

IX. ADMISSION AND RE-ADMISSION OF MINISTERS ACT (ACT IX 2002) (AS AMENDED BY ACTS X 2004, II 2005, IV AND VII 2006, I, V AND VII 2009, IX 2015 AND XIV 2018)

Edinburgh, 25 May 2002, Session 1

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

1. In this Act the following definitions apply:
 - (a) "Applicants" are persons who have submitted an application in terms of this Act.
 - (b) "Certificate of Eligibility" has the meaning given in section 6(b)(i).
 - (c) "The Council" is the General Assembly's Ministries Council.
 - (d) "The Committee" is the Council's Recruitment Task Group.
 - (e) "OLM Certificate of Eligibility" has the meaning given in section 6(b)(iii).
 - (f) The "Review Panel" is a body appointed by the Committee but does not contain any of the Committee's voting membership. Its function is to assess the character and beliefs, education and experience, vocation, motivation and general suitability for ministry of those applicants referred to it by the Committee in terms of this Act, and to make recommendation to the Committee about each application.
 - (g) "Temporary Certificate of Eligibility" has the meaning given in section 6(b)(ii).
2. Applications in terms of this Act shall be submitted in the first instance to the Committee which is empowered, subject to the provisions of this Act, to make such Regulations for its procedure and to require such fees from applicants as it sees fit. The Committee shall issue a statement of such Regulations and Fees, the dates of the meetings of the Committee and the latest submission date for applications to be considered within a particular cycle of the Committee's meetings, for the guidance of applicants and for its own use.
3. Applications shall be presented in keeping with the style required by the Committee. They shall give full particulars as to the applicant's age, present Church connection, educational curriculum, medical history, ministerial career and other employment, together with a statement indicating the reasons for the applicant's wish to be admitted to the ministry of the Church of Scotland and the form of service which the applicant wishes to exercise. The application shall be accompanied by all the documents (originals, extracts or copies) necessary in the opinion of the Committee to substantiate the facts set forth, by the names of three referees, and by a statement indicating willingness to submit to a medical examination if this is considered necessary by the Committee.

Ministers and Deacons – Standard Procedure

4. (1) Ministers and deacons referred to in section 4(2) shall have their application considered in terms of sections 6 and 7 below. Such determinations shall be subject to the right of appeal set out in section 12 below.
 - (2) This section shall apply to any applicant who has been a minister or deacon of the Church of Scotland but who has been judicially deprived of status in terms of Act VII 1935 or Act III 2001 (as amended), notwithstanding that he or she may also belong to one of the categories specified in section 5; and subject to the right of any

Presbytery to require that the decision of the Committee be confirmed by the Commission of the General Assembly, at which the said Presbytery shall be required to appear and be heard.

Ministers and Deacons – Abbreviated Procedure

5. Applicants in the following categories shall have their applications considered in terms of section 6 below only:
 - (a) All ministers and deacons of other churches, and former ministers and deacons of the Church of Scotland not referred to in sub-section 4(2) above.
 - (b) All Graduate Candidates in respect of whom there is no current Graduate Candidate's certificate, except those referred to in paragraph 9(1)(d) below.
 - (c) Licentiates of the Church of Scotland who have held the status of Licentiate for more than five years.

It shall be the responsibility of the Committee to determine whether the applicant's ordination is recognised by the Church of Scotland before referring his or her application to the Review Panel. He or she may also belong to one of the categories specified in section 5(1) above.

Consideration by the Committee

6.
 - (a) It shall be the duty of the Committee to examine each application and such other documentation as it may require, to determine (in the light of the applicant's current ministerial status) whether admission should be to the full-time Ministry or the Ordained Local Ministry, to refer applications to the Review Panel as defined in section 1(d) above and receive its recommendation in respect of each applicant and to grant, with or without conditions, or refuse a Certificate of Eligibility or a Temporary Certificate of Eligibility. For the avoidance of doubt, the Committee shall have the right, always on its own initiative, to interview the Candidate after the recommendation of the Review Panel has been received. All decisions made by the Committee in fulfilment of this section shall be subject to the right of appeal set out in section 12 below.
 - (b) Subject to the provisions of the Vacancy Procedure Act (Act VIII 2003) section 27, the various Certificates which may be granted by the Committee shall be as follows:
 - (i) a "Certificate of Eligibility" entitles the holder to apply for charges and appointments open to ministers of the Church of Scotland, including team ministry posts as defined in section 16(2)(a) of Act VII 2003. Admission to the status of minister of the Church of Scotland shall take effect at the point of admission to membership of Presbytery, which, in the case of a Licentiate, shall involve ordination. Certificates of Eligibility shall be valid for three years from the date of issue.
 - (ii) a "Temporary Certificate of Eligibility" entitles the holder to apply for charges and appointments open to ministers of the Church of Scotland, including team ministry posts as defined in section 16(2)(a) of Act VII 2003, but to hold any such post for an initial period of three years only. The following shall also apply to the holder:
 - (A) The Certificate shall entitle the holder to hold a post for period of three years provided that post commences within thirty six months of the date on which the Temporary Certificate of Eligibility is granted.

- (B) At the request of the congregation where the holder is called or appointed and with the concurrence of the Presbytery and the Council, the initial period of three years may be extended for one further period of not more than three years.
 - (C) The holder, if inducted to a charge, shall be granted a seat in Presbytery.
 - (D) The holder shall retain status as a minister in their denomination of origin. Admission to the status of minister of the Church of Scotland shall only take effect if the holder makes application to the Council for such status. Such an application shall be considered at a one day Admissions Panel and the paperwork considered shall be as specified by the Council, to include an application form and references. At least one reference shall be provided from a person with knowledge of the holder's current post.
 - (E) Any employment contract which the holder enters into shall have a condition that it is an essential requirement for the person to hold a Temporary Certificate of Eligibility.
 - (F) The holder of a Temporary Certificate of Eligibility whose Certificate expires without him or her having successfully applied to be admitted to the status of minister of the Church of Scotland shall have no further right to apply for or hold charges or appointments open to ministers of the Church of Scotland, including team ministry posts as defined in section 16(2)(a) of Act VII 2003.
- (iii) An "OLM Certificate of Eligibility" entitles the holder to serve in the Church of Scotland in accordance with the provisions of the Ordained Local Ministry Act (Act IX 2011).
- (c) *Deleted by Act XIV 2018.*

Consideration by Presbytery

7. (a) In respect of applications made in terms of section 4 above, the Secretary of the Committee shall forward to the Presbytery of residence, or, in the case of an applicant who has not resided in Scotland for three months prior to the date of the application, to the Presbytery of Edinburgh, and to any Presbytery within whose bounds the applicant may have been permitted to be appointed as a minister pending the outcome of the application (a) a copy of the application in full, (b) copies of any documents obtained by the Committee. The Presbytery shall, before the date of the meeting at which the application is to be first considered, provide the Committee with its opinion of the application.
- (b) The Committee shall make an interim decision in respect of the application, and the Secretary of the Committee shall inform the applicant of that decision and invite the applicant to determine whether or not he or she wishes to continue the application or appeal the decision.
- (c) When the Secretary of the Committee receives from the applicant an indication of his or her desire to proceed with the application, he or she shall intimate to all Presbyteries the applications that have been received, for their information and comment before the date of the meeting of the Committee at which the application is to be finally considered in terms of section 6(a) above.

- (d) In the event that the interim decision of the Committee is not to allow the applicant to proceed, it shall be open to the applicant to appeal, as set out in section 12 below.

Ministers – Readmission Procedure

8 *This section was repealed in 2009.*

Licentiates and Graduate Candidates of the Church of Scotland

9. (1) This section shall apply to the following categories of person:
- (a) Holders of an expired Certificate of Entitlement granted in terms of Act X 2004,
 - (b) *This sub-section was repealed in 2009*
 - (c) Candidates in respect of whom more than three years have passed since any formal training was undertaken in terms of Act X 2004 (as amended), or
 - (d) Graduate Candidates in respect of whom a Graduate Candidate's certificate has been withheld by the Presbytery in terms of section 22 of Act X 2004.
- (2) Sections 3 to 11 of Act X 2004 shall apply to those referred to in Section 9(1), and upon acceptance and nomination they shall be obliged to fulfil any training or familiarisation process determined by the Committee.
- (3) Upon completion of the requirements of section 9(2), those referred to in section 9(1) shall have the status, privileges and responsibilities of a Graduate Candidate as defined in section 22 of Act X 2004.

Licentiates, Ordinands etc of Other Churches

10. Licentiates, ordinands, graduate candidates and those of comparable status, from Churches whose ordination is recognised by the Committee, shall be subject to the provisions of sections 3 to 11 of Act X 2004. For the purposes of this Act the Committee shall determine how to apply those provisions to applications in terms of this section, subject to the right of appeal set out in section 12 below.
11. A successful applicant shall be admitted to the status of Graduate Candidate as defined in section 22 of Act X 2004, subject to the completion (at the applicant's own cost) of such academic requirements, placements or other practical training, course work or conference work determined by the Committee, subject to the right of appeal set out in section 12 below.

Appeals

12. For the purposes of appeals against decisions of the Committee in terms of this Act, the Ministries Appeal Panel Act (Act VI 2007) shall apply, and the procedure shall be the ordinary appeals procedure set out in the Standing Orders of the General Assembly and referred to in section 3 of the said Act VI 2007. An appeal can only be brought on one or more of the following grounds: (a) that in the course of the Admissions or Readmissions procedure there were irregularities in the process, (b) that the final decision was influenced by incorrect material fact, or (c) that the Committee acted contrary to the principles of natural justice.

Confidentiality

13. Each application and all procedure under this Act shall be taken in private by the Council and by Presbyteries.

The Diaconate

14. The provisions of this Act shall apply to members of the diaconal ministry of the Church of Scotland and other Churches. The Committee shall be responsible for determining the interpretation of this Act consistently with the provisions of Act VIII 2010; such determinations shall be subject to the right of appeal set out in section 12 above.

Repeals and Amendments

15. (1) Act III 1995 and the Regulations appended thereto, are hereby repealed.
(2) Section 28 of Act V 1998 (as amended) is hereby repealed.
(3) The Discipline of Ministry Act (Act III 2001) shall be amended as follows: section 1(1)(h)(iii) shall be amended to read 'removal of status, subject to restoration only by application in terms of Act IX 2002.'

Interpretation of Acts

16. Acts XI 1994 and VI 2007 shall be interpreted in conformity with this Act.