

SUPPLEMENTARY REPORT – FAITH NURTURE FORUM

Proposed Deliverance

The General Assembly:

1. Receive the Supplementary Report.
2. Pass the Presbytery Mission Plan Act as set out in Appendix 1.
3. Instruct Presbyteries to complete the process of developing and gaining final approval of their Presbytery Mission Plan by 31 December 2022 noting that Presbyteries which are in the process of union with other Presbyteries may seek to form a shared Presbytery Mission Plan with them as the fulfilment of this instruction. (*Section 2 and Section 7*)
4. Agree the number of ministry posts allocated to each Presbytery set out in Appendix 4 and instruct that this be the figure used in the forming of any Presbytery Mission Plan. (*Section 7 and Appendix 4*)
5. Instruct that all Presbytery Plans agreed and approved in terms of the Appraisal and Adjustment Act (Act VII 2003) be suspended from 1 June 2021. (*Section 2 and Section 3*)
6. Instruct that from 1 June 2021
 - a) only vacancies and readjustments processed in terms of section 9(2) of Act VII 2003 (which require, for the avoidance of doubt, the approval of the Presbytery of the bounds and the concurrence of the Faith Nurture Forum) may proceed and
 - b) any vacancies and readjustments given permission to proceed through this exception shall be Reviewable Charges. (*Section 3*)
7. Instruct that where permission to call in terms of section 8 of the Vacancy Procedure Act (Act VIII 2003) has been given prior to 1 June 2021 the vacancy process in a charge may continue after 1 June 2021 but if that process has not led to the preaching of a nominee in terms of section 22 of Act VIII 2003 by 30 September 2021, such a vacancy process shall be discontinued at that date unless agreement is reached between the Presbytery of the bounds and the Faith Nurture Forum that the process may be continued thereafter in terms of Act VIII 2003. (*Section 4*)
8. Instruct that from 1 June 2021 all outstanding appeals under section 6 of Act VII 2003 related to Presbytery Plans shall be suspended, but that this shall be without prejudice to any right to initiate a review in terms of the Presbytery Mission Plan Act in due course. (*Section 5*)
9. Pass the Local Mission Church Regulations as set out in Appendix 5. (*Section 8 and Appendix 5*)

1. PRESBYTERY MISSION PLAN ACT

Members of the Faith Nurture Forum have worked with the General Assembly's Legal Questions Committee and with the General Trustees on the Presbytery Mission Plan Act (Appendix 1.) This Act, as indicated in the main Volume of Reports, seeks to:

- Name mission as the prime driver for Planning.
- Align the description of mission with that being used in the Faith Action Plan.
- Commit to a territorial ministry as in the Constitution but also set the scene for ecumenical cooperation in its delivery.
- Bring Ministry Post numbers into the legislation as a mandatory figure, and facilitate Presbyteries achieving conformity to their allocation by 2025.
- Set a framework for a five-year rolling plan (as opposed to a fixed ten years in Act VII 2003) and require the Faith Nurture Forum to provide a five-year rolling projection of Ministry Post numbers.
- Simplify the strategic decisions about buildings and draw on the support and guidance provided by the General Trustees.
- Simplify and speed up the process whereby the process of arriving at Plan Decisions and other Planning matters can be challenged by Kirk Sessions and Presbyters through the provision of a bespoke review process. Outstanding appeals will fall if the new Presbytery Mission Plan Act is agreed by the General Assembly.
- Maintain a tight control on budgets by insisting that shortfalls be dealt with and appointments are properly set up with secure funding and good HR practice.

- Offer Presbyteries a wider range of options as they seek to reshape church life and use the Ministry Posts which they have been allocated in particular to add provision for – Team Ministry, “light touch” local church (Local Mission Church), online church, new expressions of church.
- Provide a clearer framework for implementing Plans through its description of adjustment processes.

2. THE PRIORITY OF MISSION

In developing the Presbytery Mission Plan Act presented to the General Assembly, questions have rightly been asked about where this leaves existing plans, drafted in terms of Act VII, 2003. The Faith Nurture Forum wishes to be clear about the priority of mission, and in particular the Five Marks of Mission, while the Assembly Trustees have been clear about the financial realities. There is an urgency and therefore the Faith Nurture Forum asks the General Assembly to instruct Presbyteries to begin working on new plans and to submit a new plan, in terms of the Presbytery Mission Plan Act, reflecting the reduced number of ministries, no later than 31st December 2022.

3. SUSPENDING EXISTING PLANS

In order to facilitate this work, it makes sense to suspend all existing plans, while still allowing, in exceptional circumstances, for certain vacancies and readjustments to be processed in terms of section 9(2) of the Act VII 2003 (requiring, for the avoidance of doubt, the approval of the Presbytery of the bounds and the concurrence of the Faith Nurture Forum). Recognising too that circumstances may change while these new plans are being drafted, the Forum, in consultation with the Legal Questions Committee and the General Trustees, asks the General Assembly to instruct that such vacancies and readjustments given permission to proceed through this exception shall be Reviewable Charges.

This proviso will apply until final plans under the new Presbytery Mission Plan Act have been agreed and concurred with by the Faith Nurture Forum, and any reviews arising from these Presbytery Mission Plan Act decisions are dealt with under the proposed review process.

4. EXISTING VACANCIES PURSUING CALLS

For those congregations pursuing a call at this time, it is only fair that they should be allowed to continue in that process. However, if that process has not led to the preaching of a nominee in terms of section 22 of Act VIII 2003 by 30 September 2021, such a vacancy process shall be discontinued at that date unless agreement is reached between the Presbytery of the bounds and the Faith Nurture Forum that the process may be continued thereafter in terms of Act VII 2003 section 9(2). Again, this allows Presbyteries the discretion to enable congregations which are critical to the mission of the Presbytery to seek to discern whether there is a suitable candidate for these vacancies, in conversation with the Faith Nurture Forum.

5. APPEALS

Given that there are outstanding appeals which have been lodged under the terms of Act VII, 2003, some of which may still be some way off resolution for a variety of reasons, it is proposed that any such appeals be suspended. This would be without prejudice to any right to initiate a review in terms of the agreed Presbytery Mission Plan Act in due course.

6. GUIDELINES AND CODE OF PRACTICE

The Faith Nurture Forum, working with the Legal Questions Committee and the General Trustees, will prepare Guidelines and a Code of Practice, focussing on mission and other underlying principles, a

basic outline of which can be found at Appendix 2.

7. ALLOCATION OF MINISTRIES NUMBERS

7.1.1 The Assembly Trustees in their forward planning have indicated that the number of ministries which the Church will be able to afford by the end of 2025 is 600. Taking into account the need for a 10% allowance for vacancies, to allow for movement and flexibility, this means that the number of posts – a combination of Ministers of Word and Sacrament, and Ministries Development Staff – to be included in plans equates to 660.

7.1.2 In seeking to tease through how these 660 posts might be allocated across Scotland, the Faith Nurture Forum considered how to arrive at a distribution which was equitable; which was based on sound principles; and which reflected the Church's continuing Priority to the Poor, as affirmed by successive General Assemblies.

7.1.3 The General Assembly of 2018 considered a set of advisory figures, which related purely to Ministers of Word and Sacrament, and did not include Ministries Development Staff. Recognising that the advisory nature of these figures was unsatisfactory, the Forum has done further work on weightings and ministries allocations, drawing on the realisation that the weightings agreed by General Assembly in 2010 and again in 2011 required revisiting.

7.1.4 A small group met on three occasions, with input from the Rev Dr Fiona Tweedie, and received papers from the Church's Finance Department to consider whether these weightings were still helpful. The composition of the group is listed at Appendix 3. In addition, an informal survey of Presbytery Clerks took place to ascertain their views, and the responses from more rural Clerks were indicative of being supportive of the weightings, while the responses received from some of the more urban Presbyteries

were indicative of finding the weightings less than helpful.

7.1.5 In 2011, the allocation of ministries was based on two key factors. The first was population density, and, recognising that population density was radically different in the rural and remote parts of Scotland, the weightings reflected this, with those most remote and rural parts receiving a weighting of three, and the urban areas, and predominantly urban areas receiving a weighting factor of one. The second key factor reflected the fact that the mission of the Church was to those who self-identified as Church of Scotland in the 2011 Census, and also to those who self-identified as having no religious affiliation, as well those who chose not to answer this question.

7.1.6 While a Census took place in England in March 2021, the Scottish Census will take place in March 2022, with the key findings to support the revision of ministries allocations not being available until the latter part of 2023.

7.1.7 In looking at the weightings, and the allocation of ministries numbers, various options were considered. These included doing away with a weighting system entirely, while retaining the double weighting for population for Priority Areas; removing the weightings entirely, and removing the double weighting of population for Priority Areas, and offering a pool of 30 posts for MDS roles within Priority Areas, which would have been subject to a bidding process; and introducing a new weightings system.

7.1.8 The group looking at weightings also had access to the figures for Ministries and Mission allocations for the period 2019 to 2021, and looked at these alongside the number of ministries allocated to each Presbytery or cluster of Presbyteries where Presbyteries had come together to create a new Presbytery, with the costing of a ministry post equating to £43,698 at 2021 figures. There are some questions about whether using the population density

statistics is the right method going forward and the Forum will consider these and report back to a subsequent General Assembly.

7.1.9 Equally the shape of Presbytery Reform will require appropriate adjustments to these weightings as new Presbyteries are created to replace existing ones. The weightings factors can be found on the General Assembly pages of the Church of Scotland website.

7.1.10 The Forum asks the General Assembly to retain the existing weightings, recognising that further work will take place in the coming year and the allocation of ministries arising from these weightings, capped at 660, and distributed accordingly across the Presbyteries in Scotland, with appropriate adjustments on a percentage basis for those Presbyteries not subject to a calculation against population. These figures are to be regarded as mandatory, and the new Presbytery Mission Act indicates this. These ministry figures can be found at Appendix 4.

7.1.11 For the Presbyteries of Clyde and Fife, the Forum offers an aggregate of ministries, and encourages other Presbyteries working together to shape a new Presbytery to consider these figures as they work collaboratively.

7.1.12 The new Presbytery Mission Plan Act provides for a more dynamic rolling five-year planning cycle, with ministry allocations being reported on each year to the General Assembly. Alongside the review of Ministries and Mission Allocations, reported on elsewhere to this General Assembly, it is appropriate to work with the existing weightings, alongside the percentage reduction in ministries numbers, as the baseline for Presbytery Mission Plans with an end date of 31 December 2025.

7.1.13 These numbers reflect those who self-identified as Church of Scotland in the 2011 Census, and also those who self-identified with no religious affiliation. Recognising that much housebuilding has

taken place across Scotland since the 2011 Census, the work done by the Reverend Dr Fiona Tweedie in arriving at these figures draws heavily on the Small Area Population Estimates data provided by National Records of Scotland, as at June 2019. The Forum is grateful for Dr Tweedie's support in this key area of work.

7.1.14 The Forum also asks the General Assembly to note that there will be a cap on the numbers of MDS posts within the overall allocation of ministries, at a higher percentage of the overall posts than was eventually the case in the 2011 plans. For 2022 this cap will be 120 in the first instance.

7.2 Guardianships

In addition, the provision of guardianships will continue, but guardianships will be built into plans as 0.25 of an FTE post; they receive two days of pastoral work and also a Sunday, and these costs need to be reflected fully in Presbytery Plans.

7.3 Financial Issues in Planning

The group has taken account of the possibility that a Presbytery might agree a Mission Plan which significantly reduces the aggregate amount of Ministry and Mission contributions which its congregations remit to the national Church. It is possible for a Presbytery to do so while acting in good faith and in accordance with Church law. Whether the Presbytery is a net contributor or not, this would imperil the Church's ability to pay for 600 ministries. The more Presbyteries produce Mission Plans which result in a reduction of their aggregate Ministry and Mission contributions, the greater the risk. To mitigate this risk, the group believes that the General Assembly should be clear in setting targets for gross aggregate Ministry and Mission contributions from each Presbytery. These targets would require annual revision and might be advisory or mandatory.

7.4 The group had neither the resources nor the time to bring detailed proposals to the Assembly. It is also aware

that work is being done elsewhere on Church finance which might bear directly on this issue. Nevertheless, the group recommends that the Faith Nurture Forum, working with the Assembly Trustees and Legal Questions Committee, should monitor the potential impact of Presbytery Mission Planning on the finances of the national Church and, if necessary, bring proposals to a future General Assembly.

7.5 The Forum will continue to keep these figures under review and will report back to the General Assembly of 2022.

8. LOCAL MISSION CHURCH

8.1 In engaging with Presbyteries and congregations, the Faith Nurture Forum, the Principal Clerk's Office and the General Trustees have been all too aware of the demands placed on small congregations in their ongoing life and work as they seek to engage in mission in context. The burden of finding an Interim Moderator and of populating the offices of Session Clerk, Treasurer, Safeguarding Coordinator and a Property Convener, to name but some of the local offices required, is challenging for small congregations. There is a positive history in the Church of Scotland of mission stations being a vibrant expression of local church, and the regulations on Local Mission Church referred to below can be a significant contribution to that story.

8.2 Accordingly, following the initiative of the Legal Questions Committee, the Forum brings to the General Assembly Regulations on Local Mission Church, which can be found at Appendix 5.

8.3 These create provision for a congregation, which is small and which seeks to continue to worship, to have a continuing life, while recognising that the burdens of continuing with a Kirk Session and the associated offices, perhaps including a Clerk to the Congregational Board, as well as the roles indicated above are beyond its means. Worship could be

provided by worship teams, by online provision, or through the offices of a Reader or Ordained Local Minister. The experiences of the last year have shown that different possibilities exist and that online worship can be offered as a deep experience of the Holy Spirit and the gathered people of God. Some of the congregations currently experiencing life under Guardianship may wish, in consultation with Presbytery, to consider moving to assume the status of a local mission church.

In the name of the Forum

ROSEMARY FREW, *Convener*
KAREN K. CAMPBELL, *Vice-Convener*
ANGUS R MATHIESON, *Interim Head of Forum*

Appendix 1

PRESBYTERY MISSION PLAN ACT [] 2021 Edinburgh, [] May [], Session []

The General Assembly declare and enact as follows: –

In requiring Presbyteries to plan mission within their bounds, the Church of Scotland seeks to:-

- underscore the Church’s priority as participating in Christ’s mission.
 - set down a definition of that mission.
 - provide a framework for a Presbytery to express that priority in forming a rolling five-year Mission Plan.
 - enable a group of Presbyteries anticipating union to work together on a Mission Plan.
 - ensure that a Presbytery makes best use of the ministry posts allocated to it by the General Assembly.
 - insist that a Presbytery take decisions about the future of Church buildings.
 - provide a range of ways in which a Presbytery may structure and resource Church life.
- engage the Faith Nurture Forum and the General Trustees in assisting Presbytery in their planning.
- Accordingly, the General Assembly hereby enact and ordain:**
- 1. DEFINITIONS**
- 1.1** For the purposes of this Act the following terms shall have the meanings hereby assigned to them:-
- a) “Adjustment” shall mean a form of adjustment set out in section 7, sub-sections (1) to (11);
 - b) An “appointment” shall mean an appointment to a post other than an inducted Minister detailed within the Mission Plan and which is either counted within the allocation of ministry posts funded by the Parish Staffing Fund and allocated to that Presbytery by the General Assembly or is funded locally by the congregation and/or the Presbytery;
 - c) “Approved Mission Plan” shall mean a Mission Plan that has been approved by the Presbytery, the Forum and the General Trustees;
 - d) “Basis of Adjustment” shall mean the written terms upon which Adjustment is implemented;
 - e) A “charge” shall mean a sphere of pastoral duty to which a minister is inducted and may include a Team Ministry Charge as referred to in section 7(10);
 - f) A “congregation” shall mean an association of persons in a parish whose names are on the Communion Roll and Adherents’ Roll and who are under the pastoral oversight of a minister or ministers (or an Interim Moderator) and a Kirk Session, for Christian worship, fellowship, instruction, Mission and service;
 - g) “ecclesiastical building” shall mean any property pertaining to a

- congregation or agency whether or not in use for the purposes of the congregation or agency and in particular but without prejudice to the foregoing generality any Church, Church Hall, Manse, house for an assistant or associate minister, Church Officer's house, retirement house, ancillary building or outbuilding or property which is let;
- h) A "Financial Board" shall mean the body responsible for managing the finances of a congregation, including a Congregational Board, Deacons' Court, Committee of Management and Kirk Session;
- i) the "Five Marks of Mission" shall mean:
1. To proclaim the Good News of the Kingdom
 2. To teach, baptise and nurture new believers
 3. To respond to human need by loving service
 4. To seek to transform unjust structures of society, to challenge violence of every kind and pursue peace and reconciliation
 5. To strive to safeguard the integrity of creation and sustain and renew the life of the earth;
- j) "The Forum" shall mean the Faith Nurture Forum;
- k) "Guidance" shall mean the Guidance accompanying this Act as referred to in section 13;
- l) "Historic Properties" shall mean those buildings specified by the General Trustees as being of special historic or architectural interest which are outstanding examples of a particular period, style or building type and "Historic Property" shall be construed accordingly;
- m) "MDS" shall mean Ministries Development Staff, and refers to appointments of employees by the Forum;
- n) "Mission" shall be construed as meaning those aspects of church life set out in the Five Marks of Mission supplemented by the Guidance;
- o) "Mission Plan" shall mean a Mission Plan formulated in terms of section 2 below and in the form of the template set out in Guidance;
- p) "Mission Plan Review Panel" shall mean the Panel described in the Schedule;
- q) The "Presbytery" shall mean the Presbytery of the bounds where the charge, agency, partnership or Mission initiative is located or online activity is rooted; the word "Presbytery" may be construed so as to include a group of Presbyteries, where appropriate;
- r) The "shape of church life" shall mean the arrangements of congregations, agencies, ministries, partnerships initiatives and others, including their physical resources and online activities, all under the supervision of the Presbytery;
- s) "Vacancy" shall mean the state in which a charge finds itself when it is without an inducted minister and shall include the situation of a prospective vacancy where an Interim Moderator has been appointed under section 6(1) of the Vacancy Procedure Act (Act VIII 2003), and "vacant" shall be construed accordingly.

2. THE PRESBYTERY MISSION PLAN

2.0.1 Each Presbytery shall be required to have an Approved Mission Plan in place in terms of this Act by 31 December 2022.

2.0.2 It shall be in order for a group of Presbyteries anticipating union to present to the Forum and the General Trustees a shared draft Mission Plan in terms of this Act. For this to become an Approved Mission Plan in terms of this Act it must have been approved at a meeting of each of the individual Presbyteries and then the final approval of the Forum and the General Trustees must be obtained.

2.1 Content of A Mission Plan

2.1.1 A Mission Plan shall describe how the Church of Scotland's engagement with Christ's Mission is to be shaped and resourced in the following five years and to that end shall demonstrate how the Presbytery will:-

- i) ensure that the life of the Church of Scotland is shaped around Mission and adequately reflects the outcomes of Local Church Review and ideas for local mission;
- ii) sustain the commitment to a territorial ministry as described in the Third of the Articles Declaratory appended to the Church of Scotland Act 1921 and affirmed in Declaratory Act V 2010 including its commitment to ecumenical working;
- iii) make appropriate use of such ministry posts as may be permitted by the General Assembly so that the number of post holders in each Presbytery conforms to the numbers and timescales set by the General Assembly;
- iv) ensure that new ways of being Church, other than stipendiary Ministers of Word and Sacrament or traditional MDS appointments, are reflected in the Mission Plan

2.1.2 In doing so the Presbytery will categorise each ecclesiastical building as either:-

- (a) to be retained beyond the five years from the date at which the Mission Plan is approved or annually reviewed, or
- (b) to be sold, let or otherwise disposed of by a specified date which is within five years from the date at which the ecclesiastical building is first categorised as (b).

2.1.3 In order to arrive at these categorisations the Presbytery shall use, and reference, resources and advice provided by the General Trustees, including the Land and Buildings Toolkit (or any successor guidance issued by the General Trustees).

2.1.4 In the case of a (b) categorisation the General Trustees shall be empowered, at their discretion and in consultation with the Forum, to refuse any application made in respect of that building in terms of the Work at Ecclesiastical Buildings Regulations (Regs I 1998) (as amended from time to time).

2.1.5 The Mission Plan shall also record those ecclesiastical buildings within the Presbytery which are Historic Properties, regardless of whether they are categorised as (a) or (b).

2.2 Process for preparing and approving a Mission Plan

2.2.1 Mission Plan is prepared: A Presbytery shall prepare a draft Mission Plan, in consultation with the Forum and the General Trustees. To facilitate the Presbytery's preparation of the Mission Plan, the Forum shall, as part of its input, intimate the total number of ministry posts approved by the General Assembly as referred to at section 2.4.1 below, and the General Trustees shall, as part of their input, provide such information as is available as to suitability of the ecclesiastical buildings for mission. In the

course of its development the Presbytery shall at regular intervals share the draft Mission Plan with the Forum and the General Trustees. The Presbytery, the Forum and the General Trustees shall work together to develop the Plan, with the Forum and the General Trustees offering advice and guidance on the framing of the Mission Plan. Presbytery shall take into account the Code of Practice contained in the Guidance.

2.2.2 Presbytery meets to approve the Mission Plan: The completed draft Mission Plan shall be put to a full meeting of the Presbytery for approval. When a Presbytery has voted to approve a Mission Plan, or to approve a Mission Plan following its annual evaluation and development, the Presbytery's process shall be sisted and an extract minute of the decision and a copy of the Mission Plan document shall be sent to the Forum and the General Trustees for their final approval.

2.2.3 Approval of the Mission Plan by the Forum and the General Trustees: Upon receipt of the Mission Plan, the Forum and the General Trustees shall consider whether the Mission Plan conforms to section 2.1 above and thus whether the Forum and the General Trustees can grant final approval of the Mission Plan, or whether further discussion with the Presbytery is required. If in these discussions Presbytery representatives agree to possible amendments then the amended Mission Plan will be resubmitted to a full meeting of Presbytery for its final approval.

2.2.4 Possible referral to Mission Plan Review Panel for assistance: Discussion on the Mission Plan among the Presbytery, the Forum and the General Trustees shall continue until final approval of the Mission Plan is given by the Forum and the General Trustees. If final approval is not in place within a period of three calendar months after the Forum's and the General Trustees' receipt of the Mission Plan, the matter shall be referred to the Mission Plan

Review Panel by the Presbytery and the Panel shall assist the parties to resolve the matter, so that final approval of the Mission Plan can be given.

2.2.5 Extract minute of final approvals to Presbytery: Once both the Forum and the General Trustees have given final approval of the Mission Plan, the Forum shall send an extract minute to Presbytery indicating that the Forum and the General Trustees have granted final approval of the Mission Plan.

2.2.6 The Approved Mission Plan: When the Forum's and the General Trustees' final approval of the Mission Plan is announced and recorded at a meeting of the Presbytery, the Mission Plan will then be considered an Approved Mission Plan and, subject to the right of review referred to at section 3 below, steps shall be taken by the Presbytery towards its implementation.

2.3 Annual evaluation and development of a Mission Plan

2.3.1 Each Presbytery shall carry out a process of annual evaluation and development of its Mission Plan so as to maintain in rolling form an accurate, comprehensive and up to date Mission Plan for the shape of church life in the next five years in that Presbytery.

2.3.2 The process of annual evaluation and development of the Mission Plan shall be initiated by the Presbytery Clerk, and shall proceed in consultation with the Forum and the General Trustees. Thereafter approval by the Presbytery, and final approval by the Forum and General Trustees shall be sought and this process shall follow the procedure set out above at section 2.2, save that the period to achieve final approval of the Plan shall be one month rather than three months. After such evaluation and development, final approval and recording of that approval at a meeting of the Presbytery, the Mission Plan shall be re-dated to cover the next five

years and that shall become the
Presbytery's Approved Mission Plan.

2.4 Other provisions as to Mission Plans

2.4.1 The Forum shall bring annually to the General Assembly for approval the proposed total number of ministry posts to be funded by the Parish Staffing Fund, allocated among the Presbyteries, in each of the next five years, so that there is a five-year rolling plan for such allocations.

2.4.2 In the first Approved Mission Plan, and in every subsequent Approved Mission Plan formed after the process of annual evaluation and development and approval, the provisions of section 2.1.1(iii) shall apply.

2.4.3 For the avoidance of doubt, in including in a Mission Plan provision for Adjustment to achieve the Mission Plan goals, the Presbytery shall not be considered to be affecting the rights of an inducted Minister. The Presbytery shall have the right to call a meeting of the relevant Kirk Session(s) and the congregation(s) to discuss the Mission Plan with or without consent of the inducted minister. The inducted minister shall not be entitled to attend and speak at such a meeting, but the Presbytery may choose to meet separately with the inducted minister to discuss the Mission Plan goals.

3. REVIEW

3.1 Within fourteen days of the date of the Presbytery meeting at which the agreement of the Forum and the General Trustees to the Mission Plan (or to an annual evaluation and development of the Mission Plan, as the case may be) has been recorded at the Presbytery meeting it shall be open to any twelve or more members of the Presbytery or to any Kirk Session within its bounds to seek a review of the process used by the Presbytery in preparing and approving the Mission Plan (or its annual evaluation or development) by sending intimation to the Principal Clerk (who in

turn shall inform the Forum and the General Trustees).

3.2 When a review has been intimated: any provision of the Mission Plan which is not affected by a request for review may be progressed under section 4 while the review is pending.

3.3 The review may only be requested on the grounds set out in the Schedule to this Act.

3.4 Such a review shall be conducted by a Mission Plan Review Panel in accordance with provisions of the Schedule to this Act.

4. IMPLEMENTATION OF THE MISSION PLAN

4.1 After achieving the final approval of the Forum and the General Trustees to the Mission Plan (or to annual evaluation and development of the Mission Plan), and when there are no outstanding requests for review to be heard by the Mission Plan Review Panel, the Presbytery shall proceed to implement the Approved Mission Plan.

5. PRESBYTERY MISSION PLANS AND PERMISSION TO CALL A MINISTER OR TO MAKE AN APPOINTMENT

5.1 A vacant charge in respect of which an Approved Mission Plan exists may be given permission to call a minister, subject to the provisions of Act VIII 2003, and further provided that:

- (a) the Mission Plan provides that no Adjustment is required before a new minister is inducted, or
- (b) the Adjustment described in the Approved Mission Plan has been fully implemented, or

- (c) the Presbytery has already negotiated a Basis for the Adjustment described in the Approved Mission Plan and is able to implement it before sustaining a call and there is no outstanding request for review to be heard by the Mission Plan Review Panel.

5.2 A vacant charge shall not be given permission to call a minister if:

- (a) a Basis of Adjustment has not yet been agreed between the Presbytery and the congregation, and/or
- (b) there is any outstanding request for review to be heard by the Mission Plan Review Panel, and/or
- (c) there are Mission Plan issues yet to be resolved in terms of this Act.

5.3 Appointments may also be made to other posts (MDS and/or Presbytery and/or locally funded posts) described in the Mission Plan providing that:

- (a) there is funding in place for the envisaged duration of the appointment,
- (b) the job description and contract of employment have been approved by the Human Resources department in the national office in order to ensure consistency and fairness across Presbyteries, and
- (c) Presbytery shall satisfy itself as to the status and good standing of any minister of another denomination appointed in terms of this section 5.3.

6. SUSPENSION OF THE IMPLEMENTATION OF THE MISSION PLAN

6.1 On cause shown, and subject to the right of any twelve or more members of Presbytery or a Kirk Session to request review by the Mission Plan Review Panel on the grounds set out in the Schedule within fourteen days of the date of suspension,

the Presbytery, the Forum or the General Trustees may suspend the implementation of the Mission Plan in part or whole.

6.2 When this happens, the Presbytery and the Forum and the General Trustees shall strive to reach agreement with interested parties as soon as possible to allow the Mission Plan to be reinstated and implemented.

6.3 The Presbytery shall not permit a congregation to call a minister or an appointment to be made in terms of the Mission Plan when such a post is covered by the suspended section(s) (or as the case may be, whole) of the Mission Plan.

7. IMPLEMENTATION OF THE MISSION PLAN THROUGH ADJUSTMENT AND OTHER ARRANGEMENTS

7.0 The Mission Plan may specify any of the following forms of Adjustment and other arrangements: –

(1) Union

Two or more congregations may be united to form one congregation under the Unitary Constitution, and such union shall involve the union of charges, parishes, Kirk Sessions, Financial Boards, property and funds and, except in special circumstances where provision is made to the contrary in the Basis of Union, all congregational agencies and organisations.

(2) Linking

Two or more charges may be linked to form one charge in terms of a Basis of Linking, so that the congregations are served by one ministry, the constitutions of the said congregations being in no other way affected.

(3) Deferred Union or Deferred Linking

- (a) When for any reason it is not possible to unite a vacant congregation with another congregation under the minister of the other congregation, the Presbytery may decide to unite them on the understanding that the implementation of such decision shall be deferred to take place as soon as practicable after that minister's interest has terminated.
- (b) The Basis of Deferred Union shall provide (i) that the congregations to be united shall elect a minister who shall be inducted in the first instance as minister of the vacant congregation, and (ii) that on the termination of the other minister's interest the Union shall immediately be effective under the minister so elected and inducted.
- (c) If another vacancy occurs in the originally-vacant congregation before the termination of the other minister's interest, the Basis of Deferred Union shall remain in force and the congregations shall elect another minister as in (b) above; subject to the proviso that the Presbytery may decide to recall the Basis of Deferred Union with a view to making another Adjustment decision.
- (d) A linking may be deferred in the same manner as a union in terms of subsections (a) to (c) above.

(4) Local Mission Church

The Presbytery may determine in its Mission Plan that a Local Mission Church shall be created, either (a) following a union or dissolution effected in terms of this Act, or (b) as a new venture. Such a Local Mission Church shall be established in terms of the Local Mission Church Regulations and shall be governed by a Basis of Local Mission Church. The process

to create a Local Mission Church shall be as specified in the Guidance.

(5) Guardianship

A charge may continue without the right to call a minister under the Guardianship of the Presbytery. There shall be a Basis of Guardianship which shall include the timing and scope of the how the guardianship shall be reviewed. In such a case, the Presbytery will appoint an Interim Moderator who will ensure that appropriate arrangements are put in place to enable the ongoing ministry and Mission of the congregation(s). For the avoidance of doubt, a Guardianship shall count as 0.25 towards the total ministry allocation for a Presbytery. A Guardianship shall be subject to a separate five yearly review process at the instigation of Presbytery, alongside the normal annual evaluation and development of the Mission Plan.

(6) New Charge Development

Those new charges which have been established prior to the passing of this Act in terms of Act XIII 2000 may be included in the relevant Mission Plans, but no new charges under Act XIII 2000 may be specified in a Mission Plan after the passing of this Act.

(7) Transportation

- (a) The Presbytery may move a congregation from one place of worship to another, and, where that involves a change of parish, it shall be designated "transportation".
- (b) Where transportation is effected, the Presbytery shall take such steps of Adjustment as may be necessary to ensure that the parishes involved are allocated to defined charges.

(8) Parish Groupings

The Presbytery may declare that two or more charges shall have responsibility for a single area. The Basis of such an Adjustment shall determine the extent to which the charges shall operate as a Parish Grouping, for instance in the sharing of

worship, personnel, education resources, mission initiatives, congregational organisations etc.

(9) Dissolution

A charge may be dissolved by the Presbytery of the bounds. The Basis of Dissolution shall provide for:-

- (a) The issuing of certificates of transference to all members of the congregation;
- (b) The allocation of the parish to another charge or charges;
- (c) The transfer to the General Trustees, prior to dissolution, of any heritable property held by or on behalf of the congregation title to which is not yet vested in the General Trustees;
- (d) The transfer, prior to dissolution, of funds to enable the General Trustees to discharge their obligations (including maintenance, security and insurance) in relation to any heritable property held by or on behalf of the congregation which is designated as a Historic Property; provided that such funds shall include (i) all restricted funds (including organ funds) held for fabric purposes and (ii) such proportion of all unrestricted funds as may be reasonably required for such purposes by the General Trustees; and
- (e) The destination of all other property and funds of the charge(s).

(10) Team Ministry

- (a) The Presbytery may determine, in respect of any charge, the amount of ministerial time required by the charge, and the number and nature of posts necessary, provided that (except in the case of job-sharing) the Presbytery shall identify one of the inducted ministers as moderator of the Kirk Session.

- (b) Presbyteries are encouraged in designing a Team Ministry to consider the significance of the role which might be played by those other than Ministers of Word and Sacrament and Ministries Development Staff.
- (c) The terms under which a Team Ministry will operate shall be set out in a Basis of Team Ministry agreed by the Presbytery and all members of the Team prior to any such Team Ministry being established; the Basis shall include a dispute resolution mechanism.
- (d) A Team Ministry may be created in one or other of the following two ways:
 - (i) a Presbytery may create a Team Ministry with an inducted parish minister (who shall be the moderator of the Kirk Session) and which may include a deacon, MDS appointments, the appointment of an Ordained Local Minister or such other appointment as may be deemed appropriate in Mission Plan discussions, or
 - (ii) alternatively, the Presbytery may create within the charge a Team Ministry consisting of two or more Team Ministry Charges, to each of which a parish minister shall be inducted, provided always that one of the Team Ministry Charges shall be identified in the Basis as the one providing the moderator of the Kirk Session. The Team may also include a deacon, MDS appointments, the appointment of an Ordained Local Minister or such other appointment as may be deemed appropriate in Mission Plan discussions.

(e) Where there are Team Ministry Charges created in terms of paragraph (d)(II) above, the following shall apply:

(A) The Team Ministry Charges shall share the same congregation and Kirk Session and be part of the same Church life.

(B) The ministers inducted to a Team Ministry Charge shall each occupy the manse provided for their use.

(C) The ministers of the Team Ministry Charges shall be appointed in one or other of the following two ways:

(i) the ministers may be called, with appropriate changes, through the vacancy processes set out in Act VIII 2003, or

(ii) where a new charge is being created by a union of charges and where there are at the time of the proposed union minister(s) inducted to one or more of those charges with unrestricted tenure, it shall be competent for the Presbytery to create Team Ministry Charges within the new charge and to include such minister(s) within the new charge subject to their agreement to the Basis of Team Ministry.

(D) The Team Ministry Charges, save for any exception at (e)(C)(ii) above, shall be Reviewable Charges in the terms set out in section 9(1) of this Act and may be part-time.

(E) For the avoidance of doubt, the minister(s) who are not inducted to the Team Ministry Charge providing the moderator of the Kirk Session will not automatically succeed to that Team Ministry Charge on the occurrence of a vacancy but would be entitled to apply for that Team Ministry Charge through the vacancy processes set out in Act VIII 2003.

(11) New Forms of Church Life

After consultation with the Forum, the Presbytery may devise a new form of Adjustment or ministry, ensuring that such form is consistent with the Acts and deliverances of the General Assembly. This may include the provision of online Church, where the Presbytery seeks to coordinate and resource the provision of online worship and mission by identifying congregations, partnerships or agencies which will be given lead responsibility for such provision; this may include the allocation of a Mission Plan post or posts. The Mission Plan should demonstrate how the Presbytery will relate to those whose belonging is primarily through networks or the virtual world.

(12) Presbytery Mission Initiative

The Presbytery may set up a Presbytery Mission Initiative in terms of the Presbytery Mission Initiatives Act (Act V 2015).

8. AGREEMENT TO UNION OR LINKING UNDER AN INDUCTED MINISTER

8.1 Preliminary

8.1.1 No Basis of Union or Linking shall be distributed by Presbytery to the office bearers or members of a congregation where the minister has been inducted on the basis of unrestricted tenure without the consent of that minister.

8.2 Congregational Votes on the Proposed Basis of Adjustment

8.2.1 When an explicit provision of a Basis of Union or Linking is that the minister of one of the congregations involved shall be the minister of the united or linked charge (the new charge) then the following procedures shall be adopted. All such votes shall be by secret ballot.

8.2.2 Where the minister referred to in 8.2.1 was inducted on unrestricted tenure to his or her current congregation, there shall be a single vote taken in that congregation to approve all the terms of the Basis. Other congregations shall vote using the double vote system as set out below.

8.2.3 Where the minister referred to in 8.2.1 was inducted on a Basis of Reviewable Charge there shall be separate votes taken in each congregation on each of the following matters:-

- i. to approve the terms of the Basis, apart from the clause which says that the minister referred to in 8.2.1 shall be the first minister of the new charge; and
- ii. to approve the clause in the Basis which says that the minister referred to in 8.2.1 shall be the first minister of the new charge.

8.2.4 Where a congregation is vacant there shall be separate votes taken in that congregation, irrespective of whether the minister referred to in 8.2.1 was inducted on unrestricted tenure or to a Reviewable Charge, on each of the following matters: -

- i. to approve the terms of the Basis, apart from the clause which says that the minister referred to in 8.2.1 shall be the first minister of the new charge; and
- ii. to approve the clause in the Basis which says that the minister referred to in 8.2.1 shall be the first minister of the new charge.

8.3 Procedure Subsequent to Congregational Votes

8.3.1 When the vote taken in terms of 8.2.2 is "for" then the Presbytery is free to proceed to effect the adjustment subject to consideration of the votes taken in terms of 8.2.3 and 8.2.4.

8.3.2 When votes are taken in terms of 8.2.3 and the vote is "for" in terms of i but "against" in terms of ii then the Presbytery may choose to follow one of these options:-

- i. if the review date for the Basis of Reviewable Charge has passed or is imminent, to end the tenure of the Reviewable Charge by giving the minister six months' notice and thereafter enact the Union or Linking, or
- ii. if the review date for the Basis of Reviewable Charge is some time ahead seek to negotiate a Basis of Deferred Union or Linking to cover the period until the review is due.

8.3.3 Where votes are taken in terms of 8.2.4 and the vote is "for" in terms of i but "against" in terms of ii then the Presbytery may choose to follow one of these options:-

- i. if the review date for the Basis of Reviewable Charge has passed or is imminent, to end the tenure of the Reviewable Charge and give the minister six months' notice and enact the union or linking, or
- ii. negotiate a Basis of Deferred Union or Linking which will be enacted when either the incumbent minister on unrestricted tenure has left his/her charge or, if applicable, when the Reviewable Charge may be reviewed and its tenure terminated.

8.4 General Provisions for Such Adjustments

8.4.1 A Presbytery may not effect an adjustment whereby a minister would be

imposed on a congregation which has not voted in favour in terms of 8.2.3 ii or 8.2.4 ii.

8.4.2 In the case of a minister who becomes minister of a united or linked charge in terms of a Basis of Union or Linking, the united or linked charge shall be regarded as a modification of the charge to which he or she has already been inducted so that no further induction shall be required; but in all such cases the Presbytery shall conduct a service of introduction.

9. INSTRUMENTS FOR FUTURE PLANNING

9.0 The Presbytery may utilise in its Mission Plan either of the instruments for future planning described below.

(1) Reviewable Charge

9.1.1 In respect of any charge, the Presbytery may decide that such charge shall be a Reviewable Charge, meaning that its next minister shall be inducted on condition that the Presbytery may terminate the tenure of the minister at any time and for any reason which may seem good to the Presbytery, on terms specified in the Basis of Adjustment and always upon giving the minister six months' notice in writing. On the date of termination, the minister shall be deemed to have demitted his or her charge.

9.1.2 The minister shall be free to seek to demit or be translated as in the ordinary case of any minister inducted to a charge, provided that, if the Reviewable Charge is that minister's first charge, this constitutes exceptional circumstances in terms of section 4 of the Vacancy Procedure Act (Act VIII 2003).

9.1.3 Before proceeding to induct a minister in terms of this section 9(1), the Presbytery shall submit to him or her the Basis of Reviewable Charge, and shall obtain and record his or her written acceptance thereof.

(2) Transference

9.2.1 A parish and charge may be transferred from the bounds and jurisdiction of one Presbytery to the bounds and jurisdiction of another with the agreement of both Presbyteries.

9.2.2 In the event of disagreement between the two Presbyteries, the Presbytery desiring the transference may request a review by the Mission Plan Review Panel in terms of the Schedule within fourteen days of the date of the Presbytery meeting at which a decision disputing the transference was taken, and shall immediately notify the other Presbytery of its request.

9.2.3 Transference shall be a necessary preliminary to union or linking of congregations which are not within the bounds of one Presbytery.

10. ACHIEVEMENT OF ADJUSTMENT

10.1 When the Presbytery decides to negotiate a Basis of Adjustment in a charge in accordance with a Mission Plan, it shall remit to the appropriate Standing Committee, or to a committee appointed for the purpose, the task of conferring with local parties, provided that:

- (a) Conference with local parties shall be with the ministers and with the elders and the members of the Financial Board (if any) of the congregations which may be involved in Adjustment, and should include consultation with other members of a ministry team;
- (b) No proposed Adjustment involving the rights of the minister shall be discussed with the office-bearers of the congregation as in (a) above without his or her consent in writing;

- (c) All meetings of office-bearers under this section 10.1 shall be called by the Presbytery's Committee and a minister, deacon or elder, appointed by the said Committee, shall act as Convener for the purposes of conference. In no case shall a minister preside at or attend any meeting called under the terms of this Act where matters in which his or her interests are involved are discussed or decided.

10.2 A detailed Basis of Adjustment shall be negotiated with the office-bearers involved, and in the course of the negotiation its text shall be submitted to the Forum to ensure it is consistent with the Mission Plan, and to the Principal Clerk and the Solicitor of the Church who shall ensure that the provisions of the Basis are in conformity with Church and Civil Law. The Basis of Adjustment shall be voted upon firstly by the office-bearers and then by the congregation or congregations involved, before the matter is put to the Presbytery for decision. Those entitled to speak and vote at such a congregational meeting shall include those who have been formally recognised by the Kirk Session as adherents of the congregation. The Presbytery shall have regard to the decisions arrived at by the respective office bearers and congregations, provided always that:

- (a) no Basis affecting the rights of a minister shall be presented to his or her or any other congregation without his or her written consent,
- (b) any congregation directly involved in and named in any proposed Basis shall be cited to appear for their interests at any meeting of the Presbytery at which a decision is to be made in terms of this Act.

10.3 Notwithstanding the provisions of this section 10, while it shall be the duty of the Presbytery to make every effort to secure approval of the office bearers and

congregations involved, the right of the Presbytery to effect Adjustment in terms of this Act is hereby affirmed, subject to the written consent of any minister or ministers whose rights would be adversely affected.

11. REVIEW OF A BASIS OF ADJUSTMENT

11.1 It shall be open to any Kirk Session involved in the Adjustment or twelve or more members of Presbytery to seek a review of a Basis of Adjustment by the Mission Plan Review Panel. Such a review shall consider whether the details of the Basis are in conformity with the Approved Mission Plan and this Act and must be requested within fourteen days of Presbytery's decision on the Basis.

11.2 Such review shall otherwise proceed in line with the provisions of the Schedule.

12. MEMBERS OF PRESBYTERY

12.1 For the avoidance of doubt it is hereby declared that any person who is both a member of a cited congregation and a member or a corresponding member of the Presbytery (including an Interim Moderator) shall be entitled to participate in any discussion leading to a decision of the Presbytery in terms of this Act and, where qualified, to vote thereon.

13. GUIDANCE

13.1 The Forum, after consultation with the Legal Questions Committee, shall issue Guidance on the implementation and operation of this Act, including a Code of Practice, which shall be reviewed by the Forum in consultation with the Legal Questions Committee, from time to time.

14. REPEALS AND AMENDMENTS

14.1 The Appraisal and Adjustment Act (Act VII 2003) is hereby repealed except that section 9(2) of that Act shall remain in force until Approved Mission Plans are in place for all Presbyteries.

SCHEDULE- THE MISSION PLAN REVIEW PANEL

A: GENERAL: COMPOSITION, JURISDICTION AND MAKING A REQUEST OF THE PANEL

1. Composition (for all Jurisdiction matters)

The Mission Plan Review Group shall be a group of fifteen persons appointed by the General Assembly on the Report of the Nomination Committee and in line with the process for appointing persons to other judicial bodies. Additionally, the Forum and the General Trustees shall be entitled to make suggestions to the Legal Questions Committee as to persons who are suitable for appointment to the Group, but the final decision as to nominees shall rest with the Legal Questions Committee. The members of the Group shall be suitably experienced members of the Church.

The Panel shall consist of three members drawn from the Mission Plan Review Group. One member shall act as Convener. The quorum of the Panel shall be two, including the Convener. None of the members of the Panel shall be members of the Presbytery whose Mission Plan is being considered or reviewed.

Where a Mission Plan Review Panel has previously been formed to consider a question relating to a particular Mission Plan, if there is a subsequent request for assistance or review relating to the same Mission Plan, the Panel shall be formed so as not to include the same persons.

2. Jurisdiction

The Panel shall consider the following matters:

- (a) in terms of section 2.2, an application by the Presbytery, the Forum and/or the General Trustees for the Panel to assist the parties to resolve the matter where agreement cannot be reached on a Mission Plan among the Presbytery, the Forum and the General Trustees within a period of three calendar months of their receipt of the Mission Plan;
- (b) in terms of section 2.3, an application by the Presbytery, the Forum and/or the General Trustees for the Panel to assist the parties to resolve the matter where agreement cannot be reached on the annual evaluation and development of the Mission Plan among the Presbytery, the Forum and the General Trustees within a period of one calendar month of their receipt of the Mission Plan;
- (c) in terms of section 3, an application from any twelve or more members of the Presbytery or any Kirk Session seeking a review of the process used by the Presbytery in preparing and approving a Mission Plan or in its annual evaluation and development;
- (d) in terms of section 6, an application from any twelve or more members of Presbytery or a Kirk Session requesting a review of a decision of the Presbytery and/or the Forum and/or the General Trustees to suspend the implementation of a Mission Plan in part or whole;
- (e) in terms of section 9(2), an application for review from a Presbytery desiring to transfer a parish and charge from the bounds and jurisdiction of one Presbytery to the bounds and jurisdiction of another (Transference), where there is disagreement between the two Presbyteries; and

(f) in terms of section 11, an application from twelve or more members of Presbytery or a Kirk Session seeking a review of a Basis of Adjustment, to consider whether the details of the Basis are in conformity with the Mission Plan and this Act;

provided always that no provision of this Act shall operate so as to have the Panel review its own decision or give judgement twice on the same question.

3. Making the request for assistance (Jurisdiction paragraphs(a) & (b)) or for review (Jurisdiction paragraphs (c) to (f))

A request for assistance or review shall be sent to the Principal Clerk (who in turn shall inform the Forum and the General Trustees) within fourteen days of the relevant event.

B: ASSISTANCE (Jurisdiction paragraphs (a) & (b) above)

1. Procedure for assistance

The Panel shall have wide discretion to assist the parties to reach agreement as it sees fit. The Panel shall have power to require parties to produce documents and information as to the provisions of the Mission Plan.

C: REVIEW (Jurisdiction paragraphs (c) to (f) above)

1. Grounds for requesting review (Jurisdiction paragraphs (c) to (e) above)

A review may only be requested on the grounds that (a) there was a material error in Church law, (b) there was material irregularity of process on the part of Presbytery (or the Forum or General Trustees, as the case may be) or (c) the decision of Presbytery (or the Forum or General Trustees, as the case may be) took into account an irrelevant material fact or failed to take into account a relevant material fact.

2. Ground for requesting review (Jurisdiction paragraph (f) above)

Such a review may only be requested where it is alleged that the details of the Basis are not in conformity with the Approved Mission Plan and this Act.

3. Procedure for review (Jurisdiction paragraphs (c) to (f) above)

A request for review shall require to obtain leave to proceed from the General Assembly's Committee on Overtures and Cases, whose decision shall be final.

The Panel shall complete a review within three calendar months of receiving the request for a review (along with all necessary documentation), save that the Panel has the discretion to extend this timescale on cause shown.

The Panel may choose to proceed wholly on written submissions or may choose to hold a hearing, which may be online. The Panel may decide whether or not to visit the place(s) giving rise to the request for review and when doing so may choose whether or not to meet with local parties.

If the Panel chooses to proceed wholly on written submissions it shall notify its final decision to all interested parties. The decision shall be in writing and shall set out the grounds upon which its decision was reached.

If the Panel chooses to hold a hearing, whether in person or online, procedure shall follow that of the General Assembly's Standing Orders and shall normally be as follows:

1. Hearing is opened with prayer
2. Convener makes introductions
3. Convener explains the purpose of the hearing
4. Persons requesting review are given opportunity to speak (through one nominated speaker)

5. Respondent (normally Presbytery) is given opportunity to speak (through one nominated speaker)
6. Members of the Panel ask questions of parties
7. Respondent has its final word
8. Persons requesting review have their final word
9. Parties are removed and Panel reaches a decision
10. Decision is intimated when parties are recalled or may be intimated by email to parties; at this stage a summary of reasons for the decision may be given
11. Hearing is closed with prayer/the Grace/the Benediction

Within fourteen days of the hearing a written decision shall be issued which shall set out the grounds on which the decision was reached.

4. Possible outcomes (Jurisdiction paragraphs (c) to (e) above)

The outcome of the review process will be either (1) no change, i.e. to endorse the correctness of the decision which has been made, or (2) to send the matter back to the decision-maker for the decision to be made again, with identification of any deficiencies in its processes.

The review is about the legality of the processes adopted (how the decision was taken), not the substance of the decision made. The outcome will not be a different decision.

5. Possible outcomes (Jurisdiction paragraph (f) above)

The outcome of the review process will be either (1) to confirm that the Basis is in conformity with the Mission Plan and this Act or (2) to confirm that it is not. In the latter case the Presbytery will thereafter renegotiate the Basis.

6. Finality of decisions (Jurisdiction paragraphs (c) to (f) above)

The Panel's decision on a request for review, however determined, shall be final and there shall be no right of appeal against a decision of the Panel.

Appendix 2

Mission and other underlying principles

1. Introduction

The Presbytery Mission Plan Act provides the legislative framework for the urgent need for a rapid and adaptive approach to Presbytery Planning. The task requires serious and immediate engagement on the part of Presbyteries, Congregations and all involved in the ministries of the Church. The Act outlines the Five Marks of Mission, and additional Guidelines will be available from the Faith Nurture Forum about how the Five Marks of Mission can be applied to the task of shaping Presbytery Plans.

Mission is the primary principle for making strategic decisions on the use of ministries posts, the use of Church Buildings, and the wider ministry of the whole people of God. The template for our ministry is the ministry of Jesus. The Church's ministry is a participation in the ministry of Jesus Christ. Jesus' ministry was a ministry rooted in and focused on mission, and is seen in Jesus' preaching in the synagogue in Nazareth in Luke 4.18, where Jesus says:

"The Spirit of the Lord is upon me, because he has anointed me to bring good news to the poor. He has sent me to proclaim release to the captives and recovery of sight to the blind, to let the oppressed go free, and to proclaim the year of the Lord's favour."

The church has affirmed a number of important principles that help to explain what is meant by being a church focused on mission. Presbyteries in their Plans will therefore take account of the following:

2. Communities

Every community of every size in every location within Scotland is part of a Church of Scotland Parish. While population should no longer be the only principle in shaping Presbytery Plans, it still remains the starting point. Our calling as a church is not primarily to resource congregations: it is mission to everyone in the land.

3. The Poor

Successive General Assemblies have affirmed the Gospel imperative is priority to the poor. At a time when resources are scarce, it is tempting to withdraw from the most marginal communities where churches are often fragile and small. However pressing those reasons are, this must be resisted because it goes against the Gospel and the repeated view of the General Assembly.

4. Congregations

One of the ways in which the Gospel finds expression is in committed congregations under the power of the Holy Spirit. These congregations both express the Gospel, and commend it to others. Presbyteries in their planning will identify congregations which are outward looking, which engage with their communities, and consider how these strengths can contribute to the mission of the Church.

5. Financial Responsibility

Presbytery Planning does not mean that congregations which make a net contribution to central funds take priority. A degree of financial realism is required, and it is recognised that some congregations are more generous than comparable ones, and even in the poorest congregations, per capita giving can be much higher than in some of the wealthiest congregations. It makes sense for Presbyteries to consider the complex financial picture and allocate ministerial resources to congregations which take their financial stewardship seriously.

6. Buildings

There is a connection between ministry and church buildings, although that connection is neither uniform nor universal. The Church of Scotland has too many buildings, numerous buildings that are under-utilised, buildings that are too large for present day needs and buildings that are in the wrong place. At a local level however, almost every church building is deemed essential. There is no simple solution to this problem. The starting point however should be mission. Presbyteries will want to consider which buildings are essential and useful for the mission they envisage.

7. Linkage or Union

In terms of charitable governance, it is important to attempt to make appropriately resourced, mission-minded governing bodies. There should be a presumption against ever-expanding linkages of separate congregations, which require multiple session meetings (and other meetings) for which a Minister might carry responsibility as well as office-bearers in each congregation. Shared mission should lead to a single governing body wherever possible, and support for individual buildings can be provided through the use of local fabric care groups answerable to a central Kirk Session.

Appendix 3

Membership of Group examining weightings

Rosemary Frew	Convener, and minister at Bowden and Melrose, Faith Nurture Forum
Karen K. Campbell	Vice-Convener, and minister at Edinburgh: Marchmont St Giles, Faith Nurture Forum
Lesley-Ann Calvert	Member of Dundee: The Steeple, and member, Faith Nurture Forum
Mike Goss	Minister, Barry Parish Church linked with Carnoustie Church, member, Faith Nurture Forum
Alan Hamilton	Minister, Killermont Parish Church and member, Faith Nurture Forum
Richard Lloyd	Member of Edinburgh: Queensferry, and member, Faith Nurture Forum
Ruth Mackenzie	Elder, member of Peterhead: New and member, Faith Nurture Forum
Scott McCarthy	Minister, Garthamlock and Craigend East, and member, Faith Nurture Forum
Angus R. Mathieson	Interim Head, Faith Nurture

Appendix 4

Ministries Figures for the period to 31 December 2022

Presbytery	Presbytery Number	2021 TOTAL	2011 FTEs
Edinburgh	1	48.5	78.2
West Lothian	2	17	28.2
Lothian	3	25	30.2
Melrose and Peebles	4	9	13.7
Duns	5	4	7
Jedburgh	6	5.5	11.9
Annandale and Eskdale	7	7.5	13.6
Dumfries and Kirkcudbright	8	12.5	20.9
Wigtown and Stranraer	9	6	10.2
Ayr	10	24	26.6
Irvine and Kilmarnock	11	13.5	20.8
Ardrossan	12	13.5	23.1
Lanark	13	9.5	15.2
Clyde	14	40	59.8
Glasgow (inc. Cumbernauld)	16	84	133.7
Hamilton	17	34.5	57.5
Argyll	19	18	31.6
Falkirk (excl. Cumbernauld)	22	15.5	32.3
Stirling	23	21.5	35.2
Fife	24	44.5	68.1
Dunkeld and Meikle	27	6.5	11.3
Perth	28	16.5	26
Dundee	29	18	27.8
Angus	30	15.5	24.8
Aberdeen and Shetland	31	24	46.1

Ministries Figures for the period to 31 December 2022 (continued)

Presbytery	Presbytery Number	2021 TOTAL	2011 FTEs
Kincardine and Deeside	32	10.5	15.8
Gordon	33	16	31.4
Buchan	34	14	22.6
Moray	35	14	20.8
Abernethy	36	4.5	7.3
Inverness	37	14	22.3
Lochaber	38	5.5	7.9
Ross	39	10	15.9
Sutherland	40	4	6.1
Caithness	41	5.5	9.1
Lochcarron-Skye	42	5	7.7
Uist	43	2	2.2
Lewis	44	5	7.1
Orkney	45	7	10.7
England	47	5	7.1
International	48	5	10.7
TOTAL		661	1040.7

Appendix 5

LOCAL MISSION CHURCH REGULATIONS (REGS ZZ 2021)

Edinburgh [] May 2021, Session []

Definitions

1. In these Regulations:

- (a) The term “charge” shall have the meaning given to it in the Presbytery Mission Plan Act (Act ZZ 2021);
- (b) “Leadership Team” shall mean those persons who have the responsibilities in relation to the Local Mission Church outlined in section 6;
- (c) “Presbytery” shall mean the presbytery of the bounds within which the Local Mission Church is located.

Local Mission Church

2(1) A Local Mission Church shall be a Christian community whose purpose is to worship, witness and serve in a distinct geographical setting.

2(2) A Local Mission Church shall be established in terms of these Regulations and a Basis of Local Mission Church (hereinafter referred to as “the Basis”). The form of the Basis shall be prescribed from time to time by the Faith Nurture Forum after consultation with the Legal Questions Committee.

2(3) A Local Mission Church shall not own any property, heritable or moveable, nor have any legal personality. It shall not have a Kirk Session and shall not have the right to call a minister. The creation or sustaining of a Local Mission Church is not dependent on the provision of a church building.

Creation of a Local Mission Church

3. The process to create a Local Mission Church shall be as specified in the Guidance accompanying the Presbytery Mission Plan Act.

Role of Kirk Session of charge

4. A Local Mission Church shall exist within the territorial boundaries of a charge. All legal and governance matters affecting the Local Mission Church shall be the responsibility of the Kirk Session of the charge. In particular, the Kirk Session shall:

- (a) ensure that all requirements of the law of the Church of Scotland and of civil law are fulfilled in relation to the Local Mission Church;
- (b) be the owner/title-holder of all property whether heritable or moveable, used by or within the possession of the Local Mission Church;
- (c) administer all offerings and other monies collected at or in relation to the Local Mission Church;
- (d) apply such monies in the first instance to meet the costs of the Local Mission Church for as long as it exists, after discussion with the Leadership Team, and thereafter as the Kirk Session determines.

Oversight by Presbytery

5. A Local Mission Church shall be subject to the oversight of the Presbytery. In particular, a review of a Local Mission Church and its place in the Mission Plan shall be conducted by the Presbytery at least once every five years but without prejudice to annual evaluation and development of the Mission Plan.

Leadership Team

6(1) A Local Mission Church shall have a Leadership Team as set out in the Basis and this Team shall include one or more representatives of each of the Kirk Session and the Presbytery.

6(2) The life and witness of the Local Mission Church shall be co-ordinated by its Leadership Team, subject to the oversight of the Kirk Session and the Presbytery. Without prejudice to this generality, the Leadership Team shall be responsible for:

- (a) developing appropriate expressions of worship, witness and service;
- (b) ensuring that the Local Mission Church is adequately organised;
- (c) ensuring good communication with the Kirk Session; and
- (d) assisting with the upkeep of buildings (if any), subject always to strict adherence to sections 7(a) and (b) below. Any contracts shall be entered into by the Kirk Session.

Further provisions

7. The following further provisions shall apply to a Local Mission Church:

- (a) Neither a Leadership Team nor any person acting on behalf of a Local Mission Church shall have any authority or power to enter into contracts or to incur liabilities on behalf of the Kirk Session.
- (b) Neither a Leadership Team nor any person acting on behalf of a Local Mission Church shall conduct themselves in such a way (including silence) that might cause an inference contrary to section 7(a) to be drawn by any person.