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THE PRINCIPAL
ACTS
OF THE
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MAY MMXII
CLASS II - ACTS WHICH ARE OF GENERAL INTEREST TO THE CHURCH

Act I - Act anent Live Streaming of the Proceedings of the General Assembly
(No 1 of Class II)

Edinburgh, 21st May 2012

The General Assembly, noting the recommendations of the Assembly Arrangements and Communications Committees approve the following Assembly Reporting Protocol for use at this and future Assemblies and direct that it be put into immediate effect.

1. ALL Assembly proceedings shall be broadcast live with the exception of those taken in private and those items which are judged inappropriate to broadcast for security and other important reasons. The Principal or Assistant Clerk shall consult with the Media Officer in advance regarding items that may not be suitable to broadcast.
2. Commissioners and guest speakers and any other participants shall be made aware in advance, through the Assembly Papers or at the point of invitation, that Assembly proceedings will be broadcast live. The Principal Clerk shall give a reminder at the start of each day's proceedings.
3. Any Commissioner or other speaker who believes their speech contains sensitive material shall contact the Media Officer.
4. The Media Officer shall have overall responsibility for on-line broadcasting of Assembly proceedings and will work closely with the live stream operator(s) from St Columba's.
5. The Media Officer and Principal Clerk shall have authority to cease the broadcast if they judge appropriate.
6. Keynote addresses and other recordings may be available on the live stream website for an agreed time.
7. Recordings shall not be available on demand at any time.
8. The Communications Committee shall evaluate the live broadcast each year and seek feedback from those most closely involved including the live stream operator(s), Media Officer and Assembly Clerks. A report shall be prepared for consideration at the October meeting of both the Communications and Assembly Arrangements Committees.
9. The Communications Committee shall agree any changes necessary to online broadcasting with Assembly Arrangements Committee in advance of each year's Assembly.
10. Live written updates shall appear in summary form on the Free Church website.
11. *The Record* shall continue to give a fuller account of Assembly proceedings, usually in the July edition.

Act II - Act anent Presbyterial Representation in the General Assembly
(No 2 of Class II)

Edinburgh, 21st May 2012

The General Assembly authorise the Committee to examine all matters which may require an alteration in the calculation of the number of commissioners from Presbyteries, such as Team Ministries, congregations unable to pass a schedule for qualification as a viable charge and professorial chairs in the Free Church College when vacancies occur. They direct the Committee to report with recommendations to the next General Assembly.

Act III - Act anent the Loyal and Dutiful Address to Her Majesty the Queen
(No 3 of Class II)

Edinburgh, 22nd May 2012

May it please Your Majesty

We, the Ministers and Elders of the Free Church of Scotland met in General Assembly the 21st day of May 2012, humbly offer Your Majesty the expression of our continued loyalty to Your Majesty's Person and Throne and to the Constitutional Monarchy of which you are the honoured Head and Representative.

We continue to commend Your Majesty's Person, His Royal Highness Prince Philip and the Royal Family, to the blessing of Almighty God, seeking to honour the counsel of St Paul, that 'supplications, prayers, intercessions and giving of thanks be made for all men, for kings and all who are in authority, that we may lead a quiet and peaceable life in all godliness and reverence'.

We are pleased to express our thankfulness to Almighty God, in this year of Diamond Jubilee, for the long and prosperous reign which God has granted to Your Majesty. Throughout the years of Your Majesty's reign, Your Majesty has maintained the high dignity of the office into which God placed Your Majesty sixty years ago, and during that time Your Majesty has shown a consistent Christian example in an increasingly changing and secular world.

We have been greatly encouraged not only by Your Majesty's leadership and example, but also by every public expression of Your Majesty's Christian commitment, not least in Your Majesty's 2011 Christmas broadcast. We have been encouraged by Your Majesty's speech to the Commonwealth in February 2012, in which you paid tribute to the 'particular mission of Christianity', and the securing of freedom of religion through the establishment of the Christian Church.

In a year marked by many celebrations of Your Majesty's long reign, we thank Almighty God for every token of his kindness and mercy to our nation, for the freedoms and liberties afforded the Christian church in worship, and for the continued prosperity of our land. We pray that Your Majesty's example will be a blessing under God to the end that the Christian gospel may for long be preached and proclaimed throughout nation and Commonwealth. We thank God for Your Majesty's tireless support of Christian charities and other organisations which seek to reach out to the poor and disenfranchised.

We pray for Your Majesty's Governments in Westminster and Holyrood, remembering the many responsibilities, at home and abroad, that fall upon Your Majesty's servants in the civil government of our nation.

We pray for the Royal Family in every aspect of their work and witness. We congratulate the Duke and Duchess of Cambridge on the first anniversary of their marriage, and rejoice in the example of marriage which they have set before our nation. We also pray God's blessing on the marriage of Zara Phillips and Mike Tindall, and rejoiced to witness the ceremony take place in Canongate Kirk, Edinburgh.

We congratulate Her Royal Highness the Princess Royal on her appointment as Chancellor of the University of the Highlands and Islands from June 2012. We are grateful to Your Majesty that the Royal Family is showing such support for the provision of higher education in rural Scotland.

We continue to remember Your Majesty's Armed Forces as they seek to bring stability to the troubled land of Afghanistan, as well as their deployment in other areas of difficulty and unrest, and are grateful for Your Majesty's continued expression of support for all serving personnel, as well as for the many who have lost loved ones in conflict.

We give thanks for Your Majesty's continued recognition of the work and ministry throughout the United Kingdom of the Free Church of Scotland by the annual visit to our General Assembly of Your Majesty's Lord High Commissioner to the General Assembly of the Church of Scotland.

In this year of Your Majesty's Diamond Jubilee we re-affirm the constitutional commitment of the Free Church of Scotland to the sovereignty of Jesus Christ over both Church and State, recognising the co-ordinate jurisdictions of Your Majesty's government in matters temporal, and of the Church in matters spiritual. We gladly renew our allegiance to Your Majesty's office and throne, praying that God will grant Your Majesty all needed strength and wisdom to continue to govern our land.

So pray Your Majesty's most faithful subjects, the Ministers and Elders of the Free Church of Scotland, in General Assembly convened.

**Act IV - Act anent Ecumenical Relations with the National Churches established through
Free Church Mission Work in Peru, South Africa and India**
(No 4 of Class II)

Edinburgh, 22nd May 2012

The General Assembly note with approval the Committee's intention to establish formal ecumenical relations with the national churches that were established through Free Church mission work in the three traditional mission fields in Peru, South Africa and India. They encourage the Committee to maintain as far as possible the traditionally close links which exist between the Free Church and these Churches.

Act V - Act anent Affinity
(No 5 of Class II)

Edinburgh, 22nd May 2012

The General Assembly call upon all Presbyteries to take cognisance of Affinity and its work with a view to supporting Affinity prayerfully and practically.

Act VI – Act anent Strategy for Argyll
(No 6 of Class II)

Edinburgh, 22nd May 2012

The General Assembly thank the Presbytery of Glasgow and Argyll for their continuing efforts to develop a Strategy Programme. They instruct the Board to continue to liaise with the Presbytery and the Presbytery to report regularly on their progress to the Board. The General Assembly note with particular interest the proposals for the supply of Gospel ordinances in South Argyll and commend the Presbytery for their efforts to overcome the difficulties this involves.

The General Assembly instruct the Presbytery of Glasgow and Argyll to bring matured proposals for the future of the congregation of Lochgilphead and Lochfyneside to the General Assembly of 2013.

Act VII - Act anent Review of the Asian Outreach Work in Glasgow
(No 7 of Class II)

Edinburgh, 22nd May 2012

The General Assembly continue the remit to the Home Missions Board in consultation with the Presbytery of Glasgow and Argyll to bring proposals for the future of the work of Asian Outreach and any necessary amendments to the existing legislation to the General Assembly of 2013.

Act VIII – Act anent Stipend and Related Salaries
(No 8 of Class II)

Edinburgh, 22nd May 2012

The General Assembly declare a stipend of £21,000 from 1st January 2012, this figure being based on the variation permitted by Act XII, 1989. The General Assembly approve the continuance of the other categories of salary that are paid at a fixed proportion of the stipend.

**Act IX - Act anent Appointment and Duties of Development Officer / Church Planter
and appointment of Rev. Neil MacMillan to the dual role**
(No 9 of Class II)

Edinburgh, 22nd May 2012

1. The General Assembly, recognising that the strategic importance of the appointment of Development Officer to the Home Missions Board in view of the wide-ranging remit of the Home Missions Board, and at the same considering the importance of the development of church plants as the alternative to the traditional church extension procedure, approve the continuance of the appointment of Development Officer as Development Officer / Church Planter subject to the following revised duties and in accordance with these conditions:

1.1 The Development Officer shall be a minister of the Free Church of Scotland with considerable pastoral experience. His appointment shall be for a period of three years, renewable thereafter for a further period of three years.

1.2 The Development Officer shall give 50% of his time to the work of Development Officer, his remit as such being suitably revised so as to take into account the reduced number of hours that he is available for this part of his duties; and 50 % of his time to the work of Church Planter in the congregation of St Columba's, Edinburgh.

1.3 The Development Officer shall be appointed by the Home Missions Board and shall be a member of the Presbytery of Edinburgh and Perth.

1.4 The Development Officer shall be paid at the rate of the current stipend. 50% of his stipend shall be paid by the Home Missions Board who shall also be make a contribution towards his housing costs and reasonable expenses and meet the relevant National Insurance and Pension contributions, and 50% shall be paid from private funding to the satisfaction of the Home Missions Board.

1.5 The Development Officer shall report to the Board on both aspects of his appointment at each of its ordinary meetings or as the Board may require. He shall also report annually to the General Assembly through the Board.

1.6 The Development Officer shall be an adviser to the Board and shall be entitled to attend its meetings and the meetings of its committees as may be desirable. He shall be responsible to the Board and the Chairman of the Board shall be his line-manager.

1.7 The Development Officer, like every other ministerial member of presbytery, shall be subject for disciplinary matters to the Presbytery of which he is a member and to the other courts of the Church.

1.8 If the appointment is not renewed at the end of any three-year period he shall be treated as a minister without charge and the Board will inform the Principal Clerk so that his name may be included in the Register of Ministers without Charge. He shall cease to be a member of presbytery. The Board will continue to pay him at the current rate of stipend and provide him with accommodation for a period of six months from the date of the expiry of his appointment or until his induction to another charge if earlier.

1.9 During the first three years of his appointment a call may not be addressed to the Development Officer without the approval of the Board.

2. His duties as the Development Officer shall be as follows:

- 2.1 To develop mission in local congregations, especially Church Extension and Redevelopment charges, by the provision of suitable training, resources, advice and expertise;
- 2.2 To monitor the growth of 'hub' congregations, with particular regard to leadership, multi-member ministry, outreach and discipleship by personal contact and provision of suitable resources, the setting up of such to be the responsibility of the Board, and Presbyteries to see to the continuance of the work;
- 2.3 To give advice and assistance in the setting up of new church plants;
- 2.4 To develop sound strategies for church revitalisation;
- 2.5 To carry out such other work as may be allocated to him by the General Assembly directly or through the Home Missions Board.
3. His duties as Church Planter shall be to give leadership to the church plant which is under the oversight of the congregation of St Columba's, Edinburgh with a view to its further development.
4. The General Assembly note that the Home Missions Board recommend Rev. Neil M. MacMillan to be Development Officer / Church Planter in accordance with these proposed terms with effect from 12th July 2012, and approve the appointment. They declare that Mr MacMillan's duties and responsibilities shall be in accordance with the terms of Sections 1, 2, and 3 above.
5. The General Assembly further instruct the Home Missions Board to make appropriate arrangements for the discharge of those of his present duties from which he will be relieved when the new arrangement becomes effective.
6. The General Assembly repeal Act VI, 2010.

Act X - Act anent Reviews of Congregations failing to remit 100% of the Stipend during 2011
(No 10 of Class II)

Edinburgh, 22nd May 2012

The General Assembly note the congregations which failed to contribute 100% of the stipend during 2011 and instruct the Presbyteries concerned to proceed with the Review and Audit of the congregations in accordance with Act I, 2009, § 6.1. They instruct the Board to report on the outcome of such Reviews and Audit to the General Assembly of 2013.

**Act XI - Act authorising the appointment of an Assistant Minister to the
Congregation of Glasgow Central Free Church**
(No 11 of Class II)

Edinburgh, 22nd May 2012

The General Assembly, noting the recommendation of the Home Missions Board, authorise the congregation of Glasgow City Free Church to appoint an Assistant Minister in accordance with the terms of Act IX, 2007, such permission to lapse at the General Assembly of 2014.

**Act XII - Act terminating Redevelopment Status for the Congregation of Badenoch
and dissolving the Pastoral Tie**
(No 12 of Class II)

Edinburgh, 22nd May 2012

The General Assembly note with regret the Home Missions Board's recommendations with regard to the Redevelopment charge of Badenoch. They terminate Redevelopment status for the congregation of Badenoch with effect from 30th June

2012, and dissolve the pastoral tie from that date. They instruct that stipend be paid to Rev. Richard Macdonald for a period of six months from that date or until such time as he receives a new appointment, whichever is sooner, on the analogy of Act XXXIV, 1988, § 5.2.4. They thank Rev. Richard and Mrs Melissa Macdonald for their faithful efforts in a very difficult situation and commend them to the prayers of the Church as they seek a new sphere of service. They further instruct the Presbytery of Inverness, Lochaber and Ross to make appropriate ministerial arrangements for the congregation of Badenoch.

Act XIII - Act anent Special Arrangements for the Congregation of East Kilbride
(No 13 of Class II)

Edinburgh, 22nd May 2012

The General Assembly, noting the recommendation of the Home Missions Board, continue the congregation of East Kilbride on the Equal Dividend Platform under Special Arrangements until the General Assembly of 2013, on condition of remitting a sum equivalent to 85% of the stipend, the figure promised in their Schedule, on the understanding that this extension is seen to be exceptional and final and that the Presbytery will bring forward concrete proposals for future ministerial arrangements for East Kilbride for submission to next General Assembly.

Act XIV - Interim Act anent the Sustentation Fund
(No 14 of Class II)

Edinburgh, 22nd May 2012

The General Assembly, noting that Act I, 2009, Class I, was irregularly amended by Act IX, Class II, 2010, repeal the latter Act.

The General Assembly transmit the following Overture to Presbyteries under the provisions of the Barrier Act:

The General Assembly, desiring that arrangements regarding the Sustentation Fund be clarified and updated, ordain as follows:

1. Congregations

1.1 A Schedule drawn up by the Home Missions Board shall be filled up on behalf of each congregation seeking to be given permission to call a minister.

1.2 It shall be the duty of the interim-moderator of a vacant congregation in consultation with the Kirk Session, the Deacons' Court and Congregation to fill up the Schedule and submit it to the Home Missions Board through the Presbytery of the bounds.

1.3 The Schedule shall require the congregation to promise that in the event of a settlement it shall, as a minimum, remit to Central Funds a fixed percentage of the stipend. The minimum percentage promised shall be 100 per cent of the stipend. The promise should be adequate in relation to the Congregation's resources and prospects. Consideration shall also be taken of the percentage of its ordinary income the congregation has been remitting to Central Funds.

1.4 The Home Missions Board may also require questions to be answered in the Schedule which will enable them to assess the Congregation's remittances to Central Funds, the provision the Congregation intends to make to meet the minister's expenses, the suitability of the manse and of the property used for holding services, and any anticipated major Congregational expenses.

2. Presbyteries

2.1 Each Schedule shall be submitted to the Presbytery of the bounds for approval. In the light of its knowledge of local circumstances the Presbytery shall be asked if it considers the financial commitment promised and the proposals made to be adequate in the light of the Congregation's resources and prospects.

2.2 When a Congregation's commitment lies between 100% and 130% of the stipend in effect when the Presbytery gives consideration to the Schedule, the Presbytery shall be required to report to the Home Missions Board on why the Congregation should be given permission to call a minister, and to state what steps have been taken, or are proposed, to increase the Congregation's remittances to 130% of the stipend.

2.3 A Presbytery shall not moderate in a call until the Home Missions Board has intimated that the Congregation has been given permission to call a minister.

3. The Home Missions Board

3.1 The Board shall not consider a Schedule until it has been approved by the Presbytery of the bounds.

3.2 The Board shall scrutinise each schedule to ensure that the requirements of 1.3 above are met, and that the responses given in terms of 1.4 and 2.2 are satisfactory. The Board may only approve Schedules which have been validly completed in all these respects.

3.3 If the Congregation has promised to remit at least 130% of the stipend, and if the Board is satisfied with the responses given to the other questions asked in the Sustentation Schedule, then the Congregation will be given permission to call a minister without further restriction, but subject to the requirements of Act XIII, 1984.

3.4 If the Congregation undertakes to remit between 100% and 130% of the stipend, and if the Board is satisfied with the responses given to the other questions asked in the Sustentation Schedule, then the Board may give restricted permission to call a minister. In these circumstances, a minister inducted to the charge shall be on a five year renewable appointment, and a review of the congregation's situation shall take place four years after an appointment has been made.

3.5 When the congregation's remittances to Central Funds as a percentage of the stipend are reviewed four years after an appointment is made, the Congregation shall submit a fresh Schedule through the Presbytery of the bounds.

3.6 If when a fresh Schedule is submitted the Congregation promise to remit at least 130% of the current stipend and if the Board are satisfied with the Schedule in this and other respects, then the Congregation may be placed on the Equal Dividend platform without restriction (as in 3.3). The Board will report on the matter to the next ensuing General Assembly so that the minister's induction to the charge may be declared to be free of time-restriction.

3.7 If when a fresh Schedule is submitted the Congregation promise to remit between 100% and 130% of the stipend and if the Board are satisfied with the Schedule in this and other respects, then the Board may extend the minister's appointment for a further five years from the date of termination of the original appointment. A review similar to that of 3.5 shall be carried out nine years after the appointment to the charge was made, and every five years thereafter.

3.8 If at the time of a review the Congregation is unable to promise to remit at least 100% of the stipend, or if the Board adjudge the congregation's promised commitment to be unrealistic, the Board shall report this to the next General Assembly, and unless exceptional circumstances are shown to exist, the Board shall recommend that the minister's appointment be not renewed at the end of his current appointment.

3.9 When the contract of a minister in a terminable appointment is not renewed by resolution of the General Assembly, the Presbytery of the bounds shall direct that his name be added to the Register of Ministers without Charge, eligible for call.

3.10 When any congregation whose minister is appointed under the terms of this Act fails to remit the full cost or direct cost of ministry as promised when admitted to the Equal Dividend Platform, then the Board shall draw the attention of the Congregation and the Presbytery to this fact, and the Presbytery shall report to the Board what steps are being taken to rectify the situation. The Board shall report to the General Assembly annually which congregations, if any, failed to meet their commitment in the previous year.

3.11 When any congregation, whose minister is appointed under the terms of this Act, fails to remit 100% of stipend in any one year, the Home Missions Board shall draw the attention of the Congregation and the Presbytery to this fact. On receipt of such notification the Presbytery shall initiate a Review and Audit of the Congregation as in Section 6.1 below. The Board shall also report to the General Assembly that such a review has been initiated.

3.12 The General Assembly enact that in future the entitlement of a vacant congregation to call a minister be limited to two years from the date on which its Schedule is passed by the Home Missions Board.

4. Union of Neighbouring Congregations

On a vacancy occurring in a pastoral charge the Presbytery, before considering a Schedule, shall give consideration to whether in the light of their overall Strategy Plan it is desirable for the vacant congregation to be linked or united with another congregation whether vacant or not; and only when this possibility has been fully explored and departed from shall they approve a Schedule. In submitting the Schedule they shall report to the Board the steps taken and the reasons for departing from any such linking or union.

5. Special Arrangements

5.1 Notwithstanding the above regulations, the Board may recommend to the General Assembly that in special circumstances congregations be given permission to call a minister on conditions to be submitted by the Board to the Assembly. These special circumstances shall have regard to: (a) the geographical position of the Congregation; and (b) the potential for growth perceived to exist.

5.2 Each such case passed by the Assembly shall be reviewed every five years.

5.3 The Schedule submitted by such a congregation must express its financial commitment as a percentage of the stipend in terms of 1.3 above, and its remittances shall be monitored by the Board in terms of 3.10 above.

5.4 Before a Presbytery gives its approval to a Schedule seeking permission to call a minister in terms of special consideration, the Presbytery shall carry out a visitation of the Congregation and submit to the Board, along with the Schedule, a report on the prospects of a continued ministry in the Congregation.

5.5 Before a Presbytery moderates in a Call to a minister from a congregation placed on the Equal Dividend Platform under Special Arrangements, it shall prepare a Report of the Congregation giving a detailed analysis of the local context in which the ministry is to take place. This Report shall be forwarded to the Home Missions Board with whom consultation shall take place, at the initiation of the Congregation and the Presbytery, before the formal process of moderating in a call commences.

6. Review and Audit

The purpose of this review is to make a decision regarding the long-term viability of a congregation whose numerical and financial strength has become seriously weakened. The review period shall be twelve months during which the following steps must be taken:

6.1 Presbyteries

The Presbytery, on receipt of notification from the Home Missions Board that a congregation's remittances have fallen below 100% of stipend as in Section 3.11 above, shall initiate a thorough review of the congregation. This review shall include a thorough audit of the congregation, giving due consideration to (1) the likely causes of the fact that its numerical and financial strength has become seriously weakened; and (2) the future prospects for ongoing fulltime ministry in the congregation, including any potential for growth perceived to exist. On completion of the review, the Presbytery shall give a Report of its findings to the Board.

6.1.1 The Presbytery shall be required to meet with the congregation in order to explain the procedures to be followed as a result of the fall in the numerical and financial strength of the congregation. The Presbytery shall consult fully with the congregation during the review period in order to agree an achievable way forward for ministry in the congregation.

6.1.2 If the Presbytery finds that there is potential for growth in the congregation and that there is reason to believe special evangelistic effort on the part of the denomination could lead to realising this potential, then the Presbytery shall consider making application for redevelopment status in terms of Act XXXIV, 1988.

6.1.3 If the Presbytery finds that a fulltime ministry is not viable in the congregation in the long term but that there is a need to support ministry in the congregation in the short term, then the Presbytery shall formulate a short term plan for ministry, not exceeding five years, and recommend accordingly to the Home Missions Board. The Presbytery shall also arrange a meeting with the congregation in order to explain its findings.

6.1.4 If the Presbytery finds that the provision of a fulltime ministry in the congregation is no longer viable then it shall report to the Home Missions Board in these terms. The Presbytery shall also arrange a meeting with the congregation in order to explain its findings and to discuss arrangements for future ministry.

6.1.5 The Presbytery shall submit its Report to the Home Missions Board by 14th February in the calendar year after which the review was initiated.

6.2 *Home Missions Board*

Presbyteries shall ensure that Audit and Review Reports are submitted to the Home Missions Board by 14th February in any given year.

6.2.1 On receipt of the Presbytery's Report that a fulltime ministry is no longer viable in a congregation, the Home Missions Board shall include this in its Report to the next General Assembly recommending that (1) the minister's pastoral link with the congregation be severed within six months and his name added to the Register of Ministers Without Charge, eligible for call; and that (2) the Presbytery be instructed to make all necessary arrangements for linkage, union, or district ministry as local circumstances permit.

6.2.2 On receipt of the Presbytery's Report that a fulltime ministry is not viable in the long term but that arrangements need to be made to support ministry in the short term, the Board shall satisfy itself that all the requirements of Section 6.1 have been met and that the Schedule is completed with achievable commitments in the light of the congregation's financial weakness. If the Board is satisfied with all the documentation received from the Presbytery it shall report on the matter to the next ensuing General Assembly with the following recommendations: (1) that the congregation be removed from the Equal Dividend Platform and the minister placed on a renewable appointment; and (2) that a review of the congregation's situation, in accordance with Paragraphs 3.4 to 3.9 above, shall take place one year before the term of renewable appointment is due to end.

If at the end of the review referred to in paragraph 6.2.2 above the congregation's circumstances have sufficiently improved, then the Board may place the congregation on the Equal Dividend Platform in terms of the prevailing regulations, with the minister's induction to the charge being declared to be free of time-restriction. The Board shall include details of this change to the next General Assembly.

6.2.3 If at the end of the review referred to in paragraph 6.2.2 above the congregation's circumstances have not shown signs of improvement, the Board shall report to the General Assembly with the following recommendations: (1) that, due to continuing full-time ministry in the congregation not being viable, the minister's pastoral link with the congregation be severed, with his name being added to the Register of Ministers without Charge, eligible for call; and (2) the Presbytery be instructed to take other steps for ongoing ministry in the congregation such as linkage, union, or district ministry.

The Home Missions Board shall make careful examination of each case where a ministry is being terminated, that due pastoral care has been offered and other possible avenues of service have been examined.

6.3 *Terms of Re-appointment*

When a congregation with a settled ministry is removed from the Equal Dividend Platform and the minister placed on a renewable appointment the following conditions will apply:

6.3.1 The annual stipend shall be paid at the rate of Equal Dividend each year with the shortfall between congregational remittances to central funds and the rate of Equal Dividend being borne by the Home Missions Board.

6.3.2 The congregation shall pay a sum for the minister's travelling and other expenses, which sum shall be fixed in agreement with the Home Missions Board and reviewed annually during the appointment.

6.3.3 The minister placed on a five-year appointment shall devote his whole time to the congregation and work under the supervision of the Presbytery of which he is a member, in conjunction with the Home Missions Board.

6.3.4 The minister shall report at least annually to meetings of his Presbytery and the Presbytery shall report by 14th February each year to the Home Missions Board, on progress in the spiritual, numerical and financial aspects of the congregation. The Presbytery shall also ensure that all support-structures agreed in the development plan are being implemented.

6.3.5 If the minister's link with the congregation is severed at the end of the five-year period, then he shall be treated as a minister without charge, except that he shall be paid at the rate of the then current Equal Dividend for a period of six months from the date of expiry of the appointment, or until his induction to another charge, whichever is sooner, and the Presbytery shall inform the Assembly Clerk so that his name may be included on the Register of Ministers without Charge.

7 Scope of this Act

7.1 The terms of this Act shall hereafter apply to all congregations for which Sustentation Fund Schedules come before the Presbytery of the bounds for scrutiny and approval.

7.2 Where a Schedule has already been forwarded by the Presbytery of the bounds to the Board, the Schedule shall be approved in terms of this Act.

7.3 Settlements that have taken place under previous regulations shall now be monitored in terms of this Act.

7.4 The General Assembly declare the provisions of the said Overture to be an Interim Act.

Act XV - Act anent resignation of Rev. Finlay H. Mackenzie and Future Arrangements for the Service to Overseas Students (No 15 of Class II)

Edinburgh, 22nd May 2012

The General Assembly thank Rev. Finlay and Mrs Christine Mackenzie for their earnest and faithful work among the international student community over the past fifteen years and wish them the Lord's richest blessing in their future ministry. They authorise the Home Missions Board to take immediate steps to procure and appoint a successor to Mr Mackenzie to the work of SOS under terms of Act VII, Class II, 1997 as amended by Act XXXVIII, Class II, 2008.

Act XVI - Act authorising the use of *Sing Scripture* (No 16 of Class II)

Edinburgh, 22nd May 2012

The General Assembly thank the Praise Committee for the production of a number of Scripture Songs and Paraphrases in metre and instruct that they be circulated to those congregations which request them.

Act XVII – Act anent Study Panel (No 17 of Class II)

Edinburgh, 22nd May 2012

1. The General Assembly direct that section (A) of the Report of the Study Panel on Marriage, Divorce and Remarriage, be circulated to all ministers for their careful study and guidance and that it also be placed on the Free Church website for wider access.

2. The General Assembly direct that section (B) of the Report of the Study Panel on Marriage Preparation be circulated to all ministers to be used at their discretion in preparing couples for marriage and that it also be placed on the Ministry Matters section of the Free Church College website.

3. The General Assembly discharge the Study Panel.

Act XVIII – Act anent Financial Policy
(No 18 of Class II)

Edinburgh, 23rd May 2012

1. The General Assembly endorse the view that steps should be taken to address any structural shortfalls in the Church's finances and, to that end, instruct the Board of Trustees, in consultation with other committees and boards, to make reductions in budgetary expenditure plans for 2013 such that spending is brought into line with anticipated income.
2. The General Assembly endorse the Board's decision to freeze the Project Levy at 60% in light of shortfalls in required income.
3. The General Assembly note the concerns raised by the Board in relation to the funding of central projects and, in particular, the disappointing response in terms of additional contributions from congregations by way of support for these projects. In this regard, they remind Deacons' Courts and Finance Committees that the receipt of such additional contributions, over and above the basic requirements of the remittance system, is essential for the continuation of home and international missions projects.
4. The General Assembly note the work commenced by the Board in reviewing the Church's spending priorities. They encourage the Board to engage in wide consultation on these matters with a view to bringing a set of proposals to the 2013 General Assembly.
5. The General Assembly support the policy of seeking to provide financial assistance to congregations embarking on major projects aimed at making congregational properties more fit for purpose. However, they recognise the strain on current resources and encourage the Board to investigate ways of maintaining its ability to support congregations in this way.

Act XIX - Act redesignating the Widows' Fund
(No 19 of Class II)

Edinburgh, 23rd May 2012

The General Assembly note that the Widows' Fund will now be known as the Widows' Benevolent Fund.

Act XX – Act anent the new Safeguarding Policy and Guidelines
(No 20 of Class II)

Edinburgh, 23rd May 2012

1. The General Assembly note the production of the new Safeguarding Policy and Guidelines. They instruct the Board of Trustees to circulate the document to Presbyteries and Kirk Sessions.
 2. The General Assembly instruct all Kirk Sessions to adopt and implement the Safeguarding Policy and Guidelines issued by the Board of Trustees and to record such adoption and implementation in Kirk Session minutes. They instruct Presbyteries to monitor implementation of the Policy during their annual inspection of records and during Quinquennial Visitations.
 3. The General Assembly instruct the Board to keep developments in relation to safeguarding matters under review; to make any necessary changes to the Guidelines in light of such developments; to notify Kirk Sessions of any such changes; and to provide support to congregations in implementation of the Policy and Guidelines.
 4. The General Assembly hereby repeal Act III, 2003 and Act II, Commission of Assembly, October 2008.
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Act XXI – Act anent oversight of the Church and Manse Building Fund
(No 21 of Class II)

Edinburgh, 23rd May 2012

The General Assembly, noting that the Church and Manse Building Fund has become exhausted, and that as a result has been frozen by the Home Missions Board, transfer the oversight of the Fund to the Board of Trustees. They instruct the Board to bring proposals for the future operation of the Fund to the 2013 General Assembly. They direct that no payments be made from the Fund until that time.

Act XXII - Act declaring the Church's Confessional Position on Marriage
(No 22 of Class II)

Edinburgh, 23rd May 2012

1. The policy of the Free Church of Scotland on marriage is set out in the Westminster Confession of Faith, Chapter 24, to which standard all ministers and office-bearers subscribe at their ordination. In particular paragraph 1 states that:

“marriage is to be between one man and one woman: neither is it lawful for any man to have more than one wife, nor for any woman to have more than one husband, at the same time.”

2. Consequently, all ministers of the Free Church of Scotland are bound by their subscription to solemnise only such marriages as conform to this standard.

Act XXIII - Act reappointing the Judicial Commission
(No 23 of Class II)

Edinburgh, 23rd May 2012

The General Assembly reappoint the Judicial Commission as follows:

Judicial Commission			
	Rev. A. J. Macdonald	EP	[3/1]
	Rev. Professor J. R. McIntosh	EP	[3/1]
	Mr J. MacRae	EP	[3/1]
	Mr D. W. Matheson	EP	[3/1]
	Rev. A. J. Howat	GW	[3/1]
	Rev. A. Cowie	GW	[3/1]
	Mr Evan MacDonald	GW	[3/1]
	Mr Norman Smith	GW	[3/1]
	Rev. Gordon Mair	ILR	[3/1]
	Rev. D. C. Meredith	ILR	[3/1]
	Mr Andrew Murchison	ILR	[3/1]
	Dr Gordon Fraser	ILR	[3/1]
	Rev. Duncan Macleod	N	[3/1]
	Rev. I. Macaskill	N	[3/1]
	Mr David Lipp	N	[3/1]
	Dr James Skinner	N	[3/1]
	Rev. John H. MacLean	SWR	[3/1]
	Rev. D. G. MacDonald	SWR	[3/1]
	Mr John A. Gillies	SWR	[3/1]
	Mr Robert MacDonald	SWR	[3/1]
	Rev. James Maciver	WI	[3/1]
	Rev. Malcolm Macleod	WI	[3/1]
	Mr Murdo Macleod (Lochs)	WI	[3/1]

	Mr Murdo Murray (Stornoway)	WI	[3/1]
Chairman:	Rev. A. J. MacDonald		
Clerk:	Principal Clerk		

Act XXIV - Act anent Sale of Properties and Release of Funds
(No 24 of Class II)

Edinburgh, 23rd May 2012

1. **Arran** The General Assembly grant authority to the Deacons' Court of Arran to sell the manse at Shiskine, under the supervision of the Compliance Officer or the Church's Law Agent, and direct that the proceeds of sale be held by the Board of Trustees on behalf of the congregation, to be released to the congregation upon application to the Chief Administrative Officer for the purchase of a replacement manse.
2. **Klwinning and Saltcoats** The General Assembly authorise the release from the sums invested on behalf of the congregation a sum sufficient to repay the loan from the Board of Trustees and the interest due. The General Assembly also authorise the release of an additional sum, up to a maximum of £3,000, to meet additional expenses likely to be incurred in the event of a ministerial settlement.
3. **Plockton and Kyle** The General Assembly grant authority to the Deacons' Court of Plockton and Kyle to sell the old manse garden ground, under supervision of the Compliance Officer or the Church's Law Agent, the proceeds of the sale to be lodged with the Board of Trustees and made available to the congregation for the purchase of the Plockton Church of Scotland building, with the remainder to be held for the behalf of the Plockton and Kyle congregation, with interest paid to congregational funds.
4. **Campbeltown** The General Assembly amend Act XVIII, Class II, 1996, to the extent that they authorise the release of the sum of £24,000 for the repointing of the Campbeltown Free Church. They further authorise the release of such further sums as may be required for the repair and refurbishment of Campbeltown Free Church from the proceeds specified in Act XVIII, Class II, 1996, upon application to the Chief Administrative Officer.
5. **Lochgilphead and Lochfyneside** The General Assembly the sale of Lochgilphead and Lochfyneside Free Church and Hall, the transaction to be carried out under supervision of the Compliance Officer or the Church's Law Agent, and direct that the proceeds be held by the Board of Trustees on behalf of the congregation, to be made available to the congregation, upon application to the Chief Administrative Officer, for the purchase or erection of a new church building and hall, any residue to be applied to the funds of the congregation. The General Assembly further authorise the release of such funds as are held by the Board of Trustees for the congregation of Lochgilphead and Lochfyneside, upon application to the Chief Administrative Officer, as may be required towards the purchase or erection of a new church building and hall.
6. **Lochgilphead and Lochfyneside** The General Assembly authorise the sale of the Lochgilphead and Lochfyneside Manse, the transaction to be carried out under supervision of the Compliance Officer or the Church's Law Agent, and direct that the proceeds be held by the Board of Trustees on behalf of the congregation, to be released to the congregation upon application to the Chief Administrative Officer for the purchase or erection of a replacement manse.
7. **Gairloch and Kinlochewe** The General Assembly authorise the sale of the area of ground of approximately 0.9 acres to the north side of the manse, the transaction to be carried out under supervision of the Compliance Officer or the Church's Law Agent, and direct that the proceeds be applied to the repayment of the loan from the Board of Trustees, the residue to be applied to the funds of the congregation.

Act XXV – Act anent Synods
(No 25 of Class II)

Edinburgh, 23rd May 2012

1. The General Assembly remind Synod Clerks to ensure that the requirements of Act XXXIX, 2009, paragraphs 3-4 and 6-8, are implemented annually in accordance with the terms set out.

In accordance with the requirements of Act V, 2002, paragraph 2.1, the General Assembly appoint the Northern Presbytery as Assessor Presbytery to the Western Synod; the Presbytery of Inverness, Lochaber and Ross as Assessor

Presbytery to the Southern Synod; and the Presbytery of Edinburgh and Perth as Assessor Presbytery to the Northern Synod. The General Assembly remind the North American Synod that such cases as require either of the two Presbyteries comprising that Synod to be at the bar of Synod should be forwarded directly to the General Assembly, or Commission of Assembly, whichever is the more appropriate.

2. The General Assembly, noting that no meetings of Synods have been required since the annual statutory meetings were suspended in 2009, and that the introduction of the Judicial Commission has made significant changes to the Church's judicial review procedures, instruct the Board of Trustees to investigate whether the time is not now ripe for the abolition of Synods and the implications of such abolition, and to report to next General Assembly.

Act XXVI – Act anent Election of Assembly Commissioners
(No 26 of Class II)

Edinburgh, 23rd May 2012

The General Assembly ordain that in future elections of Assembly Commissioners by the Presbyteries of the Church the following procedure shall apply:

1. The Assembly Arrangements Committee at their meeting in the January before the General Assembly shall set the number of Commissioners from each Presbytery, and inform Presbyteries immediately thereafter;
2. At that meeting in January the Assembly Arrangements Committee shall also set the date of the meeting to which all such returns from Presbytery are to be submitted to expedite the business of the Assembly;
3. Each Presbytery shall notify the Assembly Arrangements Committee of their elected Commissioners no later than 31st March of that year;
4. Each Presbytery shall give advance notice to its members of the date of the Presbytery meeting at which commissioners will be elected, such notice to be inscribed in the minutes of the meeting appointing the said date.

Act XXVII - Act anent Circulation of Findings of the General Assembly
(No 27 of Class II)

Edinburgh, 23rd May 2012

The General Assembly direct that extract minutes from the General Assembly to Presbyteries, Kirk Sessions and Deacons' Courts, be made known to all members of the relevant Court, the means to achieve this to be left to the discretion of the Courts themselves.

Act XXVIII - Act extending the Remit of the Committee on Church Practice and Procedure
(No 28 of Class II)

Edinburgh, 23rd May 2012

The General Assembly authorise the Committee on Church Practice and Procedure, in addition to giving advice, to initiate business relating to the practice or procedures of the Church whenever these may require modification.

Act XXIX – Act appointing Assessors to the Presbytery of Glasgow and Argyll
(No 29 of Class II)

Edinburgh, 23rd May 2012

The General Assembly appoint Mr William M. Mackay, retired, Edinburgh, Mr Norman MacKay, minister at Falkirk and Mr Nigel Anderson, minister at Livingston, to be General Assessors to the Presbytery of Glasgow and Argyll, the terms of the appointment to be until next General Assembly.

Act XXX - Act authorising the Commission of Assembly to dispose of certain matters relating to Argyll
(No 30 of Class II)

Edinburgh, 23rd May 2012

The General Assembly authorise the Commission of Assembly meeting on 3rd October 2012 to dispose of petitions and other matters related to implementation of the Presbytery's strategy on Argyll in accordance with the finding of the said Presbytery of 21st February 2012, in the event of successful conclusion of negotiations with the congregations concerned:

1. to repeal of Act XXIV, 2000 so as to permit the disjunction of the Campbeltown section of the Campbeltown, Tarbert and Islay congregation from the Tarbert and Islay section thereof;
2. to unite the remanent Tarbert and Islay section of the aforesaid congregation with the congregation of Lochgilphead and Lochfyneside;
3. to reduce the remanent Campbeltown section of the aforesaid congregation to the status of a preaching-station in terms of Act XIII, 1863;
4. to take up and dispose of a Report from the Home Missions Board with respect to these matters;
5. to authorise the release of monies held by the Board of Trustees and within the share pool in the name of congregations within the Presbytery for the purpose of funding a Presbytery worker and other ministry within the Argyll area.

Act XXXI - Act authorising the Commission of Assembly to dispose of a Report from the Home Missions Board anent formation of a Team Ministry for North East Glasgow
(No 31 of Class II)

Edinburgh, 23rd May 2012

The General Assembly authorise the Commission of Assembly meeting on 3rd October 2012 to take up and dispose of a Report from the Home Missions Board with respect to the formation of a Team Ministry arrangement for North East Glasgow.

Act XXXII - Act repealing Act XVI, 2000 (Act anent London Supplement)
(No 32 of Class II)

Edinburgh, 23rd May 2012

The General Assembly amend Act XVI, 2000, (Act anent London Supplement), by deleting paragraph 2.

Act XXXIII - Act anent Probationers
(No 33 of Class II)

Edinburgh, 23rd May 2012

The General Assembly re-enact the regulations relating to Probationers as follows:

1. Register of Probationers

1.1 A Probationer is a candidate for the ministry who has completed the course of studies required by the Board of Ministry and has been licensed to preach by his Presbytery. He is eligible for calls to pastoral charges.

1.2 Clerks of Presbyteries shall send the names and addresses of all who may be licensed by them as Probationers, with dates of licence, within one week thereafter, to the Principal Clerk of Assembly with a copy to the Clerk of the Personnel Committee.

1.3 The Principal Clerk shall prepare and maintain a Register of all Probationers of the Free Church according to date of licence.

1.4 The Principal Clerk shall furnish the Personnel Committee annually with a list of all the names and addresses on the Register of Probationers, and the Committee shall incorporate into its report to the General Assembly the list of names.

1.5 No name shall remain on the Register of Probationers for more than six years, except as provided for in 1.6 and 1.7 below.

1.6 At any time between the sixth and tenth anniversaries of his name having been placed on the Register of Probationers, an individual may petition the Presbytery within whose bounds he resides to have his name restored to the Register, and the Presbytery, if it sees good cause, shall inform the Principal Clerk who shall restore the name to the Register where it shall be retained until ten years have elapsed from the initial registration.

1.7 After ten years have elapsed from a name being added to the Register of Probationers, it shall not be continued except by direct instruction of the General Assembly upon consideration of a petition for that purpose, supported by the Presbytery within whose bounds an individual then resides, and presented through the Personnel Committee.

1.8 A Probationer is not eligible to conduct Marriage Services or dispense the Sacraments of Baptism and the Lord's Supper.

2. Pastoral Oversight of Probationers

2.1 Probationers are subject to the oversight of the Presbytery within whose bounds they reside, though the Presbytery may choose to exercise pastoral care through the Kirk Session of the congregation of which he is a member. The Presbytery has a responsibility to meet with Probationers under their oversight regularly and shall meet in private for this purpose.

2.2 A Kirk Session shall not issue a Disjunction Certificate to a Probationer awaiting a call without prior reference to the Presbytery.

2.3 Where a Disjunction Certificate is granted to a Probationer, the Presbytery Clerk should forthwith inform the Clerk of Assembly; and likewise when the Probationer subsequently comes under the pastoral oversight of another Presbytery, the Presbytery Clerk shall inform the Assembly Clerk so that the Probationer's name be continued on the Register of Probationers.

2.4 If when granted a Disjunction Certificate, a Probationer does not lodge it within six weeks with another Free Church congregation, he shall be deemed to have removed his name from the Register of Probationers.

The General Assembly repeal Act XXIX (Class 2), 1988 and Act XXIX (Class 2), 1989.

Act XXXIV - Act anent Retirement and Resignation of Ministers
(Act 34 of Class II)

Edinburgh, 23rd May 2012

The General Assembly, considering that various legislation governing the retirement and resignation of ministers, enacted over a period of thirty years, requires to be integrated and that the related legislation on membership of Presbyteries required some clarification, enact and ordain as follows:

1. Retirement

1.1 A minister may apply for permission to retire on attaining the age of 65 years.

1.2 Applications for earlier retirement on the grounds of ill health shall be subject to the rules of the Free Church of Scotland Pension Scheme or the rules of such other pension arrangement(s) as may be in place at the time.

1.3 Those ministers with qualifying service in the Free Church of Scotland Pension Scheme shall address applications for payment of retirement benefits to the trustees of the Scheme. Applications for payment of pension benefits in respect of service after 31st December 2007 shall be directed to the third party administrator. All ministers are encouraged to seek independent financial advice when considering options for retirement.

1.4 All applications for retirement must be supported by extract minutes from the relevant Kirk Session and Presbytery and these must show that the applicant has agreed to resile from his rights of active participation in the courts of the congregation - his right to respond to a specific request from the Moderator or Interim Moderator of the congregation being unchanged.

1.5 Retirement shall involve the surrender of the emoluments of the Charge, and the vacation of the manse unless the Deacons' Court permits continuing occupation for a period; the congregation shall be deemed to be and declared to be vacant by order of the Presbytery after the specified retirement date has been reached.

1.6 A minister who has retired in terms of this Act may have his name included in the Communion Roll of the congregation which he regularly attends.

1.7 For disciplinary purposes the retired minister is accountable to the Presbytery within whose bounds he resides.

2. Resignation

2.1 A Register of Ministers without Charge and a Roll of Resigned and Retired Ministers shall be kept by the Principal Clerk of Assembly. Only those whose names are placed on the Register shall be eligible for a call, and placement on the Register shall be taken to imply an individual's sincere readiness to accept a call in appropriate circumstances. Congregations may not address calls to ministers whose names are on the Roll of Resigned and Retired Ministers.

2.2 The Principal Clerk shall furnish the Personnel Committee annually with a list of all the names and addresses on the Register of Ministers without Charge available for call.

2.3 When a minister's resignation of his charge has been accepted by his Presbytery, the Clerk of Presbytery (or, in the case of an International Missions Charge, the Secretary of the International Missions Board) shall inform the Principal Clerk of Assembly by Extract Minute. The Extract Minute shall include the resolution of the Presbytery to place the name of the minister either on the Register of Ministers without Charge or on the Roll of Resigned and Retired Ministers.

2.4 The normal procedure shall be that the name of the resigning minister shall be placed on the Roll of Resigned and Retired Ministers. If the Presbytery resolve to place the name on the Register of Ministers without Charge, they must minute positive reasons for such placement on the Register, or subsequent continuance on or transference to it, and the Extract Minute furnished to the Principal Clerk shall contain these reasons. Such reasons shall be of the following order:

2.4.1 Where resignation is due to a breakdown in health;

2.4.2 Where resignation or severance of the pastoral tie is due to non-censurable incompatibility with his congregation;

2.4.3 Where resignation is due to secondment by a responsible Board or Committee of the Free Church to other pastoral or para-pastoral work;

2.4.4 Where the contract of a minister in a terminable appointment is not renewed by resolution of the General Assembly.

2.5 Placement on the Register shall not be granted where the resigning minister has accepted an appointment outside the Free Church of Scotland other than by secondment as noted at 2.4.3 above.

2.6 If a minister whose name has been placed on the Register or Roll shall be admitted to the ministry or other full-time employment of another Church other than by secondment, his name shall be removed from the Register/Roll.

2.7 A Minister whose name is placed on the Register or Roll is required to notify the Clerk of Presbytery of any change of address. If a minister takes up residence within the bounds of another Presbytery of the Free Church of Scotland, he shall also inform the Clerk of that Presbytery of his address and thereafter becomes under the jurisdiction of that Presbytery. In such a case the Presbytery Clerk shall advise the Principal Clerk.

2.8 In no case shall the name of a minister remain on the Register of Ministers without Charge for more than three years from the date of inclusion in the Register unless application for an extension of the period, conforming to the conditions of Paragraph 6.2.4 above, be made to the Presbytery within whose bounds he is resident before the expiry of the three-year period. When the minister resides outwith the bounds of a Presbytery of the Free Church of Scotland, his application for retention on the Register shall be made to the Presbytery of which he was previously a member. In no case shall a name remain on the Register for more than six years.

2.9 If a Presbytery instruct that a minister's name be placed on the Roll of Resigned and Retired Ministers, it shall remain on that Roll without limit of time, subject to the provisions of paragraph 6.2.6 above and paragraphs 2.12 and 2.13 below.

2.10 A minister whose name is on the Roll of Resigned and Retired Ministers and who desires to have his name transferred to the Register of Ministers without Charge shall petition the General Assembly through the Presbytery within whose bounds he is resident at the time, such petition to conform with the conditions of paragraph 6.2.4 above.

2.11 Ministers without Charge on the Register, and Resigned and Retired Ministers on the Roll shall be under the jurisdiction of the Presbytery within whose bounds they are resident. If a minister takes up residence outwith the bounds of any Presbytery of the Free Church of Scotland, he shall remain under the jurisdiction of the Presbytery within whose bounds he last resided.

2.12 A request by an individual whose name is on the Roll of Resigned and Retired Ministers to have his name removed therefrom shall be dealt with by the Presbytery within whose bounds he resides. That Presbytery after due investigation and on due grounds shown (such as, the individual concerned no longer associates with the Free Church of Scotland) may declare him to be no longer a minister of the Free Church of Scotland and order that his name be removed from the Roll.

2.13 Each Presbytery of the Church shall maintain a list of ministers on the Roll of Resigned and Retired Ministers who have informed them that they are resident within the bounds of the Presbytery. Presbyteries are required to make due investigation annually that such individuals continue to associate with the Free Church of Scotland and after due intimation to the individual concerned, may order their name to be removed from the Roll if appropriate grounds are found.

3. Membership of Presbyteries

3.1 Ministers retiring upon attainment of retirement age, or on the grounds of ill health, may petition the Presbytery within whose bounds they are to reside, for a seat in that Presbytery. This shall continue as long as they reside within the bounds of the Presbytery. Upon relocation to another Presbytery they must apply for a seat in that Presbytery by petition or their names shall be added to the Roll of Resigned and Retired Ministers. In the case of ministers who take up residence in a Presbytery other than that receiving their application to retire, an extract minute from the Presbytery receiving their application to retire in support of the Petition, shall be obtained.

3.2 All ordained ministers of the Free Church retiring, through attainment of retirement age, or for health reasons, from service in international mission fields where this has been under the supervision of the International Missions Board, may similarly petition the Presbytery within whose bounds they are to reside, for a seat in that Presbytery. In this case the supporting extract minute shall be provided by the Board.

3.3 The General Assembly further direct that ministers and missionaries serving under the oversight of the International Missions Board, who, at retirement, choose not to apply for a seat in a Presbytery shall continue to be under the jurisdiction of the Presbytery within whose bounds they are resident. In the event of any such minister moving outwith the bounds of a Presbytery of the Free Church, he shall be under the jurisdiction of the Presbytery within whose bounds he last resided. The General Assembly direct Presbyteries to keep the names of the said ministers on the Roll of Resigned and Retired Ministers, maintained by the Clerk of each Presbytery and reviewed annually. Presbytery Clerks shall inform the Assembly Clerk at the beginning of each calendar year of the names on the said Roll. The Assembly Clerk shall maintain a complete Roll of Resigned and Retired Ministers upon such information.

3.4 A minister, who has resigned his charge to accept an appointment outside the Free Church of Scotland, and who seeks a seat on the Presbytery in which he resides, may petition the General Assembly, through the Presbytery.

3.5 A Minister granted a seat in Presbytery, other than on retiral from a pastoral charge, shall continue to be a member of the Presbytery for the duration of the period in which he holds the appointment on the basis of which he is granted his seat; and on ceasing to hold such an appointment his membership of Presbytery shall lapse and his name placed on the Roll of Resigned and Retired Ministers in terms of paragraph 6.3.3 above unless he is inducted to another pastoral charge.

3.6 In the case of Ministers submitting Petitions for membership of Presbytery in terms of this Act, the rights of all parties to complaint and appeal shall be preserved.

3.7 The General Assembly direct that retired ministers who are granted a seat in a Presbytery, retired ministers who do not apply for a seat in Presbytery and ministers who have resigned shall be eligible for election as Ruling Elders of the congregation to which they belong, provided this be not their last charge before retirement, but they may not be elected, as Ruling Elders or appointed as Assessor Elders, either to represent the Kirk Session at Presbytery and Synod, or as Commissioners to the General Assembly.

3.8 The General Assembly direct that for each Assistant Minister duly inducted and granted a seat in Presbytery, there be a corresponding Ruling Elder from the Kirk Session of the congregation in which the Assistant is placed. Corresponding elders for seats granted in terms of Paragraphs 3.1, 3.2 and 3.4 and for Assistant Ministers, shall retain their seats in Presbytery only for such time as seats are retained by the said ministers.

3.9 The provisions of this Act shall be without prejudice to the position of those retired ministers granted seats in Presbyteries prior to the General Assembly of 2002.

The General Assembly repeal Acts I, 1981, XIII, 1990, IV, 1991, XIX, 1999 and XIX, 2004.

Act XXXV - Act transferring the Name of Rev. David Parker from the List of Resigned and Retired Ministers to the Register of Ministers without Charge eligible for Call
(No 35 of Class II)

Edinburgh, 23rd May 2012

The General Assembly instruct the Principal Clerk of Assembly to transfer Rev. David Parker's name from the Roll of Resigned and Retired Ministers to the Register of Ministers without Charge available for Call in accordance with Act XIX, 1990, and to advise the Presbytery of Glasgow and Argyll accordingly.

Act XXXVI - Act anent Reimbursement of Monies by Students falling from their Intention to enter the Ministry
(No 36 of Class II)

Edinburgh, 24th May 2012

The General Assembly direct the Board of Ministry to require all students commencing their theological preparation for the Free Church ministry to sign a declaration promising that, should they fall from their intention to enter the Church's ministry, they will reimburse the Church for any monies received to enable them to pursue their studies.

Act XXXVII - Act anent Annual Examination of Students
(No 37 of Class II)

Edinburgh, 24th May 2012

The General Assembly authorise Presbyteries if they so desire to hold the annual examination of students in the month of January during the mid-session break from classes, and in any case not later than 31st August each year.

Act XXXVIII - Act anent Financial Provision for Students failing to receive Job Seekers' Allowance
(No 38 of Class II)

Edinburgh, 24th May 2012

The General Assembly direct the Board of Ministry to make financial provision up to a total of £5,000 in each case for Probationers who fail to secure Job Seekers' Allowance over the period between the end of the Church's financial provision and ordination, this period to last no longer than six months, taking into account any other monies received from the Free Church during the period in question.

Act XXXIX - Act anent Mentoring of Students
(No 39 of Class II)

Edinburgh, 24th May 2012

The General Assembly instruct Presbyteries to review the effectiveness of the way they mentor newly ordained ministers.

Act XL - Act authorising the Commission of Assembly to receive and dispose of Applications from Ministers or Probationers for admission to the Ministry of the Free Church of Scotland
(No 40 of Class II)

Edinburgh, 24th May 2012

The General Assembly, in view of the increased degree of interest among Ministers of other churches to seek admission to the ministry of the Free Church, waive the requirement of Act XXXV, 2005, that authority to grant such applications lies solely with the General Assembly and empower the Commission of Assembly at its meetings before the General Assembly of 2013 to receive and dispose of applications from Ministers and Probationers of other denominations seeking admission to the Free Church ministry duly submitted through Presbyteries.

Act XLI - Act admitting Rev. Ivor Macdonald to the Ministry of the Free Church of Scotland
(No 41 of Class II)

Edinburgh, 24th May 2012

1. The General Assembly receive the application from Rev. Ivor Macdonald, and noting the recommendation of the Board of Ministry, admit him as an ordained minister of the Free Church of Scotland with effect from his signing the Formula under the supervision of the Presbytery of Glasgow and Argyll.
2. The General Assembly charge the Board of Ministry to ensure that, prior to signing the Formula, Mr Macdonald submits two essays, one on the Establishment Principle and the other on the Doctrine of the Church, under the supervision of the College Senate to the satisfaction of the Professor of Church Principles. Upon such satisfaction of the said requirements the Board is to issue a certificate to that effect to the Presbytery of Glasgow and Argyll.

3. The General Assembly instruct the Presbytery of Glasgow and Argyll, upon receipt of the notification in 2. above, to make arrangements for Mr Macdonald to sign the Formula under their supervision and thereafter by extract to notify the Principal Clerk of Assembly thereanent.
4. The General Assembly instruct the Principal Clerk of Assembly, upon notification that Mr Macdonald has signed the Formula, to place his name on the Register of Ministers eligible for Call.
5. The General Assembly order the supporting documents to be held *in retentis*.

Act XLII - Act admitting Rev. Andrew W. F. Coghill to the Ministry of the Free Church of Scotland
(No 42 of Class II)

Edinburgh, 24th May 2012

1. The General Assembly receive the application from Rev. Andrew W. F. Coghill, and, noting the recommendation of the Board of Ministry, admit him as an ordained minister of the Free Church of Scotland with effect from his signing the Formula under the supervision of the Presbytery of the Western Isles.
2. The General Assembly charge the Board of Ministry to ensure that, prior to signing the Formula, Mr Coghill submits two essays, one on the Establishment Principle and the other on the Doctrine of the Church, under the supervision of the College Senate to the satisfaction of the Professor of Church Principles. Upon such satisfaction of the said requirements the Board is to issue a certificate to that effect to the Presbytery of the Western Isles.
3. The General Assembly instruct the Presbytery of the Western Isles, upon receipt of the notification in 2. above, to make arrangements for Mr Coghill to sign the Formula under their supervision and thereafter by extract to notify the Principal Clerk of Assembly thereanent.
4. The General Assembly instruct the Principal Clerk of Assembly, upon notification that Mr Coghill has signed the Formula, to place his name on the Register of Ministers eligible for Call.
5. The General Assembly order the supporting documents to be held *in retentis*.

Act XLIII - Act admitting Rev. Jack C. Whytock to the Ministry of the Free Church of Scotland
(No 43 of Class II)

Edinburgh, 24th May 2012

1. The General Assembly receive the application from Rev. Jack C. Whytock and, noting the recommendation of the Board of Ministry, admit him as an ordained minister of the Free Church of Scotland with effect from his signing the Formula, to be arranged by the Presbytery of Prince Edward Island, and direct that his name be added to the Register of Ministers available for call thereafter.
2. The General Assembly order the supporting documents to be held *in retentis*.

Act XLIV – Act anent Exercise to determine what the Free Church of Scotland requires of its College
(No 44 of Class II)

Edinburgh, 24th May 2012

The General Assembly direct the College Board, in consultation with experienced and interested parties throughout the Church, to engage in an exercise to determine what the Church requires of the College and instruct that a Report be brought to the 2014 General Assembly.

Act XLV - Act anent the Duties of the Professor of Practical Theology in the Free Church College
(No 45 of Class II)

Edinburgh, 24th May 2012

The General Assembly note the reasons given by the College Board for not moving immediately to the appointment of a full-time Professor of Practical Theology, and direct that no appointment be made before the General Assembly of 2014. They authorise the Professor of Systematic Theology to be responsible for the organisation of the practical theology modules of the course, including inviting part-time lecturers to be involved in delivering these modules as appropriate, in terms of Act XXV, 2000.

Act XLVI - Act anent Absence from Duty of a Professor in the Free Church College
(No 46 of Class II)

Edinburgh, 24th May 2012

The General Assembly enact the following regulations relating to the absence from duty of a Professor at the Free Church College. Absence from duty under this Act will fall into four categories as follows: (1) Leave due to illness; (2) Annual Leave; (3) Compassionate Leave; (4) Special Leave.

1. Absence because of Illness

1.1 *Short-term Absence*

1.1.1 All illness which prevents a Professor from taking a scheduled class shall be reported immediately to the College Principal (or, in the case of his illness, to his deputy in terms of Act IV, 1979, paragraph IV.2) as soon as practicable. The Professor, failing whom the Principal, shall ensure that appropriate arrangements are in place for the conduct of classes and other College duties during such illness.

1.1.2 All illness in excess of seven consecutive days shall be reported to the College Principal (or, in the case of his illness, to his deputy in terms of Act IV, 1979, paragraph IV.2) and a medical certificate shall be provided. The Professor shall continue to provide such certificates, covering the whole period of absence, and a final certificate showing the date of return to work. The Principal shall record the dates of commencement and end of such absence, and shall inform the Chairman of the College Board and the Chief Administrative Officer of the Professor's absence and return to work. The Senate is responsible for interim arrangements regarding College duties when a professor is ill for a prolonged period (Act IV, 1979, paragraph V.7).

1.1.3 If the absence of the Professor exceeds, or is expected to exceed, eight weeks, the College Board through its Chairman shall seek an Occupational Health Medical Report from an Occupational Health professional. The Occupational Health Report should address issues such as the Professor's health and prognosis, any work related factors which may delay a return to work, and an assessment of the Professor's capability to return to work. The Board has no need to see the report, but the Chairman of the Board shall consult with the Senate and intimate to the Board how the Professor's absence is being managed and how a return to work, where possible, will be facilitated. Further update reports should be obtained bi-monthly until and including the sixth month of absence.

1.1.4 If the illness is expected to exceed 28 weeks, the Chief Administrative Officer shall be provided with the medical certificate (by the Professor as in paragraph 1.2) by the end of the 28th week with a view to the completion of the appropriate HMRC forms. The Chief Administrative Officer shall deduct from salary a sum equivalent to HMRC allowances to which the professor is entitled.

1.2 *Long-term absence*

1.2.1 If the illness exceeds six months the College Board shall obtain a further independent medical report and shall, by the end of the seventh month, consult the Senate to formulate appropriate arrangements in the continuing absence of the professor.

1.2.2 In the event of a Professor returning to work after six months on a part-time basis, payment of salary will be made at the full rate for a period up to twelve months from the first date of absence. If at the end of the twelve months the Professor is unable to resume full-time duties the provisions of Section 2.4 onwards will apply.

1.2.3 If the illness exceeds nine months the College Board shall obtain a further occupational health medical report, the terms of which will be communicated to the Chief Administrative Officer by the end of the eleventh month.

1.2.4 If, in the light of this report, the illness is expected to exceed twelve months, the College Board shall resolve either (a) to report to the ensuing General Assembly that the Professor be loosed from his chair on a date to be determined by the Assembly with due regard to all the circumstances, and inform the Professor of this decision; or (b) to declare that in the light of exceptional circumstances as contained in the report of paragraph 2.3 or in such further medical report as the Board think it desirable to obtain, it is inappropriate to loose the Professor from the chair. The Board shall record in its minutes the factors which constitute the exceptional circumstances.

1.2.5 If the Professor is loosed from the chair, his name will be placed on the Roll of Resigned and Retired Ministers and the Professor shall be eligible to receive his full salary for a period of six months or until taking up another appointment if earlier.

1.2.6 If, in the case of exceptional circumstances, the Professor is still unable to resume his duties after three months, the Board shall report to the ensuing General Assembly or its Commission that the professor be loosed from his chair on a date that is determined by the Assembly or its Commission with due regard to all the circumstances, and inform the Professor of this decision. As in paragraph 2.5 preceding, the professor's name will be placed on the Roll of Resigned and Retired Ministers, and the professor shall be eligible to receive his full salary but only for a period of a further three months or until taking up another appointment if earlier.

1.2.7 In the event of a professor being absent through illness intermittently for more than three months in total over a period of two years, the Senate shall prepare a report for the College Board with a view to deciding on a plan of action appropriate to the case.

1.2.8 In the case of exceptional circumstances and in the event of a Professor returning to work after twelve months of absence on a part-time basis, payment of salary will be made at the full rate for a period of three months. The College Board shall inform the Chief Administrative Officer of the implementation of this procedure. If at the end of this period the Professor is unable to resume full duties he shall be loosed from his chair, and the Professor shall be paid his full salary for a further three months or until taking up another appointment if earlier.

1.3 *General provisions*

1.3.1 All discussions on personnel matters should be held in camera, and any papers distributed should be returned to the Clerk by the close of the meeting. The Clerk should proceed to shred all documentation, other than papers retained for the purposes of the minutes. All discussions on personnel matters should be treated as strictly confidential.

1.3.2 The costs of the independent medical examinations will be met by the College Board for which due budgetary provision will be made annually.

1.3.3 Pension rights, in terms of paragraphs 2.1 and 2.3 of Act XXXVI, 2005, (at full stipend) shall be conserved as long as salary continues to be paid.

1.3.4 A professor who is absent from College as a result of illness may not attend a court or committee of the Church, nor may he undertake duties elsewhere.

1.3.5 Any professor who was an active member of the Free Church of Scotland Pension Scheme maintains his entitlement to Ill Health Retirement Pension under the Rules of the Free Church of Scotland Pension Scheme which closed on 31st December 2007.

1.3.6 A professor may be eligible for a grant from the Invalid Ministers' etc. Fund, to reimburse costs incurred as a result of illness.

1.3.7 It shall be the responsibility of the Personnel Committee to keep these provisions under review, in consultation with the College Board.

1.3.8 Act IV, 1994, Section 3 is hereby repealed.

2. Annual Leave

2.1. Professors are entitled to 42 days annual leave in any one calendar year.

2.2 Annual leave may not be taken during teaching term time. Also a professor shall arrange his annual leave in such a way that it does not impede his examination and other College commitments.

2.3 No holiday period shall exceed 28 successive days without the professor informing the Senate of his proposed arrangements and obtaining their consent.

2.4 All holiday entitlement shall be taken up before 31st December, or extended to 28th February of the following year with the agreement of the Senate.

3. Compassionate leave

Compassionate leave on grounds of bereavement, family illness or special circumstances may be granted to the Professor by the Senate. The Principal is authorised to make such interim arrangements as may be required.

3.1 Bereavement

In the event of a death in the Professor's family, or of a near relative, or of a dependant, the Professor shall be entitled to receive bereavement leave with pay for up to five working days.

3.2 Family Illness

In the event of serious family illness where the Professor's ability to focus wholly on his duties is impaired, he shall be entitled to compassionate leave. The period of compassionate leave shall be determined by the Senate in consultation with the Professor and giving due regard to the personal circumstances prevailing at the time.

3.3 Special Circumstances

Where special circumstances apply, it will be open to the Senate in consultation with the Chairman of the College Board to extend the period of compassionate leave.

4. Special Leave

4.1 A Professor's primary responsibility is to the College and this should be recognised by all who seek his services for other work in the Church. Every effort should, therefore, be made so that disturbance to the work of the College is kept to a minimum.

4.2 Interchange has always played an important and useful role in the academic world and, while it is to be encouraged, primary consideration must be given to the work of the College.

4.3 A Professor may not, without the permission of the Senate and the concurrence of the College Board, undertake any engagements during teaching term time which would preclude him from his professorial responsibilities in the College.

4.4 A Professor may be granted leave of absence, outwith teaching term time, by the Senate, at the specific request of a department of the Church. The full cost of the professor's absence shall be borne by the department concerned.

4.5 A Professor may be granted leave of absence, at any time, by the Senate, to undertake academic work at the specific request of another College. The total cost of such leave would require to be borne by those making the request, unless there were reciprocal arrangements agreeable to the Senate.

Pension rights shall be conserved as long as paid leave extends.

Act IV, 1994, Section 4 is hereby repealed.

**Act XLVII – Act appointing Rev. Dr Robert J. Akroyd to the Chair of Systematic Theology
in the Free Church College**
(No 47 of Class II)

Edinburgh, 24th May 2012

1. The General Assembly receive the Supplementary Report of the College Board.
2. The General Assembly appoint Rev. Dr Robert J. Akroyd, Assistant Minister at Buccleuch and Greyfriars Free Church, Edinburgh, to be Professor of Systematic Theology at the Free Church College, in accordance with existing regulations.
3. The General Assembly hereby release Dr Akroyd from his present pastoral appointment and instruct the Presbytery of Edinburgh and Perth to take the necessary steps for his induction to the Chair of Systematic Theology on a date no later than 31st July 2012, his relationship to the congregation of Buccleuch and Greyfriars to subsist until he be actually inducted to the charge aforesaid.

Act XLVIII - Act anent Pastoral Support for Students at the Free Church College
(No 48 of Class II)

Edinburgh, 24th May 2012

The General Assembly direct the Senate to arrange more evident structured pastoral support for the students, with a personal mentor from among the Professors for each student.

Act XLIX - Act anent Study Leave for Ministers
(No 49 of Class II)

Edinburgh, 24th May 2012

The General Assembly direct the Board of Ministry to investigate the possibility of regular study leave for established ministers, with their being able to attend classes at the College in person, and also for personal mentoring by Professors of such ministers attending the College for specific areas of study.

Act L - Act anent Filling of College Chairs
(No 50 of Class II)

Edinburgh, 24th May 2012

The General Assembly direct the College Board to review legislation regarding the filling of College Chairs so as to establish a process whereby potential future occupants of the Chairs are identified and encouraged to make appropriate academic preparation for meeting any associated eligibility criteria.

Act LI - Act anent Review of the Marketing Strategy of the College
(No 51 of Class II)

Edinburgh, 24th May 2012

The General Assembly direct the College Board to undertake a review of the marketing strategy of the College in order to discover whether or not a more effective policy can be implemented.

**Act LII - Act anent Appointment of Committee to set up a Programme of
Structured Growth for the College**

(No 52 of Class II)

Edinburgh, 24th May 2012

The General Assembly, recognising the importance of having in place for the future of the College a programme of structured change, direct the College Board to form a committee to investigate, among other matters that should be discussed, (1) the future role of the Principal and (2) the number of full-time Professors that are considered desirable and (3) how the workload can be redistributed and other staff engaged should a change be recommended.

Act LIII - Act appointing the Commission of Assembly

(No 53 of Class II)

Edinburgh, 24th May 2012

The General Assembly did, and hereby do, nominate and appoint a Commission consisting of all members of Assembly with the addition of Rev. M. Iver Martin, named by the Moderator: To be a Commission of this General Assembly with power to the said Commission or their quorum which is declared to be any fifteen or more of their number, whereof eight at least are always to be ministers, to meet and convene at Edinburgh on the first Wednesday of October and the first Wednesday of March next to come at 7 o'clock in the evening, and oftener when and where they shall think fit and convenient, and with power to choose their own Moderator.

The General Assembly fully empower the said Commission, or their quorum above-mentioned, to cognosce and finally determine as they shall see cause in every matter referred to them, or which shall be referred to them, by, or in virtue of, any act or order of the Assembly; and to do everything contained in, and conform to the instructions given, or to be given, by the General Assembly; and to advert to the interests of the Church on every occasion, that the Church do not suffer or sustain any prejudice which they can prevent, as they will be answerable; provided always that, save as hereafter stated, this general clause be not extended to particular affairs or processes before Synods or Presbyteries that are not of universal concern to, or influence upon, the whole Church.

And further, in view of unresolved matters anent the Free Church Continuing, including legal processes, the occupation of property, the retention of other assets, and frozen bank accounts, the General Assembly empower the Commission to take all steps necessary and proper to take in the interests of the Church in connection with these matters, and declare that meetings of the Commission shall have the full powers of a General Assembly to deal with all such matters which may arise, provided always that notice of proposals in terms of this empowerment shall be sent to commissioners at least ten days before the Commission is to convene, this requirement not implying any curtailment of amendment to such proposals.

And further, the said Commission are hereby particularly empowered to take up and dispose of petitions from the Presbytery of Glasgow and Argyll anent matters related to implementation of the Presbytery's strategy on Argyll in accordance with the finding of the said Presbytery of 21st February 2012; and also to take up and dispose of a Report from the Home Missions Board with respect to the formation of a Team Ministry arrangement for North East Glasgow; also to receive and dispose of applications from Ministers and Probationers of other denominations seeking admission to the Free Church ministry duly submitted through Presbyteries and the Board of Ministry; and to receive a Report from the Assembly Clerk with regard to the Minute Books of the Presbytery of Inverness, Lochaber and Ross and the Committee on Church Practice and Procedure.

And in addition the Commission are hereby authorised to receive and fully dispose of applications that may be forwarded to them for raising preaching stations or suppressed charges to fully sanctioned charges, for consolidating congregations into one charge, for the appointment of Ministers overseas and Foreign Missionaries in the Mission Fields of the Church, to appoint teachers seconded by the Reformed Missions League as missionary teachers to Colegio San Andres, for authority to sell such property as is not held under the Model Trust Deed, or to sell such properties being under the Model Trust Deed as are to be sold in order to provide for new buildings, and to receive any references and appeals that shall be made to them from Synods in matters of doctrine, and ripen such affairs for next General Assembly, and to contribute what they can to the suppression of vice and immorality, and to give all needful advice and assistance to Synods, Presbyteries and Committees of Assembly upon application to them for that end.

And the said Commission are hereby strictly prohibited and discharged to meddle in any other matters than what are committed and referred to them as above-mentioned. And in all their actings they are to proceed according to the Acts and Constitution of this Church, and to do nothing contrary thereto, or to the prejudice of the same, declaring that, in and for all their actings, they shall be accountable to, and censurable by, next General Assembly, as they shall see cause. And this Commission shall continue and endure until another Commission is appointed. And members are required to attend the diets of the said Commission.

Act LIV - Act appointing the General Assembly of 2013
(No 54 of Class II)

Edinburgh, 25th May 2012

The General Assembly appoint the next General Assembly to meet in Edinburgh on Monday 20th May at 6 o'clock in the evening.

ACTS OF THE COMMISSION OF ASSEMBLY

Act I – Act anent Expenditure Budget for 2012

Edinburgh, 5th October 2011

The Commission of Assembly receive the report of the Board of Trustees and thank the Board.

The Commission of Assembly support the principle that the Church should prepare budgets with the aim of balancing anticipated income with anticipated expenditure.

The Commission of Assembly consider that the proposed cut in the IMB budget is disproportionately severe and will significantly prejudice the continuing work of International Missions and instruct the Board of Trustees that the £30,000 cut to the IMB budget intimated in the report be reduced to £14,000 and make whatever adjustments are required elsewhere in the budget (income and/or expenditure) to ensure the balancing of anticipated income with anticipated expenditure. With this adjustment (and any resulting adjustments required) the Commission of Assembly approve the committee and board budgets included as an Appendix to the Board's Report and instruct budget holders to operate within the constraints of these budgets.

The Commission of Assembly instruct the Board to provide budget holders with details of the proposed savings contained within the revised budgets.

Committee/Board	Budget Saving	Proposed sources of saving
Board of Trustees	£37,000	Reduced expenses, increased income, reduced professional fees, reduced insurance premiums
Home Missions Board	£42,000	Reduced grants, revised assumption on number of ministries, increased camp income and reduced expenditure
Communications	£5,000	Reduced costs of online bookshop, increased magazine income
International Missions Board	£14,000	Removal of contingencies, expenditure stretch target
Ecumenical Relations	£1,500	Reduction of proposed budget increase
Assembly Arrangements	£2,000	Reduction of proposed budget increase
Total Other Savings	£117,500	

Act II - Act anent Statement on Same Sex Marriage

Edinburgh, 5th October 2012

The Commission of Assembly, noting the recommendation of the Communications Committee, direct that a Statement on the current Consultation Process on Same Sex Marriage being carried out by the Scottish Parliament be made in the following terms:

The Commission of Assembly of the Free Church of Scotland, (5th October 2011), wishes to express its deep dismay over the Scottish Government's current proposals to introduce same sex marriage in Scotland. Its opposition does not arise out of any kind of homophobia but a concern that 1) the timeless definition of marriage as the voluntary union of one man and one woman would be changed irreversibly; and 2) the timeless institution of marriage would be permanently undermined if the government effectively changes its meaning to include same sex couples.

For the government to take it upon itself to change the meaning of marriage shows 1) an irrational determination to force a form of equality upon society which is not rooted in any recognised moral foundation; and 2) a disregard for the unique place and stabilising influence which marriage has always had in our society.

The Commission recognises the complexity of the issue of human sexuality and deplors all persecution of, and violence against homosexuals.

However, the Free Church respectfully wishes to remind the Scottish government that to undermine Scotland's moral roots may be to create a moral vacuum and chart a course of social instability. They implore the Scottish Government to reverse proposals to introduce same sex marriage and return to Scotland's greatest, tried and tested historic qualities which are rooted in the Bible.

In this respect the Free Church Commission wishes also to applaud the courage of the Roman Catholic Archdiocese of Glasgow and support their clear statements in opposition to same sex marriage.

Act III – Act admitting the Congregation of Kiltearn to the Free Church of Scotland and placing it on the Equal Dividend Platform under Special Arrangements

Edinburgh, 5th October 2011

The Commission of Assembly ordain that the congregation of Kiltearn be placed on the Equal Dividend Platform under Special Arrangements in accordance with Act I, Class I, 2009, on condition that they remit a sum corresponding to 40% of the stipend annually, these Special Arrangements to continue until the General Assembly of May 2013. They direct the Presbytery of Inverness, Lochaber and Ross to review the circumstances in the congregation and formulate proposals for the congregation in conjunction with the Home Missions Board by that date. They note that Rev. Calum Iain MacLeod was ordained and inducted to the congregation of Kiltearn in November 2008, and recognising the special circumstances in this case, declare him to be the minister of Kiltearn Free Church of Scotland with immediate effect in terms of his previous induction, granting him a seat on the Presbytery of Inverness, Lochaber and Ross, and under the Special Arrangements and review of the same as previously agreed.

Act IV- Act anent Sale of Properties

Edinburgh, 5th October 2011

1. ***Duirinish*** The Commission of Assembly grant authority to sell the church building in Glendale under supervision of the Church's Compliance Officer or the Church's Law Agent, and direct that the proceeds of the sales be held by the Board of Trustees on behalf of the congregation, with interest added to the capital, to be made available to the congregation in order to provide replacement property.

2. **Poolewe and Aultbea** The Commission of Assembly authorise the sale of a portion of land between the manse and western property boundary of the land owned in Aultbea under supervision of the Church's Compliance Officer or the Church's Law Agent, and direct that the proceeds of the sales be held by the Board of Trustees on behalf of the congregation, with interest added to the capital, to be made available to the congregation in order to provide a more suitable property within the bounds of the congregation.

Act V - Act uniting the Deacons' Courts of Applecross and Lochcarron

Edinburgh, 5th October 2011

The Commission of Assembly unite the Deacons' Court of Applecross and the Deacons' Court of Lochcarron to function as the Deacons' Court of Lochcarron and Applecross with immediate effect.

Act VI – Act uniting the Congregations of Ayr and Kilwinning and Saltcoats

Edinburgh, 5th October 2011

The Commission of Assembly unite the congregation of Martyrs Free Church, Ayr, with the congregation of Kilwinning and Saltcoats Free Church from a date to be fixed by the Presbytery of Glasgow and Argyll not later than 30th April 2012, with one Kirk Session and two Deacons' Courts, regular services to be conducted in both places, the Presbytery to have power to review this last arrangement should that become desirable.

DRAFT ACT SENT DOWN TO PRESBYTERIES UNDER THE BARRIER ACT

Act anent the Sustentation Fund

Edinburgh, 22nd May 2012

The General Assembly transmit the following Overture to Presbyteries under the provisions of the Barrier Act:

The General Assembly, desiring that arrangements regarding the Sustentation Fund be clarified and updated, ordain as follows:

1. Congregations

1.1 A Schedule drawn up by the Home Missions Board shall be filled up on behalf of each congregation seeking to be given permission to call a minister.

1.2 It shall be the duty of the interim-moderator of a vacant congregation in consultation with the Kirk Session, the Deacons' Court and Congregation to fill up the Schedule and submit it to the Home Missions Board through the Presbytery of the bounds.

1.3 The Schedule shall require the congregation to promise that in the event of a settlement it shall, as a minimum, remit to Central Funds a fixed percentage of the stipend. The minimum percentage promised shall be 100 per cent of the stipend. The promise should be adequate in relation to the Congregation's resources and prospects. Consideration shall also be taken of the percentage of its ordinary income the congregation has been remitting to Central Funds.

1.4 The Home Missions Board may also require questions to be answered in the Schedule which will enable them to assess the Congregation's remittances to Central Funds, the provision the Congregation intends to make to meet the minister's expenses, the suitability of the manse and of the property used for holding services, and any anticipated major Congregational expenses.

2 Presbyteries

2.1 Each Schedule shall be submitted to the Presbytery of the bounds for approval. In the light of its knowledge of local circumstances the Presbytery shall be asked if it considers the financial commitment promised and the proposals made to be adequate in the light of the Congregation's resources and prospects.

2.2 When a Congregation's commitment lies between 100% and 130% of the stipend in effect when the Presbytery gives consideration to the Schedule, the Presbytery shall be required to report to the Home Missions Board on why the Congregation should be given permission to call a minister, and to state what steps have been taken, or are proposed, to increase the Congregation's remittances to 130% of the stipend.

2.3 A Presbytery shall not moderate in a call until the Home Missions Board has intimated that the Congregation has been given permission to call a minister.

3 The Home Missions Board

3.1 The Board shall not consider a Schedule until it has been approved by the Presbytery of the bounds.

3.2 The Board shall scrutinise each schedule to ensure that the requirements of 1.3 above are met, and that the responses given in terms of 1.4 and 2.2 are satisfactory. The Board may only approve Schedules which have been validly completed in all these respects.

3.3 If the Congregation has promised to remit at least 130% of the stipend, and if the Board is satisfied with the responses given to the other questions asked in the Sustentation Schedule, then the Congregation will be given permission to call a minister without further restriction, but subject to the requirements of Act XIII, 1984.

3.4 If the Congregation undertakes to remit between 100% and 130% of the stipend and if the Board is satisfied with the responses given to the other questions asked in the Sustentation Schedule, then the Board may give restricted permission to call a minister. In these circumstances, a minister inducted to the charge shall be on a five year renewable appointment, and a review of the congregation's situation shall take place four years after an appointment has been made.

3.5 When the congregation's remittances to Central Funds as a percentage of the stipend are reviewed four years after an appointment is made, the Congregation shall submit a fresh Schedule through the Presbytery of the bounds

3.6 If when a fresh Schedule is submitted the Congregation promise to remit at least 130% of the current stipend and if the Board are satisfied with the Schedule in this and other respects, then the Congregation may be placed on the Equal Dividend platform without restriction (as in 3.3). The Board will report on the matter to the next ensuing General Assembly so that the minister's induction to the charge may be declared to be free of time-restriction.

3.7 If when a fresh Schedule is submitted the Congregation promise to remit between 100% and 130% of the stipend and if the Board are satisfied with the Schedule in this and other respects, then the Board may extend the minister's appointment for a further five years from the date of termination of the original appointment. A review similar to that of 3.5 shall be carried out nine years after the appointment to the charge was made, and every five years thereafter.

3.8 If at the time of a review the Congregation is unable to promise to remit at least 100% of the stipend, or if the Board adjudge the congregation's promised commitment to be unrealistic, the Board shall report this to the next General Assembly, and unless exceptional circumstances are shown to exist, the Board shall recommend that the minister's appointment be not renewed at the end of his current appointment.

3.9 When the contract of a minister in a terminable appointment is not renewed by resolution of the General Assembly, the Presbytery of the bounds shall direct that his name be added to the Register of Ministers without Charge, eligible for call.

3.10 When any congregation whose minister is appointed under the terms of this Act fails to remit the full cost or direct cost of ministry as promised when admitted to the Equal Dividend Platform, then the Board shall draw the attention of the Congregation and the Presbytery to this fact, and the Presbytery shall report to the Board what steps are being taken to rectify the situation. The Board shall report to the General Assembly annually which congregations, if any, failed to meet their commitment in the previous year.

3.11 When any congregation, whose minister is appointed under the terms of this Act, fails to remit 100% of stipend in any one year, the Home Missions Board shall draw the attention of the Congregation and the Presbytery to this fact. On receipt of such notification the Presbytery shall initiate a Review and Audit of the Congregation as in Section 6.1 below. The Board shall also report to the General Assembly that such a review has been initiated.

3.12 The General Assembly enact that in future the entitlement of a vacant congregation to call a minister be limited to two years from the date on which its Schedule is passed by the Home Missions Board.

4 Union of Neighbouring Congregations

On a vacancy occurring in a pastoral charge the Presbytery, before considering a Schedule, shall give consideration to whether in the light of their overall Strategy Plan it is desirable for the vacant congregation to be linked or united with another congregation whether vacant or not; and only when this possibility has been fully explored and departed from shall they approve a Schedule. In submitting the Schedule they shall report to the Board the steps taken and the reasons for departing from any such linking or union.

5 Special Arrangements

5.1 Notwithstanding the above regulations, the Board may recommend to the General Assembly that in special circumstances congregations be given permission to call a minister on conditions to be submitted by the Board to the Assembly. These special circumstances shall have regard to: (a) the geographical position of the Congregation; and (b) the potential for growth perceived to exist.

5.2 Each such case passed by the Assembly shall be reviewed every five years.

5.3 The Schedule submitted by such a congregation must express its financial commitment as a percentage of the stipend in terms of 1.3 above, and its remittances shall be monitored by the Board in terms of 3.10 above.

5.4 Before a Presbytery gives its approval to a Schedule seeking permission to call a minister in terms of special consideration, the Presbytery shall carry out a visitation of the Congregation and submit to the Board, along with the Schedule, a report on the prospects of a continued ministry in the Congregation.

5.5 Before a Presbytery moderates in a Call to a minister from a congregation placed on the Equal Dividend Platform under Special Arrangements, it shall prepare a Report of the Congregation giving a detailed analysis of the local context in which the ministry is to take place. This Report shall be forwarded to the Home Missions Board with whom consultation shall take place, at the initiation of the Congregation and the Presbytery, before the formal process of moderating in a call commences.

6 Review and Audit

The purpose of this review is to make a decision regarding the long-term viability of a congregation whose numerical and financial strength has become seriously weakened. The review period shall be twelve months during which the following steps must be taken:

6.1 Presbyteries

6.1.1 The Presbytery, on receipt of notification from the Home Missions Board that a congregation's remittances have fallen below 100% of stipend as in Section 3.11 above, shall initiate a thorough review of the congregation. This review shall include a thorough audit of the congregation, giving due consideration to (1) the likely causes of the fact that its numerical and financial strength has become seriously weakened; and (2) the future prospects for ongoing fulltime ministry in the congregation, including any potential for growth perceived to exist. On completion of the review, the Presbytery shall give a Report of its findings to the Board.

6.1.2 The Presbytery shall be required to meet with the congregation in order to explain the procedures to be followed as a result of the fall in the numerical and financial strength of the congregation. The Presbytery shall consult fully with the congregation during the review period in order to agree an achievable way forward for ministry in the congregation.

6.1.3 If the Presbytery finds that there is potential for growth in the congregation and that there is reason to believe special evangelistic effort on the part of the denomination could lead to realising this potential, then the Presbytery shall consider making application for redevelopment status in terms of Act XXXIV, 1988.

6.1.4 If the Presbytery finds that a fulltime ministry is not viable in the congregation in the long term but that there is a need to support ministry in the congregation in the short term, then the Presbytery shall formulate a short term plan for ministry, not exceeding five years, and recommend accordingly to the Home Missions Board. The Presbytery shall also arrange a meeting with the congregation in order to explain its findings.

6.1.5 If the Presbytery finds that the provision of a fulltime ministry in the congregation is no longer viable then it shall report to the Home Missions Board in these terms. The Presbytery shall also arrange a meeting with the congregation in order to explain its findings and to discuss arrangements for future ministry.

6.1.6 The Presbytery shall submit its Report to the Home Missions Board by 14th February in the calendar year after which the review was initiated.

6.2 Home Missions Board

Presbyteries shall ensure that Audit and Review Reports are submitted to the Home Missions Board by 14th February in any given year.

6.2.1 On receipt of the Presbytery's Report that a fulltime ministry is no longer viable in a congregation, the Home Missions Board shall include this in its Report to the next General Assembly recommending that (1) the minister's pastoral link with the congregation be severed within six months and his name added to the Register of Ministers Without Charge, eligible for call; and that (2) the Presbytery be instructed to make all necessary arrangements for linkage, union, or district ministry as local circumstances permit.

6.2.2 On receipt of the Presbytery's Report that a fulltime ministry is not viable in the long term but that arrangements need to be made to support ministry in the short term, the Board shall satisfy itself that all the requirements of Section 6.1 have been met and that the Schedule is completed with achievable commitments in the light of the congregation's financial weakness. If the Board is satisfied with all the documentation received from the Presbytery it shall report on the matter to the next ensuing General Assembly with the following recommendations: (1) that the congregation be removed from the Equal Dividend Platform and the minister placed on a renewable appointment; and (2) that a review of the congregation's situation, in accordance with Paragraphs 3.4 to 3.9 above, shall take place one year before the term of renewable appointment is due to end.

If at the end of the review referred to in paragraph 6.2.2 above the congregation's circumstances have sufficiently improved, then the Board may place the congregation on the Equal Dividend Platform in terms of the prevailing regulations, with the minister's induction to the charge being declared to be free of time-restriction. The Board shall include details of this change to the next General Assembly.

6.2.3 If at the end of the review referred to in paragraph 6.2.2 above the congregation's circumstances have not shown signs of improvement, the Board shall report to the General Assembly with the following recommendations: (1) that, due to continuing full-time ministry in the congregation not being viable, the minister's pastoral link with the congregation be severed, with his name being added to the Register of Ministers without Charge, eligible for call; and (2) the Presbytery be instructed to take other steps for ongoing ministry in the congregation such as linkage, union, or district ministry.

The Home Missions Board shall make careful examination of each case where a ministry is being terminated, that due pastoral care has been offered and other possible avenues of service have been examined.

6.3 Terms of Re-appointment

When a congregation with a settled ministry is removed from the Equal Dividend Platform and the minister placed on a renewable appointment the following conditions will apply:

6.3.1 The annual stipend shall be paid at the rate of Equal Dividend each year with the shortfall between congregational remittances to central funds and the rate of Equal Dividend being borne by the Home Missions Board.

6.3.2 The congregation shall pay a sum for the minister's travelling and other expenses, which sum shall be fixed in agreement with the Home Missions Board and reviewed annually during the appointment.

6.3.3 The minister placed on a five-year appointment shall devote his whole time to the congregation and work under the supervision of the Presbytery of which he is a member, in conjunction with the Home Missions Board.

6.3.4 The minister shall report at least annually to meetings of his Presbytery and the Presbytery shall report by 14th February each year to the Home Missions Board, on progress in the spiritual, numerical and financial aspects of the congregation. The Presbytery shall also ensure that all support-structures agreed in the development plan are being implemented.

6.3.5 If the minister's link with the congregation is severed at the end of the five-year period, then he shall be treated as a minister without charge, except that he shall be paid at the rate of the then current Equal Dividend for a period of six months from the date of expiry of the appointment, or until his induction to another charge, whichever is sooner, and the Presbytery shall inform the Assembly Clerk so that his name may be included on the Register of Ministers without Charge.

7. Scope of this Act

7.1 The terms of this Act shall hereafter apply to all congregations for which Sustentation Fund Schedules come before the Presbytery of the bounds for scrutiny and approval.

7.2 Where a Schedule has already been forwarded by the Presbytery of the bounds to the Board, the Schedule shall be approved in terms of this Act.

7.3 Settlements that have taken place under previous regulations shall now be monitored in terms of this Act.

7.4 The General Assembly hereby repeal Act XV, Class II, 1994, Act XVIII, Class II, 1998, and Act XIV, Class II, 2005.

7.5 The General Assembly declare the provisions of the said Overture to be an Interim Act.