

Legal Questions Committee—Comments in respect of the Procurator—General Assembly 2023

Rev Dr Grant Barclay

Moderator,

We are a Church which rests on the foundation of grace in Jesus Christ. We express this, and base our engagement with one another and with the nation, in legal terms. The Declaratory Articles which articulate our identity and purpose are contained in state law in the Church of Scotland Act 1921.

Operating within a legal framework requires considerable expertise and dedication. We need individuals with significant knowledge of the law and its practice, along with the capacity both to advise agencies and committees within the Church and to defend the Church's interests in the civil sphere. In all this, if the practice of law has a missional dimension – as it should in Church – then it needs to be carried out with grace.

As Convener of the Legal Questions Committee, I wish to offer the sincere thanks of that Committee and the wider Church for the eighteen years of skilled service which the Procurator, Laura Dunlop KC, has given.

Her considerable legal knowledge and insight as a senior practitioner at the Scottish Bar has enabled the Church to develop legislative provisions to meet rapidly changing situations. Laura has, throughout her term of office, provided clear thinking expressed in a straightforward and understandable way and has always offered this in a spirit of service to the Church. She has shown a deep commitment to the people and the processes of the Kirk.

Her advice on legal relations between Church and state has given the Church confidence in navigating complex legal and theological landscapes, seen for example in the Opinions provided on the theological concept of constrained difference when applied to specific approaches to solemnising same sex marriage.

In a less public setting, and in dealing with matters of internal Church law, Laura's views on interpretation and her assistance with drafting has contributed to the quality of Church legislation.

Laura has held the office longer than anyone else, is the first woman to do so and – in a step taken in full view of the Assembly but which was hardly noticed by commissioners – replaced the wearing of a full bottomed wig with the advocates' court wig.

Whilst perhaps best known to the Assembly through her presence formerly in the area known as the 'playpen' and latterly seated with the officials, Laura has represented the Church in the Court of Session and the House of Lords, where she has addressed issues as varied as employment law obligations, and rights flowing from the discovery of Viking treasure.

It is, however, here in this place that she has assisted the Assembly, a number of conveners – and not least me – as she has explained legal principles and their application succinctly and clearly. This has been a most significant offering of legal expertise to a Church whom Laura continues to serve in a number of roles.

As this specific contribution draws to a conclusion I am grateful that, as the present convener of the Legal Questions committee, I may offer these few words of recognition and gratitude to an adviser and a colleague in the service of Christ's Church, Laura Dunlop KC.