

VI. KIRK SESSION MEETINGS ACT (ACT VI 2004) (AS AMENDED BY ACT I 2011)
Edinburgh, 15 May 2004, Session 1

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

General Provisions

1. For all purposes except as otherwise provided in this Act, the minister of a charge is the Moderator of the Kirk Session and in particular has responsibility for the calling of meetings and for the duties of the Moderator
 - (a) in relation to discipline as outlined in the Basis and Plan of Union of 1929;
 - (b) in respect of the ordination of elders in terms of Act X 1932 (as amended); and
 - (c) in relation to the admission of communicants to Church membership upon profession of faith.
2. Nothing in this Act shall affect the functions of the minister as defined in sections 4 - 14 of the Parish Ministry Act (Act II 2018) and of the Kirk Session as defined in section 37 of the Church Courts Act (Act III 2000) (as amended) or as each are contained in the common law and custom of the Church; and nothing shall affect the constitution of the Kirk Session as consisting of the minister and elders.
3. The provisions of this Act shall not apply to Kirk Sessions in units of HM Forces (Act VIII 1952) or to New Charges not yet raised to full status (Act XIII 2000).

Part I Elder or member of the Diaconate moderating Kirk Session meeting

4. With the approval of the minister and of the Kirk Session (at a previous meeting thereof), or upon the instruction of a superior court, another current member of the Kirk Session, a member of the Diaconate who is associated with but not an appointee of the Kirk Session, or a minister associated with it may moderate any meeting of the Kirk Session on a date appointed by the Kirk Session. No status, powers, privileges or responsibilities are conferred upon any such elder, deacon or minister except to the extent necessary to act as Moderator of the meeting, and to this extent such an elder, deacon or minister shall bear all the responsibilities normally borne by the minister for the orderly conduct of business and for the observance of the common law of the Church and the legislation, regulations and Deliverances of its superior courts. Whilst moderating a meeting of the Kirk Session, an elder, or a deacon or minister associated with the Kirk Session, shall have a casting vote but no deliberative vote.
5. No elder shall be appointed to moderate any meeting of a Kirk Session who has not satisfied the Presbytery of the bounds that he or she has adequately completed a course of training in Church law and procedure provided by the Legal Questions Committee and kept such training up to date, with the costs of such training borne by the congregation.
6. For the avoidance of doubt, more than one elder in a Kirk Session may be trained and utilised for the purposes of this Act.
7. The Session Clerk, if a member of the Kirk Session, shall not moderate a meeting as

clerk, but may be appointed in terms of this Act in his or her own right, and shall normally arrange for the Minutes of the meeting to be taken by a substitute clerk.

8. On those occasions on which the minister is present at a Kirk Session meeting but not moderating it, he or she shall have a seat in the Kirk Session and for this purpose shall have capacity separate from that of minister of the parish or member of the Presbytery. For the avoidance of doubt, since the minister is not a ruling elder he or she cannot be Commissioned as such to the Presbytery or the General Assembly.
9. The approval of the minister and the Kirk Session in terms of section 4 above may be a standing approval for a fixed period in respect of any meeting during that period; and the minister or the Kirk Session may rescind approval in terms of this Act at any time. The Presbytery in the exercise of its superintendence over the Kirk Session may remove the approval or revoke the instruction in terms of section 4 above, whether originally given by the Kirk Session or by the Presbytery.

Part II Absence of Minister from Kirk Session meeting

10. It shall be lawful for the minister to authorise a Kirk Session meeting to be held in his or her absence and moderated by a member of the Kirk Session or a minister or deacon associated with it (subject to the provisions of Part I of this Act), all subject to the following provisions.
11.
 - (1) Such authorisation shall be in writing to the minister, deacon or elder acting as Moderator of the meeting, and shall specify the meeting or meetings to which the authorisation relates and the business to be transacted, and the facts shall be recorded in the Minutes of the Kirk Session and intimated to the Presbytery Clerk.
 - (2) As the Kirk Session consists of the minister and elders, any decision taken in the absence of the minister, being a decision of which the minister did not have notice in advance of the meeting, shall not take effect until it has been agreed in writing by the minister (the written agreement to be delivered as soon as possible to the Session Clerk) or ratified at a meeting at which the minister is present. In either event, the fact shall be recorded in the Minutes of the Kirk Session.
12. In implementation of the provisions of section 11(2) above, or in any other circumstance, it shall be competent for such a meeting of the Kirk Session to request the presence of the minister at a subsequent meeting, and to give powers to the Session Clerk to arrange that meeting if necessary.
13. It shall be competent for a minister to give authorisation, for a single occasion or on a standing basis, to an elder appointed in terms of section 4 above or any other minister of the Church or any member of the Diaconate who is not an appointee of the Kirk Session, to moderate a Kirk Session meeting in circumstances when the minister is unexpectedly unable to attend a meeting and unable to give permission in terms of sections 10 and 11(1) above; but this authorisation shall be subject to the terms of section 11(2) above.
14. In the absence of the minister, the *quorum* of the Kirk Session shall be three elders.

Miscellaneous

15. All Acts and Regulations of the General Assembly shall be interpreted consistently with this Act except as herein provided.
16. Notwithstanding the foregoing it shall be competent for a minister of another Church to act as Moderator of a Kirk Session in an ecumenical parish or united congregation or other association provided always that such minister is a member of a team along with a minister or ministers of the Church of Scotland in that ecumenical parish or united congregation or other association and that the arrangement for such minister to moderate a Kirk Session shall be incorporated in or added to the constitution of and shall apply only to such ecumenical parish or united congregation or other association and shall have the duly minuted approval of the Presbytery of the bounds.
17. The provisions of this Act shall apply *mutatis mutandis* to the chairing of a meeting of the congregation.
18. The provisions of this Act shall apply *mutatis mutandis* where the Moderator of the Kirk Session (as defined in section 1 above) is an interim Moderator, whether or not he or she is a minister.
19. For the avoidance of doubt and throughout this Act, the word 'deacon' refers to members of the Diaconate and not to members of Deacons' Courts.

Amendments and Repeals

20. Act X 1992 anent Moderators of Kirk Sessions is hereby repealed.
21. Section 34 of Act III 2000 (Consolidating Act anent Church Courts) is hereby repealed.