

The Church of Scotland  
**General Assembly**

**2018**

REMITS BOOKLET



Scottish Charity Number: SC011353

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# OVERTURE UNDER THE BARRIER ACT

## DISCIPLINE OVERTURE

*The General Assembly adopt the Overture the tenor whereof follows, and transmit the same to Presbyteries for their consideration under the Barrier Act, directing that returns be sent to the Principal Clerk not later than 31 December 2018.*

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

### **Part 1 DEFINITIONS, INTERPRETATION AND PRELIMINARY MATTERS**

1. For the purposes of this Act:

- (1) “Administrative Suspension” shall mean an instruction given, at any stage of proceedings in terms of this Act, by a Presbytery or any Committee or individuals holding delegated powers from Presbytery so to do, to a Respondent to abstain from the exercise of all of the functions of the office held by the Respondent until the final disposal of proceedings under this Act and “Administratively Suspended” shall be construed accordingly. For the avoidance of doubt, Administrative Suspension shall not constitute or form a part of any form of Censure.
- (2) “Adviser” shall mean a Minister, being a member of Presbytery, selected from a list maintained by the Legal Questions Committee, who acts as an adviser to an Assessor.
- (3) “Alternative Contact” shall mean the alternative contact to the Presbytery Clerk in terms of the Complaints Procedure.
- (4) “Assessor” shall mean (i) an Elder, being a member of a Kirk Session, who is legally qualified and has knowledge of Church Law, or (ii) a solicitor employed in the Church’s Law Department, or (iii) an investigator with experience of the investigation of professional misconduct: any such person in category (i), (ii) or (iii) being appointed from a panel of Assessors in terms of section 17(2), and all Assessors being appointed to the panel by the General Assembly on the nomination of the Nomination Committee.
- (5) “Auxiliary Minister” shall have the meaning ascribed to it in the Registration of Ministries Act (Act II 2017).
- (6) “breach” shall mean material breach.
- (7) “Bullying” shall mean a course of conduct (i.e. conduct which occurs on at least two occasions) amounting to offensive, threatening, abusive, malicious, intimidating or insulting behaviour that may be an abuse or misuse of power, position or knowledge through means that undermine, humiliate, denigrate or injure the person concerned and which is behaviour occurring in circumstances where it would appear to a reasonable individual that it would amount to bullying of that person.

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- (8) "Censure" shall have the meaning given to it in Part 10.
- (9) "Censure with consent" shall mean a Censure consented to by the Respondent.
- (10) "Complainer" shall mean a person, Committee or other body making a Disciplinary Complaint.
- (11) "Complaints Procedure" shall mean the complaints procedure operated by Presbyteries as initially approved by deliverance of the General Assembly of 2014 and as amended from time to time.
- (12) "Council" shall mean the Ministries Council or any Task Group or Committee of the Ministries Council.
- (13) "Deacon" shall have the meaning ascribed to it in the Registration of Ministries Act (Act II 2017).
- (14) "Disciplinary Complaint" shall mean (i) a written allegation or allegations that a Disciplinary Offence has been committed or (ii) circumstances coming to the attention of Presbytery which indicate that a Disciplinary Offence may have been committed.
- (15) "Disciplinary Offence" shall have the meaning assigned to it in Part 4.
- (16) "Disciplinary Proceedings" shall mean those proceedings carried out in accordance with the provisions of Part 8 in respect of any Disciplinary Offence alleged to have been committed by a Respondent.
- (17) "Discipline Tribunal" shall mean a body of three or five persons drawn from the Judicial Panel and constituted to hear Disciplinary Proceedings under this Act, more particularly described in section 7.
- (18) "Elder" shall mean a person ordained as an elder (whether or not serving on a Kirk Session, save where otherwise specified in this Act).
- (19) "Graduate Candidate" shall have the meaning ascribed to it in the Selection and Training for Full-Time Ministry Act (Act X 2004).
- (20) "Harassment" shall mean unwanted physical, verbal or non-verbal conduct related to a Protected Characteristic which has the purpose or effect of violating the dignity of another person or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person, declaring that in deciding whether conduct has that effect, there shall be taken into account the perception of that person, the other circumstances of the case and whether it is reasonable for the conduct to have that effect.
- (21) "Investigatory Proceedings" shall mean those proceedings carried out in accordance with the provisions of Part 7 in respect of any Disciplinary Offence alleged to have been committed by a Respondent.
- (22) "Judicial Commission" means the Judicial Commission as defined in the Appeals Act (Act I 2014).

- (23) "Judicial Panel" shall mean the pool of persons from which shall be appointed (a) a Reviewer, and (b) the members to serve on the Discipline Tribunal and the Judicial Commission.
- (24) "Judicial Suspension" shall mean any suspension imposed as a Censure in terms of Part 10.
- (25) "Legal Aid Fund" shall mean the Fund maintained by the Legal Questions Committee in terms of the Legal Aid in Disciplinary Proceedings Regulations (Regulations X 2018).
- (26) "Licentiate" shall have the meaning ascribed to it in the Candidates, Licentiates and Probationers Act (Act XI 1994).
- (27) "Minister" and "Minister of Word and Sacrament" shall have the meanings respectively ascribed to them in the Registration of Ministries Act 2017 (Act II 2017).
- (28) "Office-Bearer" shall, for the purposes of this Act only, mean an individual who is serving on a Congregational Board, Deacons' Court or Board of Management, or any other body deemed by the Presbytery to form part of the governance arrangements of any congregation, or on any committee of any of these bodies or of a Kirk Session or Presbytery, and shall, for the avoidance of doubt, include all Clerks and Treasurers, whether or not such individuals are serving as voting members of any such governing body.
- (29) "Ordained Local Minister" shall have the meaning ascribed to it in the Registration of Ministries Act (Act II 2017).
- (30) "Procedural Review" shall mean a procedural review carried out by a Reviewer in terms of sections 19(3), 22(2) or 27.
- (31) "Protected Characteristic" shall mean any of the following:  
Age  
Disability  
Gender re-assignment  
Race  
Religion or belief  
Sex  
Sexual orientation
- (32) "Reader" shall have the meaning ascribed to it in the Readership Act (Act XVII 1992).
- (33) "Referral" shall mean the referral by a Presbytery of a Disciplinary Complaint to an Assessor in terms of Part 5.
- (34) "Register of Ministry" shall mean the Register referred to in section 2 of the Registration of Ministries Act (Act II 2017).

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- (35) "Respondent" shall mean a person referred to in section 10 against whom a Disciplinary Complaint has been made or has arisen.
- (36) "Reviewer" shall mean a person selected from the Judicial Panel and appointed by the Convener or Vice-Convener of the Legal Questions Committee to carry out a Procedural Review.
- (37) "Victimisation" shall mean subjecting another person to a detriment because that person has brought a Disciplinary Complaint under this Act, given evidence or information in connection with proceedings under this Act, or done any other thing for the purposes of or in connection with this Act, unless that person acted in bad faith in so doing.
2. For the purposes of this Act (a) the singular shall include the plural unless the contrary intention appears; (b) any reference to a "section" or a "Part" shall be to a section or Part of this Act, (c) any reference to "days" in relation to periods of time or time limits shall be to consecutive calendar days, and (d) any reference to an Act of the UK or Scottish Parliament shall include a reference to any subsequent modification, replacement or re-enactment thereof.
3. Meetings of the Assessor and the Adviser or of the Discipline Tribunal may be held by conference telephone call, video conference or the like electronic means and proceedings at any meeting held by such means shall be as valid as if the Assessor and Adviser or the members of such Tribunal and any other parties, recorded as attending such meeting, had all been physically present, in person, at a single geographic location.
4. No Assessor, Adviser or Reviewer shall:
- (1) take part in any proceedings involving the Presbytery of which they are a member or in which the Kirk Session of which they are a member is situated; or
  - (2) be appointed to the Discipline Tribunal or a Judicial Commission in any single case or series of related cases in which they have acted as Assessor, Adviser or Reviewer, which proceeds against any Respondent in terms of this Act.
5. The rules of civil evidence in Scots Law shall apply to the conduct of any proceedings governed by this Act and the standard of proof required shall be the balance of probabilities. Where the Disciplinary Complaint is the same as, or substantially similar to, any charge brought against the Respondent in criminal law and the Respondent is proved to have been convicted of the offence in criminal law, by or before any court in the United Kingdom, then the Respondent shall be taken to have committed that offence, unless the contrary is proved.
6. (1) The Assessor may sist proceedings under this Act at any time, in whole or in part, in any of the following situations: (i) pending the outcome of any civil or criminal proceedings or relevant investigations which relate to the Complaint, (ii) due to the ill-health of the Respondent or of a material witness which, in the opinion of the Assessor, having taken such professional advice or considered such evidence as they consider appropriate, prevents the Respondent or material witness from taking part in such proceedings; or (iii) for any other reason which the Assessor deems appropriate.

(2) Once a sist has been imposed, it shall be presumed to continue until such time as the circumstances leading to its imposition no longer pertain, but the appropriateness of the sist continuing shall be subject to review, upon request by the Respondent, at three-monthly intervals from the date of its imposition. Each such review shall be undertaken and decided upon by the Convener, whom failing the Vice-Convener, of the Legal Questions Committee, who shall have power to lift the sist upon cause shown by the Respondent. In making a decision, the Convener or Vice-Convener of the Legal Questions Committee shall first consult with the Solicitor of the Church and the Principal Clerk.

7. The Discipline Tribunal shall be variously constituted as follows:

(1) In the circumstances of a matter proceeding under Part 8 (*Disciplinary Proceedings*), it shall mean a body of up to five persons, of whom at least one is a Minister or Deacon and one is an Elder, three persons being selected from the Judicial Panel together with a Convener and a Vice-Convener appointed in terms of section 16 of the Appeals Act (Act I 2014). In this case the quorum of the Tribunal shall be three persons, one of whom must be the Convener, or

(2) In the circumstances of a matter proceeding under Part 9 (*Accelerated Procedure*) it shall mean a body of up to three persons, comprising one Minister and one Elder selected from the Judicial Panel, together with a Convener appointed in terms of section 16 of the Appeals Act (Act I 2014). In this case the quorum of the Tribunal shall be two persons, one of whom must be the Convener.

The Solicitor of the Church shall normally serve as Secretary to the Discipline Tribunal but may appoint a Depute to act in his or her place in any particular case. The Secretary shall not be a member of the Discipline Tribunal.

8. Where an Assessor becomes unable to continue with consideration of and/or investigation of and/or disciplinary proceedings in respect of a Disciplinary Complaint, then a new Assessor shall be appointed and the consideration and/or investigation and/or disciplinary proceedings shall continue, subject to all time limits which apply being recalculated to start again as if the Referral had been made on the date on which the new Assessor is appointed.

9. When, in the course of proceedings under the Local Church Review Act (Act I 2011) or the Congregations in an Unsatisfactory State Act (Act I 1988), the Presbytery receives a Disciplinary Complaint indicating that a Disciplinary Offence may have been committed by a Respondent, it may proceed in one of the following ways: (i) it may proceed simultaneously in terms of this Act, or (ii) it may resolve to initiate proceedings under this Act following the completion of the existing proceedings, or (iii) it may resolve to sist the existing proceedings and initiate proceedings under this Act.

## **PART 2 THOSE SUBJECT TO DISCIPLINE IN TERMS OF THIS ACT**

10. The following shall be subject to discipline in terms of this Act:
- (1) Ministers of Word and Sacrament;
  - (2) Licentiates;
  - (3) Graduate Candidates;
  - (4) Deacons;
  - (5) Readers;
  - (6) Candidates and Probationers in training for the Ministry of Word and Sacrament and Diaconate as referred to in the Selection and Training for Full-Time Ministry Act (Act X 2004);
  - (7) Candidates in training for the Readership as referred to in the Readership Act (Act XVII 1992);
  - (8) Elders;
  - (9) Office-Bearers;
  - (10) Persons holding Certificates of Eligibility issued under the Admission and Re-admission of Ministers Act (Act IX 2002).

## **PART 3 JURISDICTION**

11. It is declared that any proceedings under this Act are part of the exclusive jurisdiction of the Church and in accordance with the Articles Declaratory of the Constitution of the Church of Scotland in Matters Spiritual, as hereby interpreted by the Church.
12. Where an individual against whom an allegation made in terms of this Act is an employee of any congregation or any Court or Committee of the Church, nothing in this Act shall prejudice the application of civil employment law.
13. For the avoidance of doubt, it is declared that nothing in this Act shall reduce the general power of Presbytery to impose an Administrative Suspension on any individual subject to its jurisdiction in terms of this Act, at any time.
14. (1) Proceedings under this Act shall be initiated by the Presbytery having jurisdiction in terms of this section.
- (2) Ministers of Word and Sacrament and Deacons shall be subject to the jurisdiction of the Presbytery with which they are registered on the Register of Ministry created by the Registration of Ministry Act (Act II 2017).

- (3) Licentiates shall be subject to the jurisdiction of the Presbytery within the bounds of which is the congregation of which they are a member, which failing, the Presbytery of Edinburgh.
  - (4) Candidates and Probationers in training for the Ministry of Word and Sacrament and Diaconate shall be subject to the jurisdiction of the Presbytery which is supervising them, in terms of sections 18 and 19 of the Selection and Training for Full-Time Ministry Act (Act X 2004).
  - (5) Candidates in training for the Readership shall be subject to the jurisdiction of the Presbytery which appoints the regent referred to in section 2(e) of the Readership Act (Act XVII 1992).
  - (6) Graduate Candidates shall be subject to the jurisdiction of the Presbytery which issued their Graduate Candidate's Certificate in terms of section 22 of the Selection and Training for Full-Time Ministry Act (Act X 2004).
  - (7) Elders and Office-Bearers shall be subject to the jurisdiction of the Presbytery within the bounds of which is the congregation of which they are a member or in which they serve as an Office-Bearer.
  - (8) Readers shall be subject to the jurisdiction of the Presbytery upon the Roll of which they appear.
  - (9) Persons holding Certificates of Eligibility issued under the Admission and Re-admission of Ministers Act (Act IX 2002) shall be subject to the jurisdiction of the Presbytery within the bounds of which they normally reside, which failing, the Presbytery of Edinburgh.
15. Should a Disciplinary Complaint come to the notice of a Presbytery other than that having jurisdiction in terms of this Part 3, it shall communicate the same to the Presbytery having jurisdiction, together with all information pertaining thereto in its possession.

## **PART 4 DISCIPLINARY OFFENCES**

16. "Disciplinary Offence" shall mean:
- (1) conduct which is declared censurable by the Word of God;
  - (2) a breach of an Act, Regulation or Deliverance of the General Assembly;
  - (3) a breach of an established custom of the Church;
  - (4) a breach of an order or instruction of any court of the Church or Committee;
  - (5) a breach of a Respondent's vows of ordination;
  - (6) a refusal to accept, or an attempt to subvert, the authority of any court of the Church or Committee;

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- (7) conduct unbecoming the office held by the Respondent in the Church or likely to reflect adversely on the Church or bring its name into disrepute;
- (8) conduct which is not in conformity with the law or practice of the Church and which constitutes direct or indirect discrimination in terms of the Equality Act 2010;
- (9) Harassment or Victimisation as defined in sections 1(20) and 1(36) respectively;
- (10) dishonest or deceitful behaviour;
- (11) Bullying;
- (12) conduct which results in the placing of the name of a Respondent on the Sex Offenders' Register or the Respondent's inclusion on the Children's List and/or the Adults' List kept under section 1(1) of the Protection of Vulnerable Groups (Scotland) Act 2007;
- (13) failure by an individual to advise the Church's Safeguarding Service of (a) any act, default or omission, or (b) any circumstances arising, bearing upon that individual's suitability to undertake Regulated Work as defined in the Protection of Vulnerable Groups (Scotland) Act 2007;
- (14) other than as permitted in terms of this Act, the issuing by any person subject to this Act of any form of statement about, or details concerning, the alleged Disciplinary Offence, or participating in any interview or discussion with the media or publishing any material on social media regarding an alleged Disciplinary Offence, in all cases after the Presbytery receives notice of an alleged Disciplinary Offence and until the conclusion of any Disciplinary Proceedings and any appeals relating thereto; and
- (15) disobedience of an Instruction issued under section 40.

## **PART 5 REFERRAL**

17. (1) Whenever a Disciplinary Complaint comes to the notice of the Presbytery, it shall be considered by the Presbytery Clerk (or the Alternative Contact), whom failing, any member of Presbytery holding delegated powers from Presbytery to act for the Presbytery in respect of the Complaints Procedure or otherwise holding delegated powers from Presbytery to deal with matters of discipline.

- (2) If, following consideration in terms of section 17(1), it is decided that the Disciplinary Complaint should be considered under this Act, the Presbytery shall appoint an Assessor and shall refer the consideration of such Disciplinary Complaint to such Assessor. Before making a decision that the Disciplinary Complaint should not be considered under this Act, the Presbytery Clerk shall seek the advice of the Principal Clerk.
- (3) Consideration shall also be given at this stage as to whether or not an Administrative Suspension should be imposed on the Respondent in terms of Part 6.
- (4) Where there is a Complainer, the Presbytery Clerk shall send written acknowledgement of the Disciplinary Complaint to the Complainer within seven (7) days of its receipt.
- (5) Once a Referral has been made, the following restrictions shall apply to a Respondent (with the exception of those Respondents referred to in section 10(9)) until such time as proceedings under this Act are finally disposed of:
  - (a) the Respondent shall not be entitled to demit his or her status or to resign from a Church appointment; a Minister of Word and Sacrament or a Deacon shall be permitted to demit his or her charge or to resign from a Church appointment, but if he or she does so, he or she shall remain under the jurisdiction of the Presbytery until proceedings under this Act are finally disposed of; and
  - (b) the Council may not issue an extract of the Respondent's entry in the Register of Ministry if he or she seeks to leave the jurisdiction of the Presbytery.
- (6) The Presbytery Clerk shall write to the Respondent to confirm that a Disciplinary Complaint has been received, advising as to its general nature and confirming that a Referral has been made and in addition, shall confirm the matters referred to in sub-paragraphs (a) and (b) above of subsection (5). The Presbytery Clerk shall, at the same time, send to the Respondent copies of (a) this Act and (b) the Guidance for Respondents prepared in terms of Part 16 and shall notify the Secretary of the Council in writing that the Referral has been made.
- (7) Notwithstanding subsection (5) above, a Respondent may, provided that no appeal is being taken to the Judicial Commission and provided also that the procedure set out in section 33 of Act VIII 2003 is followed, demit status at any time after the Discipline Tribunal issues a decision on Censure in the Respondent's case.
- (8) At the same time as appointing the Assessor, the Presbytery shall make suitable arrangements for the provision of pastoral support for (i) the Respondent and his or her family, (ii) any Complainer(s), (iii) any witnesses in respect of the Disciplinary Complaint residing within the bounds of the Presbytery, (iv) the congregation and (v) any Office-Bearers involved in the Disciplinary Complaint. The Presbytery may call upon a neighbouring Presbytery and/or the Secretary of

the Council to assist in the provision of pastoral support. The Presbytery Clerk shall make a written report on the arrangements, so made, to the Assessor, when appointed.

- (9) In the Assessor's report to the Presbytery in terms of section 19(1), the Assessor shall comment on the arrangements for pastoral support made by the Presbytery in terms of section 17(8), providing an assessment as to their adequacy and may raise any inadequacy with Presbytery during the course of his or her consideration of the Referral and may make suggestions as to how such inadequacy could be rectified.
  - (10) Except insofar as provided herein, once an Assessor has been appointed, the Presbytery shall have no further part in the proceedings.
18. (1) The Presbytery shall also appoint an Adviser to work with the Assessor on the Disciplinary Complaint. The Adviser shall provide support to the Assessor and may be present at any interview conducted by the Assessor. Before taking any decisions under this Act, the Assessor shall consult with the Adviser.
- (2) The Assessor will consider the Disciplinary Complaint and, if necessary, obtain any additional information, to allow the Assessor to decide whether the Disciplinary Complaint falls into one or more of the following categories:
- (a) it is in a form which cannot sensibly be responded to, or
  - (b) it is otherwise an abuse of process, or
  - (c) it is frivolous or vexatious, or
  - (d) it has no reasonable prospect of providing grounds for disciplinary action in terms of this Act, or
  - (e) it would be more appropriately dealt with by the Presbytery under the Complaints Procedure, or
  - (f) it is suitable to be dealt with in terms of the Alternative Dispute Resolution Processes Act 2014 (Act VI 2014) or otherwise by mediation, conciliation or facilitated conversation or similar processes, or
  - (g) the Presbytery has no jurisdiction to consider the Disciplinary Complaint, or
  - (h) it cannot be pursued because a Complainer is not willing to be identified to the Respondent, or is not willing to disclose a document to the Respondent and there is no other evidence supporting the Disciplinary Complaint.
19. (1) Within twenty eight (28) days of the receipt of the Referral by the Assessor, he or she shall decide whether the Disciplinary Complaint satisfies any of the criteria set out in section 18(2). The Assessor shall confirm this in a report sent to the Presbytery, the Complainer (if any) and the Respondent. Where the Assessor decides that the Disciplinary Complaint satisfies any of the criteria set out in section 18(2), he or she shall also state whether the Disciplinary

Complaint should be considered by Presbytery in terms of the Complaints Procedure. When the Assessor decides that the Disciplinary Complaint satisfies any of the criteria set out in section 18(2) the Assessor shall, at the same time advise the Presbytery and the Complainer of their right to a Procedural Review.

- (2) For the avoidance of doubt, a decision by the Assessor that the Disciplinary Complaint satisfies any of the criteria set out in section 18(2) shall not be subject to appeal or dissent and complaint or any other form of review, other than a Procedural Review carried out by a Reviewer.
- (3) With respect to a Procedural Review the following will apply:
  - (a) A Procedural Review must be requested by the Presbytery or the Complainer within fourteen (14) days of the date upon which the Assessor reported his or her decision to the Presbytery and the Complainer.
  - (b) A Procedural Review can be sought only on one or both of the following grounds: (a) that there was an irregularity in the process followed by the Assessor which materially influenced his or her decision; and/or, (b) that his or her decision was materially influenced by incorrect material fact.
  - (c) Such request shall be made by sending or delivering a written request to the Presbytery Clerk, and such request shall also intimate, in brief, specific, numbered propositions, the grounds in subsection (b) above relied on by the Presbytery or the Complainer.
  - (d) In the event that the Reviewer determines that one or both of the foregoing grounds have been established, he or she shall order a new Referral to be made to a different Assessor.
  - (e) In the event that the Reviewer determines that neither of the foregoing grounds has been established, the decision of the Assessor shall be deemed to have become final.
  - (f) The decision of the Reviewer as regards the Procedural Review shall be final and not subject to appeal, dissent and complaint or any other form of further review.

## **PART 6 ADMINISTRATIVE SUSPENSION**

20. (1) At any time after a Disciplinary Complaint comes to the notice of the Presbytery, the Presbytery, or any Committee or individuals holding delegated powers from Presbytery so to do, shall be entitled, at its or their discretion, to impose an Administrative Suspension on the Respondent. This entitlement shall be without prejudice to the general power of Presbytery described in section 13.
- (2) In the event that the Respondent is a Minister and he or she has been Administratively Suspended, the Presbytery shall appoint an Interim Moderator to the Respondent's charge.

- (3) Without prejudice to section 20(1), where the Respondent is a Candidate or Probationer in terms of section 10(6) or 10(7), the Council may impose an Administrative Suspension on the Respondent in respect of their candidature or Probationer training, as the case may be, pending a decision in terms of section 20(1) by the Presbytery or any Committee or individuals holding delegated powers from Presbytery, as the case may be. The Secretary of the Council shall advise the relevant Presbytery of any Administrative Suspension so imposed.
- (4) If the Respondent falls within section 10(1), (2), (3), (4), (5), (6), (7) or (10) then the Presbytery shall advise the Secretary to the Council of the fact that an Administrative Suspension has been imposed.
- (5) Once an Administrative Suspension has been imposed, it shall be presumed to continue until such time as the circumstances leading to its imposition no longer pertain; but the Administrative Suspension shall be subject to review, upon request by the Respondent or the Assessor, at three-monthly intervals from the date of its imposition. Each such review shall be undertaken and decided upon by the Convener, whom failing the Vice-Convener, of the Legal Questions Committee, who shall have power to lift the Administrative Suspension upon cause shown by the Respondent or the Assessor. In making a decision, the Convener or Vice-Convener of the Legal Questions Committee shall first consult with the Solicitor of the Church and the Principal Clerk.

## **PART 7 INVESTIGATORY PROCEEDINGS**

21. (1) If the Assessor, following consideration in terms of section 19(1) decides to commence Investigatory Proceedings, he or she shall:
  - (a) intimate in writing to the Respondent the terms of the Disciplinary Complaint and the nature of the evidence purported to exist in support of it;
  - (b) invite the Respondent to provide a written answer to the Disciplinary Complaint to the Assessor within fourteen (14) days of the Respondent's receipt of such intimation, always provided that the Respondent shall not be obliged to answer; and
  - (c) give notice to the Presbytery of the commencement of Investigatory Proceedings.
22. (1) Within fourteen (14) days of the Assessor's receipt of the Respondent's written answer to the Disciplinary Complaint (or if no such written answer is received, within twenty eight (28) days of the likely receipt by the Respondent of the Assessor's invitation in terms of section 21(1)(b)), the Assessor must decide which one of the following courses of action to take:
  - (a) to determine that the Respondent has no case to answer in terms of this Act;

- (b) to offer the Respondent, with the consent and concurrence in writing, of a Convener (or Vice-Convener) of the Discipline Tribunal an opportunity to consent to a Censure, available for acceptance for a period of twenty eight (28) days, in order to conclude the Investigatory Proceedings, the Respondent having received legal advice; or
    - (c) to continue to investigate the Disciplinary Complaint.
  - (2) In the case of a decision by the Assessor in terms of section 22(1)(a), such decision shall not be subject to appeal or dissent and complaint or any other form of review, other than a Procedural Review carried out by a Reviewer on the same basis as set out in section 19(3). The Assessor shall confirm any decision in terms of section 22(1)(a) in a report sent to the Presbytery, the Complainer (if any) and the Respondent, which report shall include a statement of the reasons for his or her decision. In intimating his or her decision and the reasons, the Assessor shall advise the Presbytery and the Complainer (if any) of their right to a Procedural Review.
23. An offer of a Censure with consent, in terms of section 22(1)(b) shall be open for acceptance by the Respondent within a period of twenty eight (28) days from the date of issue and if not so accepted shall be deemed to be refused. If such an offer is accepted, the Censure with consent shall be recorded as is appropriate, depending on the person and on the type of Censure with consent, according to the general scheme specified in Part 10 and in each case, the recording of the Censure with consent shall conclude the Investigatory Proceedings, subject only to further procedure under Part 13.
24. (1) In the event that the Assessor decides to continue to investigate the Disciplinary Complaint in terms of section 22(1)(c), the Assessor shall carry out such investigations as he or she, in his or her sole discretion, deems necessary to determine whether a Disciplinary Offence may have been committed. Subject to subsection (2), such investigations shall be concluded within twenty eight (28) days of the date on which the Assessor's decision, in terms of section 22, is made.
- (2) The Convener, whom failing the Vice-Convener, of the Legal Questions Committee shall have power, on cause shown by the Assessor or the Respondent, to grant a further period or periods for completion of the investigation. Reasons for the Convener's or Vice-Convener's decision shall be given. In making a decision, the Convener or Vice-Convener of the Legal Questions Committee shall first consult with the Solicitor of the Church and the Principal Clerk. No second or subsequent extension shall be granted without the Respondent being given the opportunity to make representations as to whether or not the extension should be granted.
  - (3) In all cases under this Act, the Assessor shall keep a record of the Investigatory Proceedings. The record shall comprise all evidence obtained by the Assessor including witness statements. Any of the interviews conducted by the Assessor may be digitally recorded at the option of the Assessor.

25. If, in the course of the Investigatory Proceedings, an Assessor becomes aware of further allegations against the Respondent, which may constitute a Disciplinary Offence, then the Assessor shall proceed to consider and, if appropriate, investigate such allegations in terms of this Part.
26. At the conclusion of the Assessor's investigation and before deciding whether to initiate Disciplinary Proceedings under Part 8, the Assessor shall again make known to the Respondent the substance of the Disciplinary Complaint being considered by the Assessor and the nature of the evidence existing in support of it and shall offer the Respondent the opportunity to make any answer thereto, in person or in writing; provided that he or she shall not be obliged to answer.
27. (1) Upon consideration of the Disciplinary Complaint and evidence submitted and of any answers given, the Assessor shall be entitled to resolve that no further investigation shall be carried out and that no Disciplinary Proceedings should be instituted if there is no *prima facie* case to answer. In that event, the Assessor shall confirm this in a report sent to the Presbytery, the Complainer (if any) and the Respondent, which report shall include a statement of the reasons for his or her decision. In intimating his or her decision, the Assessor shall advise the Presbytery and the Complainer (if any) of their right to a Procedural Review.
- (2) At such time, the Assessor may also issue guidance to the Respondent regarding his or her conduct. Such guidance will be kept in the Record referred to in section 24(3).
- (3) For the avoidance of doubt, a decision not to initiate Disciplinary Proceedings against the Respondent, in relation to the whole or any part of a Complaint, shall not be subject to appeal or dissent and complaint or any other form of review other than a Procedural Review carried out by a Reviewer in terms of section 19(3).
- (4) In the circumstances where either (i) no Procedural Review is requested within the time frame applicable and that time frame has expired, or (ii) a Procedural Review takes place and the decision of the Assessor is upheld, then Presbytery shall thereafter recall any Administrative Suspension imposed in terms of sections 13 or 20.

## **PART 8 DISCIPLINARY PROCEEDINGS**

28. (1) In the event that the Assessor decides to initiate Disciplinary Proceedings, he or she shall prepare (a) a Notice of Complaint setting forth the alleged Disciplinary Offence or Disciplinary Offences (hereinafter referred to as "Charge" or "Charges") in respect of which it is proposed that Disciplinary Proceedings should be commenced, and (b) a summary of the evidence, whether from witnesses, documents or otherwise, that is considered to support the Charge or Charges made.

## Discipline Overture.....

- (2) The Notice of Complaint will run in the name of the Presbytery and will be in such form that, in respect of each Disciplinary Offence, there is set out the date(s), time(s) and place(s) of the Disciplinary Offence(s) and the facts necessary to constitute the Disciplinary Offence(s).
  - (3) The Assessor shall also intimate to Presbytery his or her decision to initiate Disciplinary Proceedings.
29. (1) The Assessor shall initiate Disciplinary Proceedings by lodging with the Solicitor of the Church:
- (a) the Notice of Complaint;
  - (b) a list of the names and addresses of the witnesses to be adduced by the Assessor;
  - (c) a list of the productions to be put in evidence by the Assessor;
  - (d) the summary of the evidence referred to in section 28(1)(b); and
  - (e) a request to appoint a first diet and to grant a warrant to the Assessor for service of the Notice of Complaint and to cite the Respondent to attend the first diet.
- (2) The Solicitor of the Church shall notify the Convener and Vice-Convener of the Legal Questions Committee and arrange for the selection of a Discipline Tribunal and shall, thereafter, in the name of the Tribunal:
- (a) fix a date for the first diet, being a date not earlier than fourteen days after the expiry of the period specified for intimation and service; and
  - (b) serve the Notice of Complaint on and intimate the first diet and a list of the names of those selected to serve on the Discipline Tribunal to, the Respondent within such period as he or she shall appoint.
- (3) The Solicitor of the Church shall, within the period fixed for intimation and service, intimate to the Respondent the date fixed for the first diet and shall serve upon him or her by both first class and "signed for" post or personally by means of a Sheriff Officer:
- (a) the Notice of Complaint and lists of witnesses and productions; and
  - (b) a summary of the evidence specified in section 28(1)(b).
- In intimating the date of the first diet, the Solicitor of the Church shall draw to the attention of the Respondent the provisions of section 32 as to failure to appear.
- (4) In the event that service of the Notice of Complaint has not been timeously or regularly effected, the Solicitor shall as aforesaid:
- (a) re-serve the Notice of Complaint as above; and

- (b) fix a fresh date for the first diet, being a date not earlier than fourteen days after the expiry of the period specified for the fresh intimation and service.

30. (1) The first diet will be held before the Discipline Tribunal.

(2) At the first diet the Respondent may challenge:

- (a) the competency or relevancy of the Notice of Complaint; or
- (b) the constitution of the Discipline Tribunal:

provided that, in respect of any challenge to the competency or relevancy of the Notice of Complaint, intimation of the ground of such challenge must be given to the Assessor and the Secretary to the Discipline Tribunal not later than twenty four (24) hours before the diet is due to be held, and any challenge to constitution shall be disposed of immediately, unless the Discipline Tribunal consider that the matter cannot be decided without proof.

(3) At the first diet the Discipline Tribunal may:

- (a) adjourn the first diet for any reason;
- (b) allow the Notice of Complaint to be amended by deletion, alteration or addition, so as to cure any error or defect in it or meet any objection to it, on such conditions as they think fit;
- (c) sustain or repel any challenge to the competency or relevancy of the Notice of Complaint in whole or in part;
- (d) defer consideration of such challenge until after proof,
- (e) deal with any practical and/or procedural matters related to the Notice of Complaint which can usefully and expeditiously be dealt with at the first diet. The Discipline Tribunal shall have the power to make any order or determination which is just and reasonable, which order or determination shall be final.

(4) After disposal or deferment of any challenge referred to in subsection (2) above, the Respondent shall be required to state whether he or she admits or denies each of the Charges, if any, which remain on the Notice of Complaint.

(5) Where the Respondent admits all the individual Charges brought, the Discipline Tribunal shall, after hearing and considering any statement by the Assessor and any statement by or on behalf of the Respondent in mitigation, pass such Censure upon the Respondent as appears to it appropriate or discharge the Respondent and shall record its decision in a document signed by the Convener. The provisions of section 37(1) shall apply.

(6) Where the Respondent denies some, or all, of the Charges brought, the Discipline Tribunal will appoint a date for the proof of those charges which are denied and defer consideration of the question of Censure in respect of any

Charges which are admitted, until close of the proof; provided that the Assessor may:

- (a) accept any denial of any individual Charge; or
- (b) accept an admission of an individual Charge in part;

in which case the proof will be confined to those Charges which are denied and which denial is not accepted by the Assessor.

- (7) The date appointed for proof shall be not less than twenty eight (28) days nor more than fifty six (56) days after the first diet or any adjournment thereof, but the Discipline Tribunal shall have power, upon cause shown by either party, to fix a date outwith that period, or to adjourn the proof diet.
- (8) Where the Discipline Tribunal has appointed a date for proof, it may make an Order requiring the Respondent to intimate to the Secretary to the Discipline Tribunal and to the Assessor, within such period as they shall specify, a list of the names and addresses of the witnesses to be adduced and a list with copies of the productions to be put in evidence by him or her.
- (9) Where (a) the Respondent has intimated in writing to the Assessor and to the Secretary to the Discipline Tribunal (i) that there is no challenge in terms of section 30(2) and (ii) that the Charge or Charges on the Notice of Complaint are all denied, and (b) both the Assessor and the Respondent intimate in writing to the Secretary to the Discipline Tribunal that there are no other matters which they wish to raise at the First Diet, it shall not be necessary to hold a First Diet and instead the Convener, Vice-Convener and Secretary of the Discipline Tribunal shall appoint a date for the proof of the Charge or Charges and make any Order in terms of section 30(8).

- 31. The first diet and proof shall take place in public except (a) where either the Assessor or the Respondent request that and show cause why, the hearing, or part thereof, should be held in private; or (b) where the hearing of evidence from any person, or narration of facts thereof, in the opinion of the Discipline Tribunal, is likely to prejudice morals or public order, to affect adversely the interests of justice or the private life of the parties or in any other special circumstances where publicity would prejudice the interests of justice, provided that, in any event, the Discipline Tribunal shall restrict publicity only to the extent which it deems to be strictly necessary.
- 32. If a party fails to attend or be represented at the time and place fixed for the proof, without cause shown, the Discipline Tribunal may (a) adjourn the proof to a later date; (b) if that party is the Assessor, dismiss the Notice of Complaint; or (c) if that party is the Respondent, proceed to hear the proof in his or her absence, to reach a decision thereon and if appropriate, to pass Censure.
- 33. (1) Witnesses shall be required by the Convener to take the oath or to affirm prior to giving evidence.  
(2) The proceedings at the proof shall be digitally recorded.

## Discipline Overture.....

- (3) If produced by either party, the notices issued by the Assessor in terms of section 21(1)(a) and/or section 23 and any answers thereto by the Respondent, shall be admissible in evidence.
  - (4) In subsection (2) “the proceedings at the proof” shall, unless the Discipline Tribunal directs otherwise, mean the whole proceedings to the close of the proof, including, without prejudice to that generality: (a) discussions on all matters arising in the course of the proof and the decision of the Discipline Tribunal on any such matter, (b) the evidence led at the proof, and (c) the speeches of the parties or their solicitors on their behalf.
34. Each party shall be entitled to give evidence, to call witnesses, to question any witness and to address the Discipline Tribunal, provided that the Respondent shall have the right to speak last.
35. Subject to sections 33 and 34, the conduct of the proof shall be in such manner as the Discipline Tribunal considers most appropriate for the determination of the issues before it and to the just handling of the proceedings.
36. (1) No proof shall fail, or the ends of justice be allowed to be defeated, by reason only of any discrepancy between the Notice of Complaint and the evidence.
- (2) It shall be competent, at any time prior to the decision of the Discipline Tribunal, unless the Discipline Tribunal see just cause to the contrary, to amend the Notice of Complaint by deletion, alteration or addition, so as to:
- (a) cure any error or defect in it;
  - (b) meet any objection to it; or
  - (c) cure any discrepancy or variance between the Notice of Complaint and the evidence, provided that no amendment to the Notice of Complaint may change the character of the Charge or Charges.
- (3) If it appears to the Discipline Tribunal that the Respondent may, in any way, be prejudiced in his or her defence on the merits of the Charges by any amendment made under this section, the Discipline Tribunal shall grant such remedy to the Respondent by adjournment, or otherwise, as appears to the Discipline Tribunal to be just.
37. (1) At the close of the proof, the Discipline Tribunal shall give its decision on whether and if so to what extent, each Charge on the Notice of Complaint has been established and the decision shall be recorded in a document signed by the Convener, provided that the Discipline Tribunal may take time to consider its decision and adjourn the diet of proof to a later date for that purpose.
- (2) Upon giving its decision and, in the event of any Charge being found to be established or admitted (including, without prejudice to that generality, those Charges admitted and deferred in terms of section 30(6)), after hearing and considering any statement by the Assessor and the Respondent in mitigation, the Discipline Tribunal shall pass such Censure, if any, upon the Respondent

as appears to it appropriate according to the circumstances of each charge. In determining the appropriate Censure, no account shall be taken of any prior period of Administrative Suspension.

- (3) After giving its decision in terms of subsection (1), the Discipline Tribunal shall set forth in a document (a) those findings in fact which it has made and (b) the Censure, if any, which it has imposed, giving reasons for both elements of its decision. The Discipline Tribunal shall also record the majority by which its decision in respect of (i) each Charge, and (ii) Censure, or absolute discharge, was reached.
- (4) The Secretary of the Discipline Tribunal shall send the documents, referred to in sections 37(1) and 37(3), to each of the parties, the Session Clerk(s) of the congregation(s) concerned, the Presbytery Clerk and the Principal Clerk of the General Assembly and shall make them available for public inspection.

## **PART 9 ACCELERATED PROCEDURE WHERE THE RESPONDENT DESIRES TO ADMIT ALLEGATIONS**

38. (1) If, at any stage of proceedings prior to the service of a Notice of Complaint, the Respondent indicates that he or she wishes to admit all, or any, of the allegations made against him or her, he or she shall be entitled so to intimate to the Assessor. Said admission must be in writing and signed by the Respondent. It should include a statement by the Respondent that he or she has received legal advice on the matter. The admission shall not be accepted by the Assessor in the absence of a statement that legal advice has been received. In the event that the Assessor is willing to accept the said admission, either immediately or after making such other enquiries or investigations he or she considers appropriate, the Assessor shall, as soon as practicable, proceed to adjust and agree a Joint Minute with the Respondent, or his or her solicitor. The said Joint Minute, which shall be signed by or on behalf of both parties, shall set out:
- (a) the Disciplinary Offence or Disciplinary Offences which are admitted;
  - (b) an agreed summary of the material facts; and
  - (c) such other information as it is agreed should be before the Discipline Tribunal to assist it in reaching an appropriate disposal of the case.

In the event that the Assessor is either unwilling to accept the said admission or, following upon discussions with the Respondent or his or her solicitor, he or she concludes that it will not be possible to agree the terms of the Joint Minute, he or she shall be entitled to resume their investigations, and if appropriate, proceed to prosecute the case in accordance with the other provisions of this Act.

- (2) The Assessor shall, after signature thereof, transmit the Joint Minute to the Solicitor of the Church, who shall proceed to notify the Convener and Vice-Convener of the Legal Questions Committee and arrange for the selection of a Discipline Tribunal. The Solicitor shall thereafter, in name of the Tribunal, fix a date for a diet before the Tribunal, being a date not earlier than fourteen (14) days after the date of intimation thereof. The Solicitor shall intimate the said date to the Assessor and the Respondent and his or her solicitor.
- (3) At the said diet, the Discipline Tribunal shall, after hearing and considering any statement by the Assessor and any statement by the Respondent in mitigation, pass such Censure upon the Respondent as appears to it appropriate or discharge the Respondent and shall record its decision, with brief reasons therefor, in a document signed by the Convener. The Tribunal shall be entitled *inter alia* to take into account the fact that an early plea was made and mitigate any Censure as it sees fit. In determining the appropriate Censure, no account shall be taken of any prior period of Administrative Suspension.
- (4) In the event that the Respondent at the diet withdraws or modifies, to any extent, the admission previously made to all, or any, of the Disciplinary Offences, unless this is accepted by both the Assessor and the Tribunal, the diet shall be adjourned and thereafter the case shall proceed, as directed by the Tribunal, in accordance with the other provisions of this Act.

## PART 10 CENSURES

39. The Discipline Tribunal shall dispose of all discipline cases as seems appropriate to it. In reaching a decision as to a suitable Censure, it shall not take into account any prior period of Administrative Suspension. It shall, however, take into account any previous Censures imposed on the Respondent by the Discipline Tribunal or any matter, which it considers relevant, in any personal file for the Respondent, held by the Council, which shall be made available to it by the Secretary of the Council.
40. The Censures available to the Tribunal, in respect of any Respondent, shall comprise the following or any combination thereof:
  - (1) **Ministers of Word and Sacrament and Deacons**
    - (i) **Reprimand**, which shall be an expression of disapproval of particular behaviour with counsel regarding future conduct. Such reprimand shall be reported by the Tribunal to:
      - (a) the Presbytery and recorded by it in a record apart, and
      - (b) the Secretary of the Council and recorded by him or her in a personal file for the Respondent.
    - (ii) **Instruction** regarding training, counselling, mentoring or such other course of action as the Discipline Tribunal shall consider appropriate. Such instruction shall be reported by the Tribunal to:

- (a) the Presbytery and recorded by it in a record apart; and
- (b) the Secretary of the Council and recorded by him or her in a personal file for the Respondent.

Disobedience of an Instruction shall constitute a Disciplinary Offence.

- (iii) **Suspension** from the status and functions of ministry either (a) for a fixed period of up to three years<sup>1</sup>, or (b) without limit of time, but subject to a minimum period of suspension. In all cases, suspension will result in the re-categorisation of the Respondent to Category S in the Register of Ministry and suspension may only be lifted in accordance with section 28 of the Registration of Ministries Act (Act II 2017) upon application by the Respondent. In the event of an individual, who is suspended, having his or her pastoral tie severed, in no circumstances shall he or she be eligible to be re-appointed to the same charge.
- (iv) **Removal** of the status and functions of ministry. In accordance with section 34 of the Registration of Ministries Act (Act II 2017), the Respondent's name shall immediately be removed from the Register of Ministry and recorded in List D. In all cases, restoration of status can only be sought through application in accordance with the Admission and Readmission of Ministers Act (Act IX 2002). No such application may be lodged until a period of at least four years has elapsed since the date of removal of the Respondent's status and functions.

(2) **Graduate Candidates**

- (i) **Instruction** regarding training, counselling, mentoring or such other course of action as the Discipline Tribunal shall consider appropriate. Such instruction shall be reported by the Tribunal to:
  - (a) the Presbytery and recorded by it in a record apart; and
  - (b) the Secretary of the Council and recorded by him or her in a personal file for the Respondent.

Disobedience of an Instruction shall constitute a Disciplinary Offence.

- (ii) **Suspension** from status for a specified minimum period of up to three years, subject to restoration by the Council in consultation with the Presbytery, upon petition by the Respondent following the expiry of such period. The Council shall take into account the length of suspension served and may insist upon such discernment, assessment and training processes and placements as it sees fit.
- (iii) **Removal** of status, subject to restoration by the Council in consultation with the Presbytery, upon petition by the Respondent. No such petition may be lodged until a period of at least four years has elapsed since the date of removal of such status. The Council shall take into account the length of removal and may insist on such discernment, assessment and training processes and placements as it sees fit.

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<sup>1</sup> This is to tie in with the Registration of Ministries Act and the way it deals with those who are out of parish ministry for over three years and who would at that point lose their category "O" registration

(3) **Licentiatees**

- (i) **Instruction** regarding training, counselling, mentoring or such other course of action as the Discipline Tribunal shall consider appropriate. Such instruction shall be reported by the Tribunal to:
- (a) the Presbytery and recorded by it in a record apart; and
  - (b) the Secretary of the Council and recorded by him or her in a personal file for the Respondent.

Disobedience of an Instruction shall constitute a Disciplinary Offence

- (ii) **Suspension** from the Roll of Licentiatees for a specified minimum period of up to three years, subject to restoration by the Council, in consultation with the Presbytery, upon petition by the Respondent following the expiry of such period. The Council shall take into account the length of suspension served and may insist upon such discernment, assessment and training processes and placements as it sees fit.
- (iii) **Removal** from the Roll of Licentiatees, subject to restoration by the Council, in consultation with the Presbytery, upon petition by the Respondent. No such petition may be lodged until a period of at least four years has elapsed since the date of removal from the Roll. The Council shall take into account the length of removal and may insist on such discernment, assessment and training processes and placements as it sees fit.

(4) **Candidates and Probationers**

- (i) **Instruction** regarding training, counselling, mentoring or such other course of action as the Discipline Tribunal shall consider appropriate. Such instruction shall be reported by the Tribunal to:
- (a) the Presbytery and recorded by it in a record apart; and
  - (b) the Secretary of the Council and recorded by him or her in a personal file for the Respondent.

Disobedience of an Instruction shall constitute a Disciplinary Offence.

- (ii) **Suspension** from status for a specified minimum period of up to three years, subject to restoration by the Council in consultation with the Presbytery, upon petition by the Respondent following the expiry of such period. The Council shall take into account the length of suspension served and may insist upon such discernment, assessment and training processes and placements as it sees fit.
- (iii) **Removal** of status, subject to restoration by the Council in consultation with the Presbytery, upon petition by the Respondent. No such petition may be lodged until a period of at least four years has elapsed since the date of removal of such status. The Council shall take into account the length of removal and may insist on such discernment, assessment and training processes and placements as it sees fit.

(5) **Readers**

- (i) **Instruction** regarding training, counselling, mentoring or such other course of action as the Discipline Tribunal shall consider appropriate. Such instruction shall be reported by the Tribunal to:
- (a) the Presbytery and recorded by it in a record apart; and
  - (b) the Secretary of the Council and recorded by him or her in a personal file for the Respondent.

Disobedience of an Instruction shall constitute a Disciplinary Offence.

- (ii) **Suspension** from the status and duties of the Readership for a specified minimum period of up to three years, subject to restoration by the Presbytery (but only with the agreement of the Council) upon petition by the Respondent following the expiry of such period. In considering whether the suspension shall be lifted, the Council shall take into account the length of suspension served and may insist on such discernment, assessment and training processes and placements as it sees fit.
- (iii) **Removal** of the status and duties of the Readership, subject to restoration by the Presbytery (but only with the agreement of the Council) upon petition by the Respondent. No such petition may be lodged until a period of at least four years has elapsed from the date of removal of status and duties. In considering whether the petitioner should be restored to such status and duties, the Council shall take into account the length of suspension served and may insist upon such discernment, assessment and training processes and placements as it sees fit.

(6) **Elders and other Office Bearers**

- (i) **Instruction** regarding training, counselling, mentoring or such other course of action as the Discipline Tribunal shall consider appropriate. Such instruction shall be reported by the Tribunal to:
- (a) the Kirk Session and recorded by it in a record apart; and
  - (b) the Presbytery and recorded by it in a record apart.

Disobedience of an Instruction shall constitute a Disciplinary Offence.

- (ii) **Suspension** from membership of a Kirk Session and from holding any other office within a congregation for a specified minimum period of up to three years, subject to restoration by the Presbytery, with the agreement of the Kirk Session, upon petition by the Respondent following the expiry of such period.

Such suspension shall be reported by the Tribunal to:

- (a) the Kirk Session and recorded by it in a record apart; and
- (b) the Presbytery and recorded by it in a record apart.

An Elder, having been restored by Presbytery following suspension and being invited to become a member of another Kirk Session (i.e. not the one from which he/she was suspended), shall inform both the Session Clerk and the Presbytery Clerk of the circumstances of his/her suspension and may only be so admitted if the Kirk Session in question then agrees to proceed.

- (iii) **Removal** from the status and office of Elder, subject to restoration by the Presbytery with the agreement of the Kirk Session upon petition by the Respondent. No such petition may be lodged until a period of at least four years has elapsed from the date of removal of status and office.

Such removal shall be reported by the Tribunal to:

- (a) the Kirk Session, and recorded by it in a record apart; and
- (b) the Presbytery and recorded by it in a record apart.

A person, having had the status of Elder restored following removal and being invited to become a member of another Kirk Session (i.e. not the one from which he/she was removed) shall inform both the Session Clerk and the Presbytery Clerk of the circumstances of his/her suspension. They shall not accept such an invitation until a period of at least four years has elapsed since their removal from such status.

- (iv) In the case of Office Bearers who are not Elders, **Removal** from a particular office held.

Such removal shall be reported by the Tribunal to:

- (a) the Kirk Session and recorded by it in a record apart; and
- (b) the Presbytery and recorded by it in a record apart.

An Office Bearer who is not an Elder and who is subsequently invited to take office in another congregation, shall inform both the Session Clerk and the Presbytery Clerk of the circumstances of his/her removal and may only be appointed to that office if the Kirk Session in question then agrees to it.

(7) **Persons holding Certificates of Eligibility**

- (i) **Instruction** regarding training, counselling, mentoring or such other course of action as the Discipline Tribunal shall consider appropriate. Such instruction shall be reported by the Tribunal to:

- (a) the Presbytery and recorded by it in a record apart; and
- (b) the Secretary of the Council and recorded by him or her in a personal file for the Respondent.

Disobedience of an Instruction shall constitute a Disciplinary Offence.

- (ii) **Removal** of the Certificate of Eligibility, subject to grant of a new Certificate of Eligibility in terms of the Admission and Readmission of Ministers Act (Act IX 2002). Such removal shall be reported by the Tribunal to the Secretary of the Council. No application for a new Certificate of Eligibility may be lodged until a period of at least four years has elapsed from the date of removal of the previous Certificate of Eligibility.

## **PART 11 DISCIPLINE TRIBUNAL: ADDITIONAL POWERS AND RULES OF PROCEDURE**

- 41. Where, in the view of the Discipline Tribunal, it is necessary to do so in the interests of justice, the Tribunal shall have power to order either party to produce, within such period as the Tribunal shall consider reasonable, any document or other article in that party's possession and any such document or other article shall be a Production in the proceedings and may be founded upon. Such a power shall be exercisable at any time up to the conclusion of the Proof.
- 42. The Discipline Tribunal may relieve a party from the consequences of a failure to comply with a provision of this Act shown to be due to mistake, oversight or other excusable cause, on such conditions as the Tribunal thinks fit.
- 43. The Discipline Tribunal shall have power to make regulations concerning the practice and procedure to be followed in any proceedings brought before the Discipline Tribunal, in terms of this Act, provided that such regulations shall be laid before and be subject to alteration, revocation, amendment or modification by the General Assembly.
- 44. No member of the Discipline Tribunal shall participate in any proceedings brought by a Presbytery of which he or she is a member or within the bounds of which there is a congregation of which he or she is a communicant member. This section shall not apply to the Solicitor of the Church.
- 45. Any decision of the Discipline Tribunal may be taken by a majority of its members.

## **PART 12 APPEALS**

- 46. (1) If either the Assessor or the Respondent is dissatisfied with any decision of the Discipline Tribunal, they may appeal to the Judicial Commission in terms of the Appeals Act (Act I 2014). No right of appeal or dissent and complaint shall be allowed in respect of any act or decision done or taken in terms of this Act, otherwise than in accordance with the provisions of this Act or the Appeals Act (Act I 2014).
- (2) In the case of any appeal against the severity of Censure, taken by any party, it shall be open to the Judicial Commission to vary the Censure in the direction of greater severity or greater leniency. In varying any Censure, no account shall be taken by the Judicial Commission of any prior period of Administrative Suspension.

## PART 13 IMPLEMENTATION OF DECISION/CENSURE AT PRESBYTERY

47. The Presbytery shall meet within not less than twenty-one (21) and not more than thirty-five (35) days after receiving intimation of the written decision of the Discipline Tribunal and shall implement the decision of the Discipline Tribunal. The Presbytery shall similarly meet to take appropriate steps after a Respondent accepts a Censure with consent. If the Respondent is a parish minister:
- (1) In the event that the decision has not involved Judicial Suspension or removal from office, it shall (a) lift any Administrative Suspension upon the individual concerned; (b) relieve the Interim Moderator of duty; and (c) undertake such steps in relation to other individuals and superintendence of its members and congregations as it finds necessary.
  - (2) In the event that the decision has involved a period of Judicial Suspension of less than six months, the Presbytery shall, at its meeting, confirm the appointment of an Interim Moderator or make a new appointment and shall undertake such steps against other individuals and superintendence of its members and congregations as it finds necessary.
  - (3) In the event that the decision has involved a period of Judicial Suspension of six months or more, or the removal of status of the Respondent, then: (i) the pastoral tie shall be severed; (ii) any parish of which the Respondent was minister shall be deemed to have become vacant on the date on which the written decision of the Discipline Tribunal was issued and (iii) any other ordained appointment which the Respondent held shall terminate on that date. The Presbytery shall, at its meeting, confirm the foregoing matters and it shall also confirm the appointment of an Interim Moderator or make a new appointment and shall undertake such steps against other individuals and superintendence of its members and congregations as it finds necessary.

In the event of an appeal being taken to the Judicial Commission against the decision of the Discipline Tribunal, (a) a Respondent, who is a parish minister, shall be entitled to remain in occupation of the manse pending the outcome of the appeal, and (b) the Presbytery shall meet again not less than twenty-one (21) and not more than thirty-five (35) days after receiving intimation of the written decision of the Judicial Commission and shall implement the decision of the Judicial Commission. The foregoing sections of this section 47 shall then apply *mutatis mutandis*. Where the decision of the Judicial Commission involves a change to a Censure imposed on a Respondent, who is a parish minister, (a) the Presbytery shall implement the foregoing sections of this section 47 so far as practicable and may seek the advice of the Principal Clerk as to dealing with any practical consequences of the Judicial Commission's decision, and (b) where that change is from a Judicial Suspension of six months or more or a removal of status to a Judicial Suspension of less than six months such that the pastoral tie would not have been severed, then the Respondent shall be entitled to be compensated for stipend which should have been paid to him or her for the period from the date of the Discipline Tribunal's decision until the earlier of (a) six months after the date of the Judicial Commission's decision and (b) the date upon which the Respondent takes up remunerated employment or office.

## PART 14 REPRESENTATION

48. The Assessor and the Respondent may be represented by a solicitor at any stage of the Investigatory Proceedings, Disciplinary Proceedings or appeal.

## PART 15 EXPENSES

49. A Respondent shall be entitled to apply for financial assistance towards the costs of legal representation (a) where a Censure with consent is being accepted, and (b) in the conduct of Disciplinary Proceedings under Part 8 and any appeal following thereon, in terms of the Legal Aid in Disciplinary Proceedings Regulations (Regulations X 2018).

## PART 16 GUIDANCE ON THE IMPLEMENTATION AND OPERATION OF THIS ACT

50. The Legal Questions Committee shall issue Guidance on the implementation and operation of this Act, which shall be reviewed by it, from time to time.

## PART 17 ADMINISTRATIVE SUPPORT FOR ASSESSORS

51. In cases where administrative assistance is provided to an Assessor, any cost incurred will normally require to be met by the Presbytery in question, although in cases where a Presbytery does not hold sufficient funds, application may be made via the Principal Clerk to the Legal Aid Fund.

## PART 18 COMMENCEMENT DATE AND SAVING PROVISIONS

52. This Act shall come into force on *[date the Overture is passed at the General Assembly of 2019]*. Where a Special Committee of Presbytery was appointed under Act III 2001, Act IV 2007, Act V 2007 or Act I 2010 prior to *[relevant date]* and has served a Notice of Complaint upon a Respondent before *[relevant date]*, such a matter shall continue until final disposal (including any appeal) in accordance with the law in force immediately before *[relevant date]*. Otherwise all disciplinary matters, whether new or ongoing, shall from *[relevant date]* be dealt with under the provisions of this Act. Any disputes as to what that shall mean in practice for any particular matter shall be resolved by the Convener and Vice-Convener of the Legal Questions Committee, upon application by any of the Special Committee, an Assessor or the Respondent, as the case may be, and the decision of the Convener and Vice-Convener shall be final and binding. In making such decision, the Convener and Vice-Convener of the Legal Questions Committee shall first consult with the Solicitor of the Church and the Principal Clerk.

## PART 19 CONSEQUENTIAL AMENDMENTS

53. *This table of proposed amendments to other legislation has been inserted to give a general guide at this stage. A more sophisticated set of amendments will be drafted for the final Act.*

NAME OF ACT	NUMBER & YEAR	SECTIONS	PROPOSED CHANGES
Congregations in Unsatisfactory State	Act I 1988	17	Replace reference to Act III 2001 with reference to the new Discipline Act.
Church Courts	Act III 2000	37(1)	Replace reference to Act I 2010 with reference to the new Discipline Act.
Discipline of Ministry	Act III 2001		This Act would be repealed.
Co-operation between Presbyteries	Act VI 2002	2	Replace references to Act III 2001, Acts IV & V 2007 and Act I 2010 with reference to the new Discipline Act.
Admission and Re-admission of Ministers	Act IX 2002	4(2)	Replace reference to Act III 2001 with reference to the new Discipline Act.
Vacancy Procedure	Act VIII 2003	3(b) and 18(8)	Replace reference to Act III 2001 with reference to the new Discipline Act.
Kirk Session Meetings	Act VI 2004	1(a)	No change required.
Protection against Bullying	Act IV 2007		This Act would be repealed.
Protection against Discrimination	Act V 2007		This Act would be repealed.
Discipline of Elders, Readers and Office Bearers	Act I 2010		This Act would be repealed.
Deacons Act	Act VIII 2010	7	No change required.
PVG	Act VII 2011	4, 5 & 9	Replace reference to Act III 2001 with reference to the new Discipline Act.
Appeals Act	Act I 2014	4(3)  Schedule 2 para 16.1	Replace references to Act III 2001, Act IV 2007, Act V 2007 and Act I 2010 with references to the new Discipline Act.  Replace reference to Act III 2001 with reference to the new Discipline Act and the new Legal Aid in Disciplinary Proceedings Regulations.
Registration of Ministries Act	Act II 2017		This Act would need to be conformed to the new Discipline Act.

## **INSTRUCTIONS AND RECOMMENDATIONS TO PRESBYTERIES, KIRK SESSIONS, CONGREGATIONS AND INDIVIDUALS**

### **SCOTTISH BIBLE SOCIETY**

13. Encourage congregations to consider using *Bibleworld Books* as a way to improve literacy levels amongst children in their communities.
15. Commend the Society's global outreach to the generosity of congregations and members.

### **LEGAL QUESTIONS COMMITTEE**

6. Approve the Discipline Overture as set out in Appendix D of the Report and transmit the same to Presbyteries under the Barrier Act, directing that returns be sent to the Principal Clerk by 31st December 2018.
13.
  - a) Note that nine Presbyteries have taken part in a pilot Presbytery Review process;
  - b) Agree that a further cycle of Reviews should take place in 2018-2019; and
  - c) Instruct the Committee to report further to the General Assembly of 2019.

### **COUNCIL OF ASSEMBLY**

3. Instruct the Council to return to the General Assembly of 2019 with a radical action plan for 2019-2022 to achieve much needed reform within our Church.
4. Instruct the Council to work collaboratively with other Councils, Committees and Presbyteries to bring proposals to the General Assembly of 2019 for structural change, consulting with the Rev Dr Doug Gay about the ideas contained in the recent Chalmers Lectures and with other appropriate persons with expertise in the reform of institutions and structures, to enable a Church structure that is lean and fit for purpose to lead reform.
6. Instruct Presbyteries meantime to challenge themselves in their Presbytery Plans to be robust, imaginative and courageous in reducing the number of charges, creating ministry hubs, and enabling new pioneer and new church planting opportunities, supported by a Ministries Council that enables new reformed pathways into ministry.
7. Instruct Kirk Sessions meantime to meet in conference, to reflect on the state of decline of the national Church and in particular how that affects the Church locally and determine what their vision and mission is for the next three years in collaboration with Presbytery Planning teams.
12. Instruct Presbyteries to ensure that Congregational Office Bearers access and make use of the range of resources prepared by the Law Department to enable compliance with the terms of the General Data Protection Regulation from 25 May 2018.
17. Approve the total to be contributed by congregations in 2019 of £46,586,000 based on the projection of congregational income for 2019 and its disposition among local congregational expenditure, the Parish Ministries Fund and the Mission and Renewal Fund as set out in Appendix I of the Supplementary Report.

### **WORLD MISSION COUNCIL**

3. Note that Mission Partners work not only in good and joyful but also in difficult and challenging situations and commend their work and witness; and urge congregations and Presbyteries to continue in their prayerful support for our Mission Partners.
4. Encourage those interested in serving as Mission Partners to approach the Council to explore opportunities.
5. Encourage congregations and Presbyteries to read and study the Report, use the resources, and learn more about the life of churches in other parts of the world, and the links with the Church of Scotland.
8. Condemn all forms of religious discrimination, including Antisemitism and Islamophobia, and encourage local communities to build bridges, and to become friends, with neighbours from other faith traditions.
12. Give thanks for Christian Aid's work to alleviate poverty amongst people of all faiths, and encourage the whole church in its ongoing engagement with and support of Christian Aid.
13. Note the International AIDS Conference in July and encourage all parts of the Church to remain aware of the prevalence of the virus, and supportive of all efforts of our partners in supporting those living with HIV.
16. Encourage congregations and Presbyteries to study *Together towards Life: Mission and Evangelism in Changing Landscapes* and to consider adopting the principles contained in the statement in developing opportunities for interfaith dialogue.
17. Encourage congregations and Presbyteries involved in twinning to explore interfaith issues with their twinning partners, and reflect on how this can inform their mission and ministry in Scotland.
18. Commend the ongoing work of mediation and trauma training with significant church leaders in South Sudan, which was initiated by the Very Rev Dr John Chalmers and the Council, to the prayerful support of the whole Church asking that God will bless the small seeds being planted now with a fruitful harvest of reconciliation and peace to come.

### **WORLD MISSION COUNCIL: SPECIAL REPORT ON LESSONS FOR SCOTLAND FROM CHRISTIAN FAITH IN AFRICA**

3. Encourage members, congregations and Presbyteries to engage with the report and consider how each may respond.
7. Encourage congregations to engage with the materials produced by the Mission and Discipleship Council to engage in Bible study, prayer, testimony, discipleship and evangelism.
8. Encourage congregations to twin with a congregation of one of the churches with which the World Mission Council works.

**MINISTRIES COUNCIL**

4. Note the responsibility of Presbyteries to provide superintendence for Readers and instruct the Council to work with Presbyteries to identify how to improve support for Readers and to report to the General Assembly of 2019.
  
12. In relation to the conduct of funerals:
  - a) affirm that the Church of Scotland offers to conduct a Christian funeral service for any person in Scotland without distinction;
  - b) affirm that no minister or deacon shall charge any fee or seek any gratuity, explicitly or implicitly, from any bereaved family or funeral director, for this service;
  - c) affirm that, where a family does not request a particular minister, the minister of the parish has responsibility to make provision for this service, and that any other minister should obtain his or her permission before agreeing to conduct any service;
  - d) instruct the Communications Department to make renewed efforts to communicate that the Church of Scotland offers to conduct a Christian funeral service, without the minister charging a fee, for any person in Scotland;
  - e) instruct the Ministries Council to review best practice in communicating with funeral directors concerning the service the Church offers; and
  - f) urge Presbyteries to be proactive in investigating instances of intrusion or any explicit or implicit charging of fees with regard to funeral services.
  
14. In relation to the Continuing Parish Ministry beyond the age of 75 Regulations, agree that any Parish Minister whose seventy-fifth birthday falls on or between 31 May 2018 and 31 December 2018 shall, upon lodging a written request with the Presbytery Clerk by 30 June 2018, be entitled to initiate the process under the Regulations as if this had been done not less than six months before the Parish Minister's seventy-fifth birthday.
  
15. Pass an Act amending the Long Term Illness of Ministers Act (Act XV 2002) (as amended) as set out in Appendix 2 of the Report and instruct Presbyteries to act in a pastoral manner to both minister and congregation when considering the implications of sections 5-9 of the Act.
  
19. Affirm the development of the Vocations Network and encourage Presbyteries to identify individuals who could serve in this way.
  
25. Note the early developments of the Ascend programme and encourage those in ministry to access the opportunities for support and development provided.
  
27. Note the advisory figures for the number of full-time equivalent ministers available for Presbyteries in 2023 and instruct the Council to seek a formal response from all Presbyteries to determine whether, on the basis of local experience, the figures should continue to be received as advisory, and to report to the General Assembly of 2019.

29. Instruct all Presbyteries to obtain fresh concurrence with their current plan from the Presbytery Planning Task Group by 31st December 2018 and note that failure to do so may result in the sisting of vacancies.
30. Instruct those Presbyteries which have Priority Area Parishes within their bounds to ensure that the principles of the Priority Areas five-year plan are incorporated into their Presbytery Planning processes.
31. Instruct all Presbyteries to engage with the Presbytery Planning Task Group when negotiating Basis of Adjustment (Section 13(2) of Act VII 2003 on Appraisal and Adjustment and *Section 3.5.2.9* of the Report).
36. Encourage ministers to familiarise themselves with the provisions of the Housing and Loan Fund.

### **ECUMENICAL RELATIONS COMMITTEE**

2. Adopt Local, *Universal and Shaped by the Mission of God: An Ecumenical Policy for the Church of Scotland* as the Ecumenical Policy of the Church of Scotland.

### **PANEL ON REVIEW AND REFORM**

2. Encourage Presbyteries to develop training for those participating in different areas of service within the Church and to make information about training programmes they develop available to others to assist in learning and development.
3. Welcome the increasing co-operation between some Presbyteries and the work of the Principal Clerk in facilitating this and encourage all Presbyteries to consider areas where working with others would be beneficial.

### **IONA COMMUNITY BOARD**

2. Commend the ongoing project to make the Abbey more accessible and to improve facilities for the wide range of groups hosted by the Community and encourage church members and congregations to support the Community in this time of change through prayer and through the Iona Abbey Appeal.

### **THE CHURCH OF SCOTLAND GUILD**

8. Encourage Presbyteries and National Councils and Committees to consider how they can develop their support for the Guild.
9. Encourage Kirk Sessions to explore ways in which they can offer practical support to Guild groups.
10. Encourage Presbyteries to explore ways in which they can offer practical support to Guild Presbyterial Councils.
11. Encourage Kirk Sessions to work closely with their Guilds and to challenge their practice where appropriate.

### **CHURCH AND SOCIETY COUNCIL**

#### **Doing Politics Differently**

7. Welcome the launch of Meet Your MP and encourage congregations to build positive relationships with their local politicians.

8. Welcome the expansion of work around Participatory Budgeting being supported by the Council and encourage local congregations to get involved in Participatory Budgeting locally.

### **Building Global Friendships**

10. Note the United Nations process, which is leading two new Global Compacts on refugees and on migrants, instruct the Council to participate in international ecumenical and UK civil society efforts to call for decisions which place human dignity and welfare at the heart of considerations, and encourage congregations and church members to pray for successful outcomes of the negotiations.

### **Ensuring the Health and Wellbeing of All**

23. Commend those congregations working to make their congregations and communities more dementia friendly, the various initiatives from CrossReach to improve dementia care and the Presbytery of Stirling's employment of a Dementia Development Worker; and encourage all congregations, Presbyteries, Councils and Committees to increase awareness of, and support for, people living with dementia.
25. Commend the plans for Community Custody Units for women in Scotland and encourage the Council and local congregations to express their interest in supporting persons resident within these units as they engage afresh with life in the community.

### **GENERAL TRUSTEES**

2. Encourage Congregational and Presbytery Office Bearers to attend the Property Seminars to be held during 2018.
3. Urge those congregations which have not done so to appoint a Health & Safety Administrator and those Presbyteries which have not done so to appoint a Health & Safety Co-ordinator.
6. Encourage the Trustees and Presbyteries to develop a closer working relationship based on the Tayside Cluster Pilot.

### **COMMITTEE ON CHAPLAINS TO HER MAJESTY'S FORCES**

6. Commend to the prayers of all members of the Church of Scotland not just our Chaplains but all who serve in HM Forces and their families.
7. Urge Presbyteries strongly to appoint an Armed Forces Champion.
8. Commend to eligible ministers of the Church consideration of service as a Chaplain to HM Forces – Regular, Reserve and Cadet Forces.

### **SOCIAL CARE COUNCIL**

6. Endorse the initiatives set up through the Social Care Mission Officer and welcome continued support for local church initiatives through the Social Care Forum and Learning Networks.
7. Welcome the initiative taken by the Presbytery of Lewis as a model of Regional support for CrossReach, and encourage all Presbyteries to adopt this approach over the next year.

8. Celebrate the contribution made to society by young people across Scotland and, in the Year of Young People, commit as a Church to doing all we can now and in the future to raise awareness of and counteract the stigma which prevents young people in disadvantaged circumstances reaching their full potential.
9. Recognise that 2019 provides an opportunity for the whole Church to acknowledge and celebrate its rich heritage of social caring over the past 150 years and encourage the Church at national, regional and local level to join with the Social Care Council in raising awareness of the work that is done, both formally and informally, to care for communities, through the work of the Church, throughout Scotland and beyond.

### **THEOLOGICAL FORUM**

2. Reaffirm the Church's understanding that those who receive Communion be baptised, while recognising that church law allows the offering of Communion to an unbaptised person as part of the mission of the Church.

### **NOMINATION COMMITTEE**

6. Instruct Presbyteries to actively encourage people of vision and leadership quality to be nominated to the Councils and Committees of the Church to bring direction in the light of the mission challenges the Church faces today.

### **MISSION AND DISCIPLESHIP COUNCIL**

3. Instruct Kirk Sessions to explore how the fresh vision for eldership outlined in section 2.3 of the Report applies to their particular local context.
4. Instruct Kirk Sessions to consider how the aspirations outlined in the Report shape their ongoing ministry and engagement with children and young people in the parish.
5. Urge Presbyteries and Kirk Sessions to engage fully in the Year of Young People initiative.
8. Urge Kirk Sessions to use the Conversations in Worship resource within a Kirk Session meeting in 2018.
9. Encourage Kirk Sessions to draw on Pray Now (including the sections on How to Pray/ How They Prayed) for fostering the congregation's prayer life.
12. Commend the Weekend of Invitation to Presbyteries and Kirk Sessions and encourage congregations to think of ways of developing a culture of invitation.
14. Urge Kirk Sessions and Presbyteries to consider ways in which congregations can more effectively support Christians from minority migrant communities living and worshipping in their neighbourhoods, whilst entering into a spirit of mutual learning.
16. Urge every congregation to actively promote Life and Work, the magazine of our Church, as a tool to encourage, inspire and resource.
18. Instruct Kirk Sessions to explore what opportunities exist for a fresh expression of church in their parish.
22. Urge Kirk Sessions to use the resources listed in Appendix VI of the Report and to promote their usage in the wider congregation.

## INSTRUCTIONS TO COUNCILS AND COMMITTEES

### ASSEMBLY ARRANGEMENTS COMMITTEE

7. Instruct the Committee to review the efficacy of the role and size of the Business Committee and to report to the General Assembly of 2019.
8. Welcome the Committee's desire to see a Volume XII of the *Fasti Ecclesiae Scoticanae* published for the years 2000-2020 and encourage the Committee in the development of this project.

### LEGAL QUESTIONS COMMITTEE

3. Instruct the Committee, in consultation with others, to prepare a new Church Courts Act in line with the terms of the Report and to bring the new Act to a future Assembly for approval.
11. Instruct the Committee to prepare legislation enabling those Ministers of Word and Sacrament and Deacons who wish to do so to be nominated to solemnise same-sex marriage ceremonies in accordance with Section 9(1A) of the Marriage (Scotland) Act 1977, while also providing safeguards to address issues identified both in section 9 of the Report and in the Opinion of the Procurator annexed at Appendix I but only if the Committee finds that the said safeguards, in their opinion, sufficiently protect against the risks they identify; and report to the General Assembly of 2020.
13.
  - a) Note that nine Presbyteries have taken part in a pilot Presbytery Review process;
  - b) Agree that a further cycle of Reviews should take place in 2018-2019; and
  - c) Instruct the Committee to report further to the General Assembly of 2019.

### COUNCIL OF ASSEMBLY

2. Give thanks for the engagement of congregations and Presbyteries in the *Together we Pray* initiative and instruct the Council to make arrangements for another National Day of Prayer, on 3 November 2018, focussing on the life and missional work of the Church of Scotland.
3. Instruct the Council to return to the General Assembly of 2019 with a radical action plan for 2019-2022 to achieve much needed reform within our Church.
4. Instruct the Council to work collaboratively with other Councils, Committees and Presbyteries to bring proposals to the General Assembly of 2019 for structural change, consulting with the Rev Dr Doug Gay about the ideas contained in the recent Chalmers Lectures and with other appropriate persons with expertise in the reform of institutions and structures, to enable a Church structure that is lean and fit for purpose to lead reform.
5. Instruct the Council, in collaboration with other Councils, Committees and Departments as appropriate, to bring forward proposals to the General Assembly of 2019 that will allow more funds for mission work, including the freeing of funds held only for property matters and a reformed Ministries and Mission allocation process.

## Instructions to Councils and Committees

6. Instruct Presbyteries meantime to challenge themselves in their Presbytery Plans to be robust, imaginative and courageous in reducing the number of charges, creating ministry hubs, and enabling new pioneer and new church planting opportunities, supported by a Ministries Council that enables new reformed pathways into ministry.
7. Instruct Kirk Sessions meantime to meet in conference, to reflect on the state of decline of the national Church and in particular how that affects the Church locally and determine what their vision and mission is for the next three years in collaboration with Presbytery Planning teams.
8. Instruct the Council, in consultation with the Mission and Discipleship Council, to facilitate and promote a national dialogue between elders younger than 40 and actively seek their views and reflect these in the radical action plan.
9. Instruct the Council to devise a method of reporting in which the Annual Report and Accounts can be presented in a way which makes clear to all members of the Church the manner in which the Unincorporated Councils and Committees make savings and reduce spending in order to balance the budget.
10. Note the work undertaken by the Council on the National Offices Buildings Project and instruct it to continue the programme of work outlined in Section 3.5 of the Report, with a view to presenting a further report to the General Assembly in 2019, enabling a decision on the future of the National Offices.
16. Instruct the Council to consider the issues arising from the use of personal email addresses for the processing of personal data by elders and other non-ministerial congregational and Presbytery office-bearers and to put in place appropriate support mechanisms to ensure that such individuals are able to fulfil their duties fully whilst observing best practice in relation to data protection principles.
22. Invite the Pension Trustees to bring a Report to the General Assembly of 2019 with recommendations on:
  - a) the most effective and efficient structures for trustee oversight of the closed funds; and
  - b) the most efficient means of administration of the closed funds.

## **JOINT REPORT OF THE COUNCIL OF ASSEMBLY, MINISTRIES COUNCIL, MISSION AND DISCIPLESHIP COUNCIL, PANEL ON REVIEW AND REFORM AND LEGAL QUESTIONS COMMITTEE**

2. Discharge the Working Group and instruct the Council of Assembly, in cooperation with the Mission and Discipleship Council, Ministries Council and Legal Questions Committee, to review the provisions of Act I 2011 on Local Church Review, to ensure they are consistent with the implementation of the Church's Strategic Plan and effectively resourced.

## **WORLD MISSION COUNCIL**

6. Instruct the World Mission Council and the Ministries Council to encourage and work together to make it possible for ministers to have the opportunity to engage with the world church during study leave.

7. Instruct the Council to provide opportunity to people of all ages from Presbyteries and congregations throughout Scotland to visit with partners overseas.
10. Encourage the Council to consider supporting and facilitating an interfaith group of religious leaders to learn from the experiences of PROCURA's work.
11. Welcome the intention of the Council to consider a return youth interfaith visit from Rwanda to Scotland.
14. Instruct the Council to work with the Church and Society Council and the Scottish Churches Parliamentary Office to encourage the Scottish and United Kingdom Governments to ensure that educational material produced through overseas aid collaboration with Pakistan promotes peaceful coexistence, and tolerance of people from different faith communities.
15. Instruct the Council to raise with the Scottish and United Kingdom Governments the case of Asia Bibi, sentenced to death in Pakistan for blasphemy, and to seek the urgent assistance of both Governments in securing her early exoneration and release from detention.

**WORLD MISSION COUNCIL: SPECIAL REPORT ON LESSONS FOR SCOTLAND FROM CHRISTIAN FAITH IN AFRICA**

4. Instruct the Council of Assembly, in its strategic planning for the whole Church, to fully consider the recommendations of this Report, and the best way of sharing these with congregations and Presbyteries.
5. Instruct the World Mission Council, in conjunction with the Ministries Council, the Mission and Discipleship Council, the Church and Society Council and the Ecumenical Relations Committee, to continue to explore how the church in Scotland might apply relevant learning from the world church context.
6. Instruct the World Mission Council, the Ministries Council, and the Mission and Discipleship Council to continue to explore how they may encourage and equip members in the leadership of worship and in different forms of worship.
9. Instruct the World Mission Council, in partnership with the Mission and Discipleship Council, to explore contextual Bible studies with partners in the world church.
10. Instruct the World Mission Council and the Ministries Council to explore exchanges between recognised ministries and members in Scotland with their counterparts in Africa.
11. Instruct the Ministries Council to include consideration of this report in developing its programme for Initial Ministerial Education (IME) and Continuing Ministerial Development as part of the Initial Ministerial Education review.

**MINISTRIES COUNCIL**

3. Affirm the work undertaken to this point on creating a clear definition for ministry and instruct the Council to complete this work and bring forward a clearer description of ministry for approval by the General Assembly of 2019.

4. Note the responsibility of Presbyteries to provide superintendence for Readers and instruct the Council to work with Presbyteries to identify how to improve support for Readers and to report to the General Assembly of 2019.
5. Affirm the contribution of the team of Interim and Transition Ministers particularly in the Presbytery of Shetland and encourage further development of this team as a national resource.
6. Commend the report *Deacons of Word and Service* to the Church and urge the Council to integrate its principles into considerations for future patterns of ministry.
7. In relation to the Diaconate:
  - a) affirm the Diaconate and its important ministry in building bridges between the Church and community and commend the Ministry of the Diaconate to the wider Church;
  - b) encourage the Council to use Tomorrow's Calling and the Decade of Ministry to further highlight the Diaconal Ministry; and
  - c) instruct the Council to review the employment and deployment of Deacons and to bring forward any recommendations for changes to the General Assembly of 2019.
9. Note the progress of the Hub-style Ministries initiative and instruct the Council to bring any draft legislation to a future General Assembly.
10. Instruct the Council in collaboration with the Theological Forum and Legal Questions Committee to consider how oversight can be addressed in keeping with any developing legislation related to emerging patterns for Hub-style Ministries.
11. Instruct the Council to bring draft legislation for a Capability Procedure for Parish Ministers to the General Assembly of 2019.
12. In relation to the conduct of funerals:
  - a) affirm that the Church of Scotland offers to conduct a Christian funeral service for any person in Scotland without distinction;
  - b) affirm that no minister or deacon shall charge any fee or seek any gratuity, explicitly or implicitly, from any bereaved family or funeral director, for this service;
  - c) affirm that, where a family does not request a particular minister, the minister of the parish has responsibility to make provision for this service, and that any other minister should obtain his or her permission before agreeing to conduct any service;
  - d) instruct the Communications Department to make renewed efforts to communicate that the Church of Scotland offers to conduct a Christian funeral service, without the minister charging a fee, for any person in Scotland;

## Instructions to Councils and Committees

- e) instruct the Ministries Council to review best practice in communicating with funeral directors concerning the service the Church offers; and
  - f) urge Presbyteries to be proactive in investigating instances of intrusion or any explicit or implicit charging of fees with regard to funeral services.
16. Instruct the Council to undertake further work on the Long Term Illness of Ministers Act (Act XV 2002) and to report to the General Assembly of 2019.
17. Instruct the Council jointly with the Legal Questions Committee, the Council of Assembly and the Theological Forum to review the Ministers and Deacons in Civil Partnerships and Same Sex Marriages Act (Act I 2015) with particular reference to the deployment of salaried staff and wider issues and report to the General Assembly of 2019.
26. Instruct the Council, jointly with the Legal Questions Committee, to consider how the Church can best support those facing allegations under the Church's discipline process, to consider how this support may be implemented and report to the General Assembly of 2019.
27. Note the advisory figures for the number of full-time equivalent ministers available for Presbyteries in 2023 and instruct the Council to seek a formal response from all Presbyteries to determine whether, on the basis of local experience, the figures should continue to be received as advisory, and to report to the General Assembly of 2019.
28. Instruct the Council to report to the General Assembly of 2019 on the future affordability of Ministries Development Staff (MDS) posts beyond posts currently in Presbytery Plans and on reasons why almost 30% of MDS posts remain unfilled.
34. Affirm the Path of Renewal Project and instruct the Council to review the project in 2019 and report to the General Assembly of 2020.
35. Agree that the Council be released from the instruction to report cumulative information on stipend and salary increases and their relationship to measurements of inflation, and instruct the Council to consult with the Council of Assembly in identifying the best way of presenting these figures and report to the General Assembly of 2019.
37. Instruct the Council to continue in consultation with the Council of Assembly regarding the possibility of meeting visa costs for ministers who enter Church of Scotland ministry from another country of origin.
38. Instruct the Council to produce a policy for consulting with local parties when disposing of or changing arrangements relating to Council-held properties and report to the General Assembly of 2019.

## ECUMENICAL RELATIONS COMMITTEE

4. Instruct the Committee to bring a strategy for the implementation of *Local, Universal and Shaped by the Mission of God: An Ecumenical Policy for the Church of Scotland* to the General Assembly of 2019.

## Instructions to Councils and Committees .....

5. Concur with the response of the Committee to the Review of Action of Churches Together in Scotland (ACTS) and agree to transmit the same to the Trustees of ACTS.
7. Instruct the Committee to bring recommendations with respect to Action of Churches Together in Scotland, in the context of a strategy for the implementation of the Ecumenical Policy of the Church, to the General Assembly of 2019.
8. Instruct the Committee to advise the Council of Assembly of any significant matters which require a decision prior to the General Assembly of 2019, with respect to the Action of Churches Together in Scotland Review Process.

### **PANEL ON REVIEW AND REFORM**

4. Instruct the Ministries Council to complete further work on the possibility of Ordained Local Ministers and Auxiliary Ministers being paid, consulting with Ordained Local Ministers, Auxiliary Ministers and others in doing so, and report to the General Assembly of 2019.
5. Instruct the Ministries Council to complete further work on the practicalities of allowing some candidates for Ordained Local Ministry to complete training placements in their home congregation where this is appropriate and to report to the General Assembly of 2019.
6. Instruct the Panel to work with the Mission and Discipleship Council, Ministries Council and young people to consider what might be done to support the involvement and development of leaders under 50 at a congregational level.
7. Instruct the Panel to complete research on the impact for congregations of participating in Path of Renewal and report to the General Assembly of 2019.

### **CHURCH AND SOCIETY COUNCIL**

#### **Caring for Creation**

5. Welcome the growing success of Good Money Week and forthcoming consultation by OSCR on charity trustee investment duties and recommend that the Council of Assembly now considers as a priority the preparation of a statement of investment principles for the Church.
6. Instruct the Council to engage with the oil and gas companies to continue to seek alignment with the Paris Climate Agreement rather than divest from the oil and gas industry.

#### **Building Global Friendships**

10. Note the United Nations process, which is leading two new Global Compacts on refugees and on migrants, instruct the Council to participate in international ecumenical and UK civil society efforts to call for decisions which place human dignity and welfare at the heart of considerations, and encourage congregations and church members to pray for successful outcomes of the negotiations.
11. Instruct the Council to make representation (a) to the Scottish and UK Governments to ensure social services staff are actively guided on their legal duty to provide support to vulnerable migrants who have no recourse to public funds but have care needs or are children; and (b) to the UK Government to change those policies that force asylum seekers into destitution or homelessness without institutional support.

12. Instruct the Council to consult with the UK Government to seek to safeguard the rights of EU nationals working in Scotland and UK nationals working in the EU, as the UK negotiates its status in relation to the EU.
13. Instruct the Council to facilitate informed public conversation about our future relationship with Europe.
14. Instruct the Council to monitor the impact of leaving the EU on the Devolution Settlement and call on the UK Government to ensure that powers returned from the EU are devolved to Scotland in line with that Settlement.
17. Instruct the Council to urge the Scottish and UK Governments to raise awareness on the human rights abuses that are currently being perpetrated on the citizens of the two Anglophone regions of Cameroon, the north-west and south-west regions.
19. Welcome the Council's statement on the recent violence and killing at the Gaza fence by the Israeli Defence Force and instruct the Council to express the General Assembly's:
  - a) serious regret that the UK Government failed to support the UN Human Rights Council resolution to launch an investigation into the killing by Israeli soldiers of 110 people, including unarmed protesters and journalists;
  - b) concern for the two million people of Gaza who are imprisoned in the enclave;
  - c) thanks to the Christian community who provide essential medical, psycho-social and humanitarian support for all the people of Gaza in the face of on-going hardships and difficulties caused by the Israeli occupation.

### **Ensuring the Health and Wellbeing of All**

22. Instruct the Council to promote and emphasise the intrinsic worth of each individual as an image of the living God, and to work with the wider Church, and with partner agencies to seek the health and wellbeing of all.
23. Commend those congregations working to make their congregations and communities more dementia friendly, the various initiatives from CrossReach to improve dementia care and the Presbytery of Stirling's employment of a Dementia Development Worker; and encourage all congregations, Presbyteries, Councils and Committees to increase awareness of, and support for, people living with dementia.
24. Note that July 2018 will see the marking of the 70th anniversary of the founding of the National Health Service (NHS), and recognise that while the NHS remains a valued part of our social fabric, its long-term future is under serious pressure, and in light of this instruct the Council to consult on the future of the health service in Scotland and to report to the General Assembly of 2020.
25. Commend the plans for Community Custody Units for women in Scotland and encourage the Council and local congregations to express their interest in supporting persons resident within these units as they engage afresh with life in the community.
26. Urge the Council to promote sustainable and healthy travel as a means of inspiring health and wellbeing and caring for creation.

### **Investing in Young People**

28. Instruct the Church and Society Council, the Mission and Discipleship Council and the Ministries Council, to coordinate the Church of Scotland's contribution to the nurture and support of young people by establishing a cross-council Young People and Education Action Group, with the necessary resources and support, as outlined in Section 13.4 of the Report.
29. Note with grave concern the steep rise in hate crimes such as homophobic bullying and assault, and instruct the Council to work with the National Youth Assembly and organisations like *Time for Inclusive Education* (TIE) and *LGBT Youth Scotland* in seeking ways to help our churches address homophobia and deal pastorally with those who have been victims of this.
30. Instruct the Council to present an implementation plan for the Young People and Education Action Group's work, produced by the Young People and Education Action Group and based on the principles outlined in the Report, to the General Assembly of 2019.
31. Instruct the Council to ensure that by the General Assembly of 2019 the Education Committee has passed on work agreed by the Council to the Young People and Education Action Group.

### **GENERAL TRUSTEES**

4. Encourage the Trustees in the development of their Property Assets Strategy.
5. Urge the General Trustees to form a working group consisting of representatives from the Church and wider society with experience of planning and funding innovative building arrangements to help congregations be both missional and sustainable and to report to the General Assembly of 2019.
6. Encourage the Trustees and Presbyteries to develop a closer working relationship based on the Tayside Cluster Pilot.
7. Encourage the Trustees and the Council of Assembly to have discussions with OSCR so that Central Fabric Fund loans are excluded from Congregational accounts as an Income Resource in line with the treatment adopted by the Charity Commissions for England & Wales and for Northern Ireland.
8. Urge the General Trustees to investigate, via the Church of Scotland Insurance Services Ltd as the insurance broker for the Church of Scotland, the provision of a wider Empty Buildings cover for churches, halls, manses and other buildings for which congregations are responsible.
10. Urge the General Trustees to investigate the costs and benefits of assisting congregations to reduce or eliminate their fossil fuel use in our churches and buildings and report back to the General Assembly of 2020.

### **COMMITTEE ON CHAPLAINS TO HER MAJESTY’S FORCES**

9. Instruct the Committee to confer with relevant parties concerning the provision of Church of Scotland email addresses and digital copies of Life & Work magazine to regular chaplains and report to the General Assembly of 2019.

### **SOCIAL CARE COUNCIL**

3. Endorse the work being done by CrossReach, the Council of Assembly and the Pension Trustees to support discussion around the historical pension deficit position and encourage continued exploration of all avenues for mitigation.

### **THEOLOGICAL FORUM**

3. Instruct the Forum to consider the place of Profession of Faith (Admission to the Lord’s Supper or Confirmation) and sharing Communion in today’s Church.
4. Instruct the Forum:
  - (1) to review the reports and debates on the role of the Westminster Confession of Faith in the Church’s life arising from the General Assembly of 1968 and the years following;
  - (2) to give fresh consideration to the issues raised therein in light of developments within Reformed and ecumenical theology since 1646 in which the Church of Scotland has been actively involved;
  - (3) to advise the General Assembly on the continuing role of a ‘Subordinate Standard’;
  - (4) to look afresh at the wording and terms of reference of the Formula of subscription used in services of ordination;
  - (5) to explore the possibility of producing a Book of Confessions, in print and/or on-line as a teaching resource for office-bearers, members and enquirers;
  - (6) to report to the General Assembly of 2020.

### **NOMINATION COMMITTEE**

2. Encourage the Council of Assembly to develop an Information Technology and Communication strategy, in connection with its work on the National Offices, which will enable wider use of technological options to overcome barriers for participation of Council and Committee members in the work of the Church.

### **MISSION AND DISCIPLESHIP COUNCIL**

2. Instruct the Council, in collaboration with the Council of Assembly, the Ministries Council, the World Mission Council, the Ecumenical Relations Committee, the Guild and the Panel on Review and Reform, to explore the development of a programme of education and training on discipleship aimed at lay members of congregations and report to the General Assembly of 2020.
6. In the Year of Young People, encourage the Council, in consultation with the Church and Society Council, to further consider how to support and encourage chaplains as they try to create relationships with schools, organisations and cadet forces.

## Instructions to Councils and Committees

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7. Instruct the Council to investigate and recognise the realities of everyday life of the 'Millennial Generation' (25-40 year olds) and 'Generation X' (30-50 year olds) and explore ways to make our Church an accessible and welcoming place for them.
10. Instruct the Council, in collaboration with the Theological Forum, to develop creative, instructive and grace-filled pathways for the spiritual development of children and young people in order to support congregations in welcoming them to the Lord's Table.
11. Commend the work done on the 'Children, Young People and Communion Survey Findings 2018' and instruct the Council in consultation with the Theological Forum to produce a resource on the theology and practice of Communion in the 21st Century Church of Scotland.
13. Encourage the Council to further research migrant and multi-cultural Christian communities in Scotland and to recognise and resource them in whatever way is considered to be appropriate.
15. Instruct the Council, working with the Church and Society Council and others where appropriate, to promote congregational learning and awareness of the issues experienced by divorcing couples, their children and wider families, in order to better facilitate pastoral care to all affected.
17. Instruct the Council to review which categories of those in the service of the Church should receive a promotional copy of Life & Work magazine, and report to the General Assembly of 2019.
19. Instruct the Mission and Discipleship Council and Ministries Council to bring a joint report from the Joint Emerging Church Group to the General Assembly of 2019, bringing recommendations on the future strategy of the JECG.
20. Instruct the Mission and Discipleship Council and Ministries Council to seek an extension of their partnership with Fresh Expressions until 30 September 2020.
21. Instruct the Council, in consultation with the Ministries Council, to carry out an audit of the range of training which Presbyteries and congregations are using to train local worship leaders, and how local worship leaders are recruited and deployed, and to report to the General Assembly of 2019.

## SECTIONS OF REPORTS

### VI VIRTUAL ATTENDANCE AT MEETINGS ACT (ACT VI 2018)

*Edinburgh, 19 May 2018, Session 3*

The General Assembly enact and ordain as follows:

#### Definitions

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

#### Permission for Virtual Attendance

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

**Convener or Moderator at a Relevant Meeting**

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

**No appeal**

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

**Exception for Vacancy Procedure Act (Act VIII 2003)**

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

## **REPORT OF THE COMMITTEE ON ECUMENICAL RELATIONS**

### **Section 2.2.2**

#### ***Local, Universal and Shaped by the Mission of God: An Ecumenical Policy for the Church of Scotland***

##### **The Basis**

*God's Mission has a Church and it is the One, Holy, Catholic and Apostolic Church. It is the Universal Church of which the Church of Scotland is a part and which is expressed in each Local Church. God calls the Church of Scotland to share in the mission of God and, in the light of this, to remove any obstacles that hinder our cooperation with our sisters and brothers in Christ.*

##### **The Life of God**

*The life of God is manifest in the Trinity of Father, Son and Holy Spirit. The life of the God of Love is essentially relational and, as Creator, Redeemer and Sustainer, God enters into the life of Creation. The life of God is made known through Jesus Christ as the Life of the world and the Holy Spirit as the Life-giver who empowers and renews Creation.*

##### **The Mission of God**

*The mission of God is an expression of the self-giving of the life of God. The mission of God is rooted in the being of God and is made known in the action of God through the Son and by the Holy Spirit. The mission of God is concerned for the whole of Creation and is made known through the proclamation of the Kingdom of God.*

##### **The Church**

*The Church is shaped by the mission of God whose life is made known in the One, Holy, Catholic and Apostolic Church. The life of the Church is primarily expressed in the local Church which is itself an expression of the universal Church. We live out our calling to be the Church by intentionally developing flourishing relationships which embody the life of God.*

##### **The Local**

*The development of flourishing relationships at a local level is realised through the sharing of the gifts that God has given to the people of God in particular, local settings. In the sharing of these gifts:*

*We shall more fully embody the life of God in the body of Christ through the power of the Holy Spirit.*

*We shall better enable our sharing in the mission of God through the ministry of the people of God.*

*We shall encourage participation in active, shared discipleship.*

##### **The Universal**

*The development of flourishing relationships at a universal level is realised in the sharing of the life of God embodied in each part of the Universal Church as it participates in the One, Holy, Catholic and Apostolic Church. Our shared realisation takes place through dialogue and in the affirmation of one another through participation in particular regional, national and international bodies and forums. In the sharing of the life of God:*

*We shall embody the life of God at a regional level as we share our experience in the context of the bodies through which oversight and mutual encouragement takes place.*

*We shall enable our sharing in the mission of God at a national level as we affirm that God has given to each tradition of the Church a particular insight into the life of God and that in humbly acknowledging one another we acknowledge the presence of God.*

*We shall encourage participation in the life of the One, Holy, Catholic and Apostolic Church at an international level through our identification with the life of Creation and the common challenges we face and, in so doing, live out our response to the prayer of Jesus that we 'may all be one...so that the world may believe'. (John 17: 20-21)*

**The Principle**

*The Policy commits the Church of Scotland to the support of the principle that, at local, regional, national and international levels, churches ought to act together except where deep differences of conviction compel them to act separately.*



