

CHAPTER III

PROVINCIAL SYNODS

PART I: Constitution and Officials

1. **Location:** The various Presbyteries of the Church are linked together in convenient regional groupings to form what are called Provincial Synods. At present the nine Presbyteries in Scotland are linked in groups of three to form three Synods: the Northern, the Western and the Southern.

2. **Membership:** The membership of each Synod comprises the combined membership of each Presbytery within their province. The Clerk of each Presbytery is required to submit a certified Roll of Presbytery membership to the Clerk of Synod so that the Roll of Synod may be accurately compiled. Each Kirk Session which commissions an elder to sit in Presbytery should in the same commission certify his election to sit also in Synod. Should a meeting of Synod precede one of Presbytery after the elder's appointment by Session, the Kirk Session commission should be tendered to and received by Synod.

3.1 **Corresponding Members:** A Synod also includes in its membership ministers and elders who have been commissioned by neighbouring or adjoining Synods to act as *corresponding members*. The Commissions appointing such members should be received and read when the Roll of Synod is being adjusted. Those corresponding members have full right of voice and vote in Synod. The validity of their Commissions depends upon the terms of appointment. If the Commission directs them to correspond with the Synod of X at their meeting on a specified day it has validity only for meetings on that day. If it adds "and at other meetings during the ensuing year", then corresponding members may sit in *pro re nata* meetings of Synod.

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3.2 It is within the power of the General Assembly to specify the number of corresponding members a Synod may appoint to a neighbouring Synod. The usual practice is to appoint two, most commonly one minister and one elder.

4. **Assessors:** Membership of a Synod may be increased by the General Assembly by the appointment of general or special assessors. General assessors have full rights of voice and vote: special assessors have such rights only in connection with the particular items of business to help with which they have been appointed.

5. **Association:** A Synod has power to associate with it any minister who may be present but an associated member, whilst allowed to contribute to the discussion of matters before Synod, may not himself introduce new business or propose any motions. He has no vote.

6. **Fixing of locality:** Synods are erected by the General Assembly, and their bounds are specified and the number of Presbyteries within each declared. As already noted, at present there are three Presbyteries in each Synod in Scotland but the Synod of North America comprises two Presbyteries. At the time of erecting a new Synod or realigning the bounds and naming the Presbyteries included, the General Assembly fix the date, place and time of meeting. The date of the annual meeting of Synod is fixed by the General Assembly but discretion is allowed to Synod as to the place of meeting year by year. Synods therefore, unlike Presbyteries, do not ordinarily meet by adjournment but by appointment of the General Assembly. But if business requires a Synod to meet again before its next ordinary meeting it may meet by adjournment.

7. **Pro re nata meeting:** To deal with emergencies, Synod may be called to meet *pro re nata*. The Moderator may call this meeting on his own responsibility or in response to a requisition addressed to him by members of Synod, three of whom at least should be ministers. As in the case of Presbytery, the action of the Moderator in calling a *pro re nata* meeting must be approved by Synod before the business can be dealt with.

8. **Quorum:** Three members of Synod form a quorum provided two are ministers. The General Assembly of 1866 approved a form of minute relating to a meeting of Presbytery having a bare quorum, at which elders' certificates from Kirk Sessions were received (Act VII, 1866). It may be assumed that a minute in like terms is in order in the case of a Synod meeting in the same circumstances. The critical point is that elders' certificates may be received at such a meeting.

9. **Opening of Synod:** Each ordinary meeting of Synod is opened by the Moderator elected at the previous meeting. He conducts public worship, preaches a sermon, and at the close of the service announced that Synod will meet

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thereafter. Synod is then formally constituted with prayer, provided a quorum of numbers is present.

10. **Adjustment of Roll:** The first act at an ordinary meeting is the adjustment of its Roll by reference to certified lists supplied by Presbytery Clerks, commissions from neighbouring Synods and, if appropriate, the receiving of elders' certificates. The Roll is then called to ascertain the sederunt, and courtesy suggests that the order in which Presbyteries are called rotates from year to year.

11. **Election of Moderator:** When the Roll has been adjusted and the sederunt noted, Synod proceeds to elect a new Moderator who will hold the office for the ensuing year and preside at the opening of the next ordinary meeting at which his successor will be appointed. Any ordained minister having a seat in a Presbytery within the bounds of Synod may be elected as Moderator. He presides at all meetings of Synod during his term of the office and his duties correspond to those of a Moderator of Presbytery.

12. **Clerk:** Each Synod appoints a clerk, usually from its own membership. The clerk may be appointed to serve indefinitely or from year to year. On appointment he is required to give an undertaking to fulfil the duties of the office with diligence and fidelity. His expenses and usually a modest honorarium are met from Synod funds. Synod funds are provided by each Presbytery which imposes on congregations within the bounds a fixed sum year by year for Presbytery and Synod expenses.

13. **Clerk's Duties:** The clerk's duties follow the same pattern as for Presbyteries. In recording minutes he must ensure that each minute testifies that the meeting was duly constituted and that it was closed with prayer. The omission of either of these details invalidates a minute.

14.1 **Minutes:** Before proceeding to ordinary business Synod may have minutes of the previous ordinary meeting read or a résumé of them, not for purposes of approval but as an aid to memory of what has been done. For actual adjustment and approval minutes of a first diet of Synod are read at a second diet and minutes of the final (usually the second) diet are read, adjusted and approved at the end of that diet. Minutes of a *pro re nata* meeting are submitted for adjustment and approval to the first diet of the next ordinary meeting. As in other courts where a matter of some delicacy has been discussed and a decision agreed, it is competent for Synod to adjust and approve that part of the minute immediately after a decision has been agreed.

14.2 Once minutes have been approved they cannot subsequently be altered except by authority of the General Assembly. Even then no alteration can relate to the accuracy of the account of business transacted. It can relate only to the competence of the Synod to deal with the business narrated or the

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correctness of its procedure in doing so. That is to say, the Superior court is competent only to judge that minutes submitted to it are “correct in form and substance”.

14.3 Minutes once approved and engrossed in the permanent Record must be signed by the Moderator and Clerk. A person who has acted as Moderator or Clerk *pro tempore* must also sign the minutes of the relevant diet.

15. ***Openness of Court:*** Synod is an open court but may meet in private if it deems this appropriate.

PART II: POWERS AND FUNCTIONS

1. A Provincial Synod is mainly a court of Review. It may initiate action by agreeing to forward Overtures to the General Assembly, or by approving suggestions to facilitate its own business. But its main concern is to review matters brought before it from Presbyteries.

2. ***Diets of Synod:*** The nature of a Synod’s work requires that each ordinary meeting comprise two diets. Synod can, of course, appoint additional diets if the volume of business so requires.

3. ***Order of Business:*** An Act of Assembly (Act XI, 1989) gave to Synods a degree of flexibility in arranging business, not hitherto enjoyed. As this is simply an enabling Act it may be best first to outline the procedures established by use and wont.

3.1 At the first diet after the Roll has been adjusted and Moderator and Clerk appointed, Synod proceeds to appoint a Committee on Bills and Overtures and Business. Most frequently this Committee comprises all members of Synod, the Moderator is Convener and the Clerk of Synod acts as clerk to the Committee.

3.1.1 The duty of the Committee on Bills, etc is to examine all papers which it is proposed to pass into Synod. Overtures to be proposed should be presented to the Committee in proper form and the Committee agree to pass into Synod only if they are correct in form. The same responsibility relates to References, Complaints/Appeals, and Petitions. The Committee’s concern is to ascertain that papers are in proper form. The Committee then make a list of items to be passed into Synod and recommend the order in which they should be taken. Decisions of the Committee with regard to the passing in of papers to Synod are subject to dissent and complaint or appeal to Synod.

3.1.2 The Committee on Bills and Overtures reports to Synod by submission of a minute of their proceedings. Synod may overrule decisions of the Committee both with regard to items to be admitted to Synod and with regard to the order of business proposed.

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3.2 At the first diet Synod calls for the Records of the Presbyteries within its bounds. These should be laid on the table and small committees appointed to examine and report on them with particular reference to the Presbyteries' diligence in holding quinquennial visitations of congregations within their bounds.

3.3 At the first diet Synod usually appoints a Committee to prepare a Report on Deceased Ministers and Elders. This report like that relating to Records will be submitted to a subsequent diet of Synod.

3.4 When at its second diet Synod has received and adjusted the report on the Committee on Bills etc., the items of business listed are dealt with in the agreed order. When reports on specified topics have been received, Synod appoints members to submit reports the following year. Corresponding members to neighbouring Synods are also appointed at the second or subsequent diets of Synod.

4. ***Alternative Arrangements:*** The more flexible arrangements allowed by Act XI, 1989, are described in the Act as follows:

4.1 that Synods are permitted, if they so choose, to appoint annually a Standing Committee on business;

4.2 that such a Committee's responsibilities may include the following:

to examine Presbytery Records; to examine Presbytery programmes of Quinquennial Visitations; to prepare a report on deceased ministers and elders; to examine Bills, Overtures and Correspondence and to bring to the Synod a report on the business to be transacted; to report on changes in the ministerial membership of the Synod; to make recommendations re the personnel for the Standing Business Committee of Synod and in general to prepare routine business for the consideration of the Synod;

4.3 that in the appointment of this Committee the Synod will ensure that all the Presbyteries within the bounds of the Synod are represented.

5. Synods availing themselves of the provision of the foregoing Act are usually in a position to publicise the items of business to be discussed at an evening diet when topics of interest to the general membership of the Church are to be discussed.

6. ***Rules for Discussion:*** Rules for the discussion of business regularly before Synod are the same as those which apply in Presbytery.

7. ***Review of Records:*** The Record of Synod must be forwarded to the Clerk of Assembly to be laid by him before the Assembly for review in due course.