ecclesiastical Buildings	(p. 60)
II 1996*	Proceeds of Sale of Heritable Properties	(p. 65)
I 1972	Glebes	(p. 66)
VII 2003	National Stipend Scheme	(p. 79)
VIII 2003	Maternity, Paternity and Adoption Leave and Pay for Ministers	(p. 80)
VII 2007	Manses	(p.105)
I 2008	Ministries and Mission Contributions	
II 2008	Congregational Finance	
V 2008	Continuing Ministry after age of 65	
VI 2008	Pulpit Supply (currently £50)	
VII 2008	Listed Expenses	
VIII 2008	Levy on Proceeds of sale	

[*] Indicates that the Act or Regulation has been amended in subsequent years.

The Text of these Acts and Regulations can be found at www.churchofscotlandextranet.org.uk/xchurchlawindex.htm where they are constantly up-to-date to the last General Assembly. A hard copy edition exists, comprising the law as at summer 2000 along with updating pages for each year since 2001 (with future years' pages posted out for the duration of the edition); and it contains also a short section of STYLES for various legal documents. It can be obtained for £25 from the Principal Clerk's Office.

N.B To comply with Charity Law regulations Kirk Sessions are advised to enter the names of elders on one or other of two lists, either (1) those who are active and are therefore deemed to be members of the Kirk Session, or (2) those who are members of the Session because they have "retired" or are otherwise "inactive" although retaining status.

The elders who constitute the Kirk Session are designated "Trustees" for the purposes of Charity Law, as are members of the Congregational Board.