

THE PRINCIPAL
ACTS
OF THE
GENERAL ASSEMBLY OF THE FREE CHURCH OF SCOTLAND
MAY, MMX

CLASS I - ACTS WHICH HAVE PASSED THE BARRIER ACT

**Act I – Act anent the Appointment of a Plenary Meeting of the General Assembly
(No 1 of Class I)**

1. The General Assembly, recognising the divisive nature of the worship issue and the desire on all sides not to be rushed prematurely into a conclusion, endorse the proposed Plenary Conference and instruct the Board to organise the same at a suitable point in advance of the Plenary Assembly proposed in paragraph 3 below.
2. The General Assembly appoint a Plenary Assembly, with the consent of Presbyteries, to take place before the end of 2010. The General Assembly ordain that the said Plenary Assembly consist of all ministers with a seat in Presbytery together with an equal number of elders. The General Assembly further direct that the said Plenary Assembly shall take up and dispose of a Report from the Board of Trustees with recommendations anent the form of worship to be practised in the Free Church of Scotland and that no other business may be transacted by the said Plenary Assembly. The General Assembly also ordain that the current Standing Orders of Assembly apply *mutatis mutandis* to the Plenary Assembly and that the current Moderator shall be Moderator of the Plenary Assembly, failing which the Plenary Assembly shall have powers to appoint a Moderator from among its commissioners.
3. The General Assembly instruct all Presbyteries of the Church to appoint Commissioners to the Plenary Assembly consisting of all ministers with a seat in Presbytery together with an equal number of *bona fide* ruling elders, these Commissions to be in the hands of the Principal Clerk of Assembly not later than one month before the date on which the Plenary Assembly shall convene.
4. The General Assembly instruct Presbyteries to organise a day of prayer within their own bounds, at a suitable date prior to the date of the Plenary Assembly, focused on the issues pertaining to worship presently under consideration and also on the necessity to maintain the unity of the Church.

**Act II - Act anent the appointment of a Judicial Commission
(No 2 of Class I)**

The General Assembly recognise the risk of exposing the Church to criticism or legal action where procedure allows a Church Court to act as investigator, prosecutor, jury and judge, involving the same personnel in the initial investigation, the prosecution of the charges, the consideration of the evidence and the final verdict.

The General Assembly consider that the small size of the Free Church is liable to give rise to concerns and difficulties in the processing of cases, and in particular that objective, detached, and just procedure may not be achievable or clearly demonstrated.

The General Assembly note, in regard to the processing of accusations against Professors in the Free Church, that present legislation does not specify what should happen should it be decided after precognitions that there is no case to answer and that the role of the College Board in the process may involve a conflict of interests and may give rise to the independency of the Board being questioned in these circumstances.

Wherefore, the General Assembly, with the consent of Presbyteries enact and ordain:

A. The Judicial Commission

1. *Composition*

1.1 The Judicial Commission shall be appointed by the General Assembly on the recommendation in the first instance of the Committee to Review Disciplinary Procedures and thereafter on the recommendation of the Board of Trustees. The Judicial Commission shall be comprised of 24 members, two ministers and two elders from each of the home Presbyteries, appointed for a term of four years, renewable for a second term of four years. The maximum term of continuous service shall be eight years after which no member of the Judicial Commission shall be eligible for further service until one year has elapsed. Those appointed shall be senior ministers and elders of the church with at least 10 years experience of active service. The General Assembly shall appoint one of the members of the Judicial Commission as Chairman.

1.2 The quorum for the Judicial Commission shall be 12 members. Members of the Judicial Commission who are also parties with an interest in any case which shall come before the Judicial Commission shall not sit as members of the Judicial Commission in these circumstances during any part of the proceedings.

2. *Powers*

2.1 The Judicial Commission shall have full powers to take up and dispose of any formal complaint against a Minister, Probationer, Elder, or Deacon, as shall be passed to them by any Presbytery of the church and shall have powers to pass sentence, always in accordance with the laws of the church. The Judicial Commission shall also have powers to issue formal citations to those accused and to all witnesses who may competently be cited. The Judicial Commission shall have access to the services of the Church's Law Agent.

2.2 In unopposed findings of the Commission (ie where all parties acquiesce and no Appeal or Dissent and Complaint is lodged) wherein sentence has been passed upon an accused after due process, or else an accused has been acquitted, the Commission's decision shall be regarded as a judicial decision and final, and the Commission shall report their finding to the General Assembly. Appeals from, or Dissents and Complaints against, any finding of the Commission, shall only be allowed on points of law or against severity of censure, but not against the finding itself, and shall be referred to the General Assembly. The Commission and parties appealing or dissenting shall be heard at the bar of the Assembly in the usual way. The Assembly's decision shall be regarded as a judicial decision and final and shall be recorded in the minutes in these terms.

B. Investigative Procedure Applying to All Cases

1. *Accusations against Elders and Deacons* Accusations against an Elder or Deacon shall be investigated by their own Kirk Session. In investigating accusations against an Elder or Deacon the Kirk Session shall be required to follow the general principles of procedure set out in Chapter V, Parts I - III inclusive, of *The Practice of the Free Church of Scotland*.

2. *Accusations against Ministers, Professors and Probationers* Accusations against Ministers, Professors and Probationers shall be investigated by the Presbytery having jurisdiction over them at the time such accusations are made. In investigating accusations against Ministers, Professors and Probationers the Presbytery shall be required to follow the general principles of procedure set out in Chapter V, Parts I - IV inclusive, of *The Practice of the Free Church of Scotland* (hereafter referred to as "TP").

3. *Initial Inquiry*

3.1 As a first step in dealing with all accusations of censurable conduct or a rumour to that effect concerning an Elder or Deacon brought to the notice of the Kirk Session, the Session shall appoint a Committee comprising the Minister (or Interim Moderator) and at least one elder to interview those making complaint or those thought to have knowledge of the facts underlying a rumour to ascertain what weight should be accorded to these and they shall report the outcome to the Session.

3.2 In regard to accusations of censurable conduct or a rumour to that effect brought to the notice of Presbytery against a Minister, Professor or Probationer, the Presbytery shall appoint a Committee comprising at least one minister and one elder to interview those making complaint or those thought to have knowledge of the facts underlying a rumour to ascertain what weight should be accorded to these and they shall report the outcome to the Presbytery.

3.3 If the Session or Presbytery see cause they may terminate the inquiry at this stage and inform all parties involved accordingly, in which case the accuser shall then be informed that he or she must petition the relevant church Court should they wish to take the matter further. Should the Session or Presbytery have reason to carry out further investigation this must be done formally by way of a Formal Investigation as detailed in 4. below.

4. *Formal Investigation (precognition)* In proceeding to make formal investigation of allegations against an Elder, Deacon, Minister, Professor or Probationer the investigating Court shall have regard to all the relevant facts, and in particular:

- (a) the *bona fides* of any person making an allegation that a disciplinary offence may have been committed;
- (b) any representation made by the person who is the subject of the allegation; and
- (c) the gravity of the alleged offence and in particular whether it be censurable according to Scripture and the laws of the church (Presbyteries should note Chapter V., Section IV, par. 2.5 of TP).

In all instances of proceeding to Formal Investigation the investigating Court shall:

- (a) give details in writing to the accused of the substance of the complaint made against him and the nature of the evidence existing in support of the allegation and shall offer him the opportunity to make any answer thereto, but he shall not be obliged to do so, and may exercise the right to demand that he be formally charged with offensive conduct before agreeing to discuss the matter further with members of the investigating Court;
- (b) make such arrangements as appear to be appropriate for the provision of pastoral support for the accused and his family, for the person or persons who made the allegation and for any witnesses who may be called to give evidence; and
- (c) declare that the accused is meantime suspended from the duties of office. Even prior to the formulating of a charge, an Elder, Deacon, Minister, Professor or Probationer accused of censurable conduct should consider himself temporarily relieved of his duties. This suspension is not itself a censure, being merely a recognition of what is appropriate in the circumstances, and shall be termed an “administrative suspension” as distinct from any suspension involving censure. Kirk Sessions and Presbyteries must take care to minute all such distinctions carefully.

4.1 In all instances of Formal Investigation the investigating Court shall keep a Record Apart of the investigatory proceedings which shall be kept *in retentis* so that it may be produced should the need for formal process arise. The Record Apart shall comprise all evidence obtained by the Court including witness statements and the regular records of the investigating Court shall make reference to it as required.

4.2 If the Court find that the accusation is false or frivolous or that the rumour is groundless, or that there is no evidence capable of proving censurable conduct against the accused, unless this finding be remitted to the Presbytery or Judicial Commission by Dissent and Complaint, the enquiry shall be terminated and his temporary relief from his duties shall be recalled. If the Court find that there appear to be grounds for a formal charge to be drawn up against the accused, unless this finding be remitted to the Presbytery or Judicial Commission by or Dissent and Complaint, they must proceed by way of Libel as detailed in 4.3 below. As soon as the Formal Investigation is ended the accused shall be informed of the outcome.

4.3 In deciding to proceed with a formal charge after Formal Investigation the Kirk Session or Presbytery shall ensure that at least one of the following circumstances is present, without which no Court of the Church shall proceed to frame a Libel even to the extent of citing the person concerned.

(1) A written and signed complaint lodged by some person charging a minister with immoral conduct or heresy, providing some *prima facie* evidence. Since a scandal against an Elder, Deacon, Minister, Professor or Probationer, once raised, cannot be easily wiped off, the Kirk Session or Presbytery must exactly ponder by whose information and complaint it comes before them. And in judging the *probability* that would justify them in proceeding, they are called upon to weigh well the measure of credit due to the quarter from which an allegation of scandal proceeds;

(2) The lodging of a Private Libel by an accuser who asserts that attention to it is requisite for the due exercise of discipline. No Kirk Session or Presbytery shall receive a Private Libel unless the person lodging it is a Member of the Free Church of Scotland since the liability to censure referred to below can only competently apply to such as are Members of the Free Church. The Kirk Session or Presbytery with which a Private Libel is

lodged shall declare that the accuser shall be liable to censure as a slanderer if he or she should fail to satisfy the relevant church Court of its truth being reasonably probable. Moreover the accuser shall be required to formally state that he or she accepts the said liability without which formal statement the Libel shall not be received. If the accuser allows this declaration and statement to be minuted, and he or she signs it, the church Court shall be obliged to proceed.

(3) The prevalence of a widespread rumour (*fama clamosa*) which lays a Kirk Session or Presbytery under an obligation to take action for its own vindication. Before beginning a process against an Elder, Deacon, Minister, Professor or Probationer on the ground of a *fama clamosa* involving serious scandal or manifest heresy, such as persistent opposition to the doctrine of the Confession of Faith, the Kirk Session or Presbytery must be careful to inquire into the rise, occasion, broachers and grounds of such a *fama*.

4.4 Whenever a Kirk Session arrives at a finding to proceed to formal process by Libel against an Elder or Deacon, or should this finding be subject to a Dissent and Complaint to the higher Court, the Session shall communicate the decision in writing to the accused, informing him that he ought to wait upon further notice from the Presbytery, as the matter must now be passed into their hands.

4.5 Whenever a Presbytery arrives at a finding to proceed to formal process by Libel against a Minister, Professor or Probationer, or should this finding be subject to a Dissent and Complaint to the higher Court, the Presbytery shall communicate the decision in writing to the accused, informing him that he ought to wait upon further notice from the Judicial Commission, as the matter must now be passed into their hands.

5. *Dealing with a view to Confession* If a Kirk Session or Presbytery find that there is good reason for entertaining or framing a Libel against an Elder, Deacon, Minister, Professor or Probationer subject to their jurisdiction, they shall firstly seek in the spirit of love and faithfulness to bring him to a confession. He may either deny the charge or, before committing himself at all by answering the inquiries of his brethren, he may demand that the accusations against him be set out formally. In either case the framing of a Libel shall be required.

C. Procedure to be followed in Processing a Libel

1. *Formulating a Charge* Whenever a Kirk Session or Presbytery, after due investigation in terms of 4. above, concludes that a formal process must be undertaken they shall proceed to formulate a record of charges against the accused in the form of a Libel as specified in 4.3 - 4.5 above. The Principal Clerk of Assembly shall make available a standard Form which must be used in all cases.

The Libel, forming a regular syllogism, must set forth the following:

Proposition 1 - the nature of the alleged offence, declaring its contrariety to the Word of God and the laws of the Church, and indicating the kind of consequences which ought to follow from it;

Proposition 2 - a summary of the evidence, whether from witnesses, documents or otherwise, incriminating the accused could be established, specifying what are believed to be the principal facts of the case, and particularising time, place and other circumstances relating to each alleged offence. This proposition may contain one or more counts of indictment;

Conclusion - the connection of Propositions 1 and 2 together and thereby arriving at the conclusion that the accused, as guilty of the offence mentioned in Proposition 1, ought to be subjected to the consequences indicated provided Proposition 2 be made good either by confession or by adequate evidence.

1.2 The Court which resolves to prosecute shall be responsible for processing the Libel. It is of great importance that care be taken to frame the Libel with accuracy so as to avoid grounds for questioning its relevancy. In all cases which may lead to a Libel, the prosecuting party shall carefully examine the proposed evidence to ensure that a charge incapable of proof be not proceeded with. Such examination shall comply with Act I, Class I, 2008 (Act anent the interviewing of women, children and vulnerable adults). In every case, including that in which a Private Libel is insisted on, before a Libel is adopted it shall be submitted to the Law Agent of the Church in accordance with Act VI, 1912. A Libel shall be signed by the party or parties prosecuting, and a list of witnesses and documents adduced in support of the charge embodied in it shall be appended to it.

1.3 In addition to the Libel the Kirk Session or Presbytery, as also an accuser in the case of a Private Libel (see B 4.3 (2) above), in proceeding to process the case shall also:

- (a) draw up a list of the names and addresses of all witnesses to be adduced by the Session or Presbytery;
- (b) provide a list of the productions to be put in evidence by the Kirk Session or Presbytery;
- (c) forward the Libel together with the above-mentioned documents (a) and (b) to the Clerk of Presbytery or Judicial Commission as appropriate, with a request that they take up consideration of the case at their earliest opportunity;
- (d) appoint representatives to prosecute the case before Presbytery or the Judicial Commission.

2. *Hearing*

2.1 The following procedure shall apply to the hearing of cases before Presbytery and/or Judicial Commission

2.2 *Preliminary Requirements* The Presbytery or Judicial Commission, having received notification in terms of C1.3 (c) above, shall take cognisance of all the documents relating to the case passed to them, ensuring that all required documents are present and in order. They shall not proceed further unless they are satisfied that all documents are present and in order and in the event that documents are missing or not in due form they shall inform the submitting Kirk Session or Presbytery of the same, requiring that they rectify all deficiencies before returning the documents to the relevant Clerk;

2.3 When all documents are present and in order the Presbytery or Judicial Commission shall:

- (a) fix a date and place for the hearing of the case at the earliest opportunity, always allowing due time to all parties to make adequate preparations. The accused is entitled to a minimum of ten clear days' notice of the date on which the Presbytery or Judicial Commission is to consider the relevancy of a Libel;
- (b) serve upon the accused by recorded delivery post or by means of a person appointed by the Presbytery: (1) a copy of the Libel and the lists of all productions and witnesses; (2) the date appointed for the hearing; and (3) formal citation instructing the accused to be in attendance at the hearing upon the date fixed by the Presbytery or Judicial Commission;
- (c) serve formal citation upon all witnesses listed at (b) above and belonging to the Free Church of Scotland, by recorded delivery post or by means of a person appointed by the Presbytery or Judicial Commission, instructing them to be in attendance at the hearing upon the date fixed. Witnesses listed but not belonging to the Free Church of Scotland cannot be cited but the Presbytery or Judicial Commission must inform them of the date appointed for the hearing and should aim to bring all moral suasion upon them to attend.

3. *Conducting of Hearing*

3.1 *Challenge* It shall be competent at the very commencement of formal proceedings by Presbytery or Judicial Commission for the accused to challenge the competency of witnesses on the grounds that they do not understand the charge or charges, or are known to be prejudiced against him. The accused must ensure that intimation of the grounds of his challenge be given to the Presbytery or Judicial Commission not later than twenty four hours before the hearing is due to begin, otherwise his challenge shall not be received. The basic requirements for a competent witness shall be (a) Capacity (that they are able to understand the facts to which they bear testimony; (b) Honesty (that they can be regarded as seriously aiming to provide objective testimony); and (c) Opportunity (that they were in a position to witness the facts they testify). Such witnesses as the Presbytery or Judicial Commission may deem to be not competent shall be dismissed. The Presbytery or Judicial Commission shall dispose of any such challenge immediately unless they decide that the matter cannot be decided without proof, in which case they shall adjourn proceedings until such time as the challenge may competently be disposed of.

3.2 *Relevancy of a Libel* In proceeding to take up consideration of a Libel the Presbytery or Judicial Commission shall firstly consider the relevancy of the Libel, which shall involve examination as to:

- (1) Whether Proposition 1 (see C1 above) is true or not, that is, whether the offence or offences referred to are truly a subject of Church censure inferring the indicated penalty according to the Word of God and the standards of the Church; and

(2) Whether the conclusion is fairly deducible or not from the premises, that is, whether the facts specified in Proposition 2 (see C. 1 above) really amount to the offence or offences charged in the major proposition.

3.3 *Fresh Dealing toward Confession* After a Libel against an Elder, Deacon, Minister or Probationer has been found relevant, the Presbytery or Judicial Commission shall deal with him anew to ascertain if he be willing to confess the truth of the charge or charges, in order to persuade him that since a well-founded accusation against him exists it is his duty, both for his own sake and for the interests of Christ's cause, to save his brethren or other parties the trouble of adducing proof against him either by witnesses or by documents.

3.4 *Serving of a Libel* If the Libel be adjudged to be relevant and the accused be not willing to confess the truth of the charge or charges therein, the Libel shall be served upon him by being formally placed in his hands. Once the resolution to serve the Libel as relevant has been agreed the accused becomes a party at the Bar.

3.5 *Libel framed by other parties* A Libel against an Elder or Deacon prepared and prosecuted by any other party than the Kirk Session shall be presented to the Kirk Session in the first instance who shall then pass it to the Presbytery. Such a Libel can only be served by authority of the Presbytery. Similarly when a Libel against a Minister or Probationer is prepared and prosecuted by any other party than the Presbytery, it shall be presented to the Presbytery and can only be served by authority of the Presbytery. For all such Libels the specifications listed in C1 - 3.4 above shall apply *mutatis mutandis*.

3.6 *Sisting of Procedure* No Appeal or Dissent and Complaint at any stage of Presbyterial action in a case of charge or *fama* which involves a Libel, or may lead to the necessity of serving a Libel against an Elder, Deacon, Minister or Probationer, shall have the effect of sisting procedure, until the Libel has both been served and found relevant (see Act IV, 1853).

3.7 *Irrelevancy of Libel* If Presbytery or Judicial Commission judge a Libel to be irrelevant the whole proceedings shall fall to the ground, unless the decision regarding irrelevancy is brought before the superior Court by appeal, complaint or reference. If the intervention of the superior Court is required, it may correct the irrelevancy and return the process to the Presbytery or Judicial Commission. If the decision of Presbytery or Judicial Commission, or in due course the Superior Court, is that only part of the Libel is irrelevant, the case may proceed with reference to the part which has been found relevant.

3.8 *Taking of Proof* If the accused persists in his denial of the charge or charges after the Libel has been found relevant, the Presbytery or Judicial Commission shall proceed to take the proof after hearing the Libel read over again and after hearing also any answers that may have been given in on the part of the accused. Each interested party shall be allowed to state their case fully. The whole procedure shall be carefully minuted in a Record Apart in case a Superior Court should order the whole or any part of it to be deleted or destroyed. The Record Apart shall be considered in the meantime as an integral part of the minutes of the Presbytery or Judicial Commission and shall be subject to examination according to the normal procedure.

3.9 *Solemn Assurance* All who are about to give evidence before a Presbytery or the Judicial Commission shall be required to give a solemn assurance before doing so that they will speak the truth, that they have no malicious motive and are not knowingly biased. Such solemn assurance shall be accepted as equivalent to an oath and all evidence received shall be given on that understanding.

3.10 *Cross-examination* An accused person shall have the right to cross-examine witnesses testifying against him, always subject to the agreement of the Presbytery or Judicial Commission as to the relevance of the questions in cross-examination.

3.11 *Record of Testimony* The testimony given by each witness and his or her answers to questions shall be accurately written down and shall subsequently be read and signed by the witness. To accomplish this, the Presbytery or Judicial Commission shall have authority to arrange for an audio recording of the proceedings, such recordings to be kept in secure possession by the Clerks until such time as the Presbytery or Judicial Commission may order them to be destroyed. The Judicial Commission may employ such professional services as may be required to create a transcription of the recordings, the costs to be included in the budgetary arrangements specified in (E) 2 below.

3.12 *Deposition or Suspension after Confession or Proof* If a Minister or Probationer confesses himself, or by Formal Process shall be found, guilty of any scandalous offence - such as flagrant or habitual intemperance, or violation of the Seventh Commandment - the Presbytery or Judicial Commission shall depose such a Minister *instanter* from his office, or shall deprive such a Probationer *instanter* of his licence, and shall deal with him otherwise as the ordinary discipline of the Church requires and as may be most for edification. In all instances of deposing a Minister from office the sentencing judicatory shall report this to the ensuing General Assembly. Where an offence by a Minister has not been very flagrant or aggravated, suspension from office *sine die*, that is, indefinitely as to time, may be considered sufficient censure, but such a suspension shall always be accompanied by a declaration loosing the suspended Minister from his Pastoral Charge. Even if he be reponed to the status of a Minister, he shall not be restored to that Charge.

3.13 *Elder or Deacon not appearing* If an accused Elder or Deacon, when duly cited, does not appear, and either leaves the locality, or shows himself otherwise contumacious, without any relevant excuse, his non-appearance shall be deemed to be a confession of guilt, and the judicatory which cited him shall suspend him *sine die* from office and from sealing ordinances.

3.14 *Minister not appearing* If an accused Minister, when duly cited, does not appear, and either leaves the locality, or shows himself otherwise contumacious, without any relevant excuse, his non-appearance shall be deemed to be a confession of guilt, and the judicatory which cited him shall either suspend him *sine die* from the duties of office and from sealing ordinances, or else recommend that the General Assembly depose him from office, as suits the gravity of the case. The General Assembly alone shall have authority to depose a Minister in his absence.

3.15 *Resignation* A Kirk Session or Presbytery shall not accept resignation of his office by an Elder, Deacon, Minister or Probationer unless they are satisfied that no charge of scandal or heresy can be reasonably brought against him.

(D) Legislation repealed and amended

1. The General Assembly hereby repeal Act XXIV, Class II, 1993.
2. The General Assembly amend Act VI, 1979, paragraph 5, to the extent that the following be deleted: “and further, reserving the rights of parties, they are empowered to originate and prosecute before the Courts of the Church processes against any of the Professors for heresy or immorality, and to make enquiries for that purpose”.
3. The General Assembly amend Act XXIV, 2007, paragraph 1.6, to the extent that the following be deleted: “to take up consideration of allegations of heresy or immorality against any of the Professors (in accordance with the terms of Act VI, 1979, Act XXIV, 1993, and Act XV, 2004)”.

(E) Other

1. The General Assembly direct that proceedings of the Judicial Commission shall be clerked by the Assembly Clerks and that the records shall be submitted to the General Assembly for examination in the usual manner.
 2. The General Assembly direct that a budget for sittings of the Judicial Commission shall be allocated to the Board of Trustees on the advice of the Chief Administrative Officer, and approved annually, in the same manner as the budgets of Committees and Boards of the Church. Parties called to appear before the Judicial Commission shall be liable to meet their own costs. Members of the Judicial Commission shall be entitled to claim expenses incurred in attending sittings of the Judicial Commission and meetings directly related to this in the same manner as claims by members of Committees and Boards of the Church.
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CLASS II - ACTS WHICH ARE OF GENERAL INTEREST TO THE CHURCH

ACT III - Act reconstituting the Assembly Arrangements Committee and extending its remit (No 1 of Class II)

Edinburgh, 17th May 2010

The General Assembly, with a view to the more efficient ordering of the business of the Assembly, reconstitute the Assembly Arrangements Committee and extend its remit to include the functions hitherto carried out by the Business Committee and the Bills and Overtures Committee of Assembly. The Committee shall be appointed by the General Assembly annually on the recommendation of the Nominations Committee and shall consist of the Principal Clerk of Assembly, the Assistant Clerk of Assembly, the Moderator and past Moderator of the Assembly, the Clerks of home Synods and Presbyteries, and the Moderator-designate of the General Assembly who shall become a member of the Committee following the announcement of his acceptance of nomination. The Committee shall have powers to appoint their own Convener and Vice-Convener from their own membership. The Convener and Vice-Convener shall be appointed by the Committee at their meeting to be held not later than the last day of April each year to ensure that both are among the elected Commissioners to the following Assembly and shall hold office for a year. The Principal Clerk of Assembly shall be Clerk of the Committee. The Committee shall also have powers to appoint an Executive and Sub-Committees from its own membership. The quorum shall be three members of the Committee.

1. The General Assembly appoint the Committee to meet not later than the last day of April each year, in order to give sufficient time for the Committee's annual Report to the General Assembly to include a draft programme and all papers recommended to be passed into the Assembly. At this meeting the Committee shall formulate a programme of business for the Assembly, after giving due consideration to the following:

1. the number of Reports from Committees and Boards and the length of time thought to be required for each, taking account of which Reports or sections of Reports should be the subject of less formal discussion;
2. the periods of informal discussion rather than formal debate that the Assembly may wish to take up;
3. all other items of business due to come before the Assembly and estimated time thought to be required for each;
4. the number of delegates expected at the Assembly;
5. any Appeals, Dissents and Complaints, Overtures, Petitions or References or any other cases coming to the Assembly from the inferior courts.

2. The Committee shall present its Report at the First Sederunt of the Assembly. This Report shall be included with other Reports of Boards and Committees issued in advance to Assembly commissioners.

3. All Commissions shall be sent by Clerks of their respective Presbyteries so as to be in the hands of the Clerk of the General Assembly not later than one week before the meeting referred to in 1. above. The Assembly Clerk shall give due notice to the Clerks of Presbyteries of the date of the meeting to facilitate this. The Assembly Clerk shall report on all Commissions and Elders' Certificates to the Committee when it meets and the Committee shall examine these Commissions and Certificates and include an item on them in its report. All Commissions and Certificates outstanding at the opening of the Assembly shall be reported to the Assembly by the Assembly Clerk at the First Sederunt.

4. All Overtures, Petitions and Papers (other than Committee and Board Reports) from Synods and Presbyteries intended to be transmitted to the Assembly as in 1.5 above shall be in the hands of the Assembly Clerk not later than 15th April in each year. The Clerk of Assembly shall lay such papers before the Committee and parties concerned shall be in attendance at the meeting. The Committee shall report to the First Sederunt of the General Assembly on the receivability of the documents. In the event of the Committee resolving not to receive a particular document, the parties concerned shall have a right of appeal against the finding of the Committee to the General Assembly.

5. In addition to the foregoing meeting the Committee shall meet at a suitable date after the General Assembly for the purpose of receiving the Moderator's Report and disposing of matters relating to the Committee's Budget for the ensuing year. The Committee shall also meet in January to make preliminary

arrangements for the forthcoming General Assembly. The Committee shall meet at other times as may be required.

6. The General Assembly direct that, beginning at the 2011 Assembly, discussion sessions be held during the Assembly in addition to formal debate, on the recommendation of the Assembly Arrangements Committee. The Committee shall make its recommendations at the First Sederunt through its Report to the Assembly. All commissioners shall be expected to attend these discussion sessions. While no formal proposal or motion may be presented at these sessions the discussion ought nevertheless to give prolonged consideration to the items specified by the Assembly.

7. The General Assembly instruct Committees and Boards to highlight with an asterisk items in their annual Reports which they consider require substantive debate, in order to assist the Assembly Arrangements Committee with its recommendations about discussion sessions and to aid commissioners in their preparations for the Assembly. This shall not preclude any commissioner asking questions about, or speaking to, other items in reports.

8. The General Assembly instruct the Assembly Arrangements Committee to produce a small booklet dealing with report compilation and processing, this to be produced and circulated to all Boards and Committees in time for their compilation of reports to the 2011 General Assembly.

9. The General Assembly authorise Presbyteries to provide information timeously to Standing Committees or Boards on such matters as evangelism and youth work as they deem to be of importance to the wider Church, for incorporation into their annual Assembly Reports.

10. The General Assembly direct that Standing Orders, Sections II-IV, be amended so as to incorporate the changes set out in paragraph 3 and sub-paragraphs above.

**Act IV - Act renewing the remit of the Working Party to examine proposals
relating to future General Assemblies
(No 2 of Class II)**

Edinburgh, 17th May 2010

The General Assembly continues the remit of the Working Party to investigate and report to the 2011 General Assembly on the various items listed under Act II, 2009.

“The General Assembly instruct the Assembly Arrangements Committee to appoint a Working Party, comprising representatives of the Committee and of the Strategy Sub-Committee, to examine the feasibility of the proposed measures below. The General Assembly authorise the Group to obtain the views of Presbyteries in regard to these measures and to report their findings and proposals to the Assembly Arrangements Committee who shall bring a report with recommendations to the 2010 General Assembly.

1. That there be two Plenary General Assemblies each year with a view to (a) dividing the workload and deadlines currently in place; (b) shortening the length of time each Assembly should sit; (c) holding one Assembly in Edinburgh and the other in the North; (d) the Board of Trustees, the Home Mission Board and the International Missions Board reporting twice a year, with the other smaller Boards and Committees reporting once a year; and (e) removing the need for the Commission of Assembly to meet except in urgent situations.

2. That there be a structure for dealing with business which would (a) allow routine matters to be handled without coming to the floor of the Assembly; and (b) provide a more flexible format for discussion of vital and strategic issues whilst still enabling firm decisions to be made.

3. That the systems in place for the Reports of Boards or Committees be reviewed to: (1) allow Presbyteries a regular flow of information on the matters of under discussion by the Boards and Committees; (2) determine what level of information the wider church should have from the business of boards and Committees; (3) to create a mechanism to allow the wider Church to gain an awareness of the matters under discussion by Boards or

Committees; (4) create a mechanism by which helpful suggestions or petitions from the wider membership of the Church can be fed into the discussion of Boards and Committees.”

Act V - Act anent Nomination of Moderator
(No 3 of Class II)

Edinburgh, 17th May 2010

The General Assembly appoint a Special Committee, consisting of the Conveners and Vice-Conveners, Chairmen and Vice-Chairmen of the Standing Committees and Boards, along with the retiring Moderator as Convener, to nominate a Moderator of the next General Assembly. They instruct the Assembly Clerk to prepare a list of all Ministers of the Free Church of Scotland of at least twenty years' standing who are members of Presbyteries or are serving with the International Missions Board and who have not previously indicated they do not wish to be considered for the office of Moderator, and to circulate the list to each member of the Special Committee requesting that they mark the names on the said list in order of preference. When these lists are returned the Clerk shall (1) arrange the list in the order of preference expressed by members of the Special Committee: (2) approach the ministers whose names appear on the list in the order preferred until one indicates his willingness to accept office. This name shall then be submitted to the members of the Committee for their approval, and when so approved shall be publicly intimated to the Commission of Assembly appointed to meet in October for their approval.

**Act VI - Act anent Appointment and Duties of Development Officer
to the Home Missions Board**
(No 4 of Class II)

Edinburgh, 18th May 2010

1. The General Assembly, recognising that the remit of the Home Missions Board is sufficiently wide-ranging to require the services of a full-time worker, approve the appointment of a Development Officer to the Board with the following 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 be appointed by the Home Missions Board and shall be inducted to the appointment by the presbytery within whose bounds he takes up residence with a seat in that presbytery. If he removes to a residence in another presbytery his membership shall be transferred to the new presbytery by way of petition.

1.3 The Development Officer shall be paid at the rate of the current stipend by the Home Missions Board who shall also be responsible for providing accommodation and reasonable expenses and meet the relevant National Insurance and Pension contributions.

1.4 The Development Officer shall report to the Board at each of its ordinary meetings or as the Board may require. He shall also report annually to the General Assembly through the Board.

1.5 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.

1.6 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.

1.7 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.

1.8 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. The duties of 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 set up and 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;

2.3 to give advice and assistance in the setting up of new church plants;

2.4 to give assistance and advice to presbyteries with a view to developing their strategy programmes;

2.5 to promote youth work;

2.6 to contribute to the development of project-led finance;

2.7 to develop sound strategies for church revitalisation;

2.8 to carry out such other work as may be allocated to him by the General Assembly directly or through the Home Missions Board.

3. The General Assembly note that the Home Missions Board appointed Rev. Neil M. MacMillan to be Development Officer in accordance with the terms of Act XXIV, 2009, with effect from 12th July 2009, and approve the appointment. They instruct the Presbytery of Edinburgh and Perth to induct Mr MacMillan to the work of his appointment and to a seat in the Presbytery on a date not later than 31st July 2010. They declare that Mr MacMillan's duties and responsibilities shall be in accordance with the terms of Sections 1. and 2. above.

Act VII - Act anent Procedure in the appointment of a Minister
(No 5 of Class II)

Edinburgh, 18th May 2010

The General Assembly, noting the recommendation of the Home Missions Board with regard to procedure in the appointment of a minister, declare nothing in the present legislation prevents a minister expressing an interest in a vacancy and that this should not be interpreted as using "undue methods" in procuring a call.

Act VIII – Act anent Stipend and Related Salaries
(No 6 of Class II)

Edinburgh, 18th May 2010

The General Assembly declare a stipend of £19,500 from 1st January 2010, 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.

The General Assembly note the recommendation of the Personnel Committee that the stipend be increased to £21,000 as from 1st January 2011 and instruct that this be transmitted to the Board of Trustees and the Home Missions Board for their consideration in the light of the Church's financial position.

Act IX - Act anent Amending Act I, 2009
(No 7 of Class II)

Edinburgh, 18th May 2010

The General Assembly amend Act I, 2009, by deleting the existing Paragraph 3.10 and substituting the following:

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.

The revised Act reads as follows:

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.

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.

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.

**Act X - Act renewing Church Extension Status for the Congregation
of South Uist and Benbecula**
(No 8 of Class II)

Edinburgh, 18th May 2010

The General Assembly, noting the recommendation of the Home Missions Board, authorise the Board to maintain a ministerial appointment in the congregation of South Uist and Benbecula in terms of Act XXXIV, 1988, Section 5.3.1.

**Act XI - Act renewing Redevelopment Status for the Congregation
of Glenurquhart and Fort Augustus**
(No 9 of Class II)

Edinburgh, 18th May 2010

The General Assembly noting the recommendation of the Home Missions Board, grant the congregation of Glenurquhart and Fort Augustus renewal of Redevelopment status under the ministry of Rev. John A. M. Mackay until the General Assembly of 2015.

**Act XII - Act continuing the work of Asian Outreach in Glasgow and renewing
the appointment of Rev. Duncan Peters**
(No 10 of Class II)

Edinburgh, 18th May 2010

The General Assembly reaffirm their commitment to sensitive outreach to resident Asian communities in Scotland. The General Assembly, noting the recommendation of the Home Missions Board, continue the work of Asian Outreach in Glasgow until 2015. They renew the appointment of Rev. Duncan Peters until the General Assembly of 2015.

Act XIII - Act renewing Special Arrangements for the Congregation of Dumfries
(No 11 of Class II)

Edinburgh, 18th May 2010

The General Assembly, noting the recommendation of the Home Missions Board, renew permission for the congregation of Dumfries to call a minister under Special Arrangements under Act I, 2009, § 5, on condition that they remit a sum corresponding to 60% of the stipend to central funds annually.

Act XIV - Act suspending Act XVII, 2009
(No 12 of Class II)

Edinburgh, 18th May 2010

The General Assembly note proposals of the Home Missions Board with regard to the maintenance of church property and instruct the Board to bring forward proposals for the more effective implementation of Act XXXI, 1988. They agree that this should be given priority over the setting up of voluntary work parties. To this end they suspend Act XVII, 2009, until such time as the procedures now proposed have been implemented.

Act XV - Act anent Centrally Supported Ministries
(No 13 of Class II)

Edinburgh, 18th May 2010

The General Assembly, in seeking to promote the interests of the Sustentation Fund, and in order to ensure the optimum use of available financial and the human resources, ordain as follows with regard to centrally supported ministries:

The General Assembly note that the projected financial burden on the Home Missions Board in 2010 arising from Centrally Supported Ministries is approximately £300,000, equivalent to 14% of the total cost of Sustentation and Church Extension ministries. The Assembly recognise that a certain level of expenditure is necessary in this area in order for the Church to fulfil its gospel vision and mission. However, the Assembly also recognise that such activities of the Church are to be carried out with good stewardship of the resources available, and therefore enact as follows:

1. The General Assembly instruct the Home Missions Board, in consultation with the Board of Trustees Finance Sub-Committee, to report annually on (1) the current level of support required to support ministries in the centrally-supported category; (2) on savings made through adjustments and progress in existing ministries; and (3) on any surplus on budgeted income for such ministries arising from increased/surplus income from fund-raising activities. They instruct the Board to ensure budgetary provision for potential new ministries in the next year as part of the annual budgetary review.

2. The General Assembly reaffirm their commitment to limit the number of Church Extension charges to five. The General Assembly instruct that the number of appointments in the categories of Church Extension, Asian Outreach and Service to Overseas Students be carefully monitored and managed so that the budgetary provision required to support such ministries remains sustainable. The General Assembly also instruct that the number of workers in other centrally supported ministries is carefully managed in the context of the wider ministry of the Church.

3. The General Assembly, whilst noting that the number of congregations on redevelopment status is likely to increase with the implementation of Act I, 2009, Paragraph 6, instruct the Home Missions Board to limit the number of Redevelopment charges to a level that can be sustained within the current budgetary provision. They also instruct the Board to ensure that a full redevelopment plan, including clear support systems, is agreed with Presbyteries before a congregation is granted Redevelopment status, and that the implementation of the redevelopment plan is continually monitored during the term of the minister's appointment.

4. The General Assembly notes that the projected cost of supporting ministries on Special Arrangements and Renewable/Terminable Appointments in 2010 is approximately £75,000, equivalent to 25% of the total cost of centrally supported ministries. The General Assembly instruct the Home Missions Board to reduce the number of ministries in both of the above categories within the existing legislation. They also instruct that there be no additions to ministries in the Special Arrangement category except where the Board considers that alternative arrangements for ministry, such as a union or a form of team ministry, are not realistic due to the geographical location of a congregation.

5. In situations where there is no other alternative for ministry but that of Special Arrangements under the terms of Act I, 2009, Paragraph 5, the Home Missions Board shall give due regard to the budgetary implications of granting Special Arrangements, and only after budgetary provision has been made in the light of the overall financial strategy of the Board, shall a final decision be taken.

6. The General Assembly instruct the Home Missions Board to give consideration to all current ministries in the centrally-supported category during its annual budgetary review and, where budgeted levels of income have been exceeded, to consider how existing ministries could be given additional support and what new projects could be initiated by the Board.

Act XVI - Act anent Schedules for use at Quinquennial Visitations
(No 14 of Class II)

Edinburgh, 18th May 2010

1. The General Assembly note that the Schedules for use in Quinquennial Visitations are being updated and commend their use to the Presbyteries of the Church when available. They instruct presbyteries who choose not to use these Schedules to ensure nonetheless that the Social Responsibility Section of the Schedule for completion by Deacons' Courts and Finance Committees is completed in duplicate or in such a way that one copy may be sent to the Home Missions Board; and shall accordingly send this section with any comments from the Presbytery as soon as the Quinquennial Visitation Report has been approved by the Presbytery to the Clerk of the aforesaid Board.

The General Assembly repeal Act XI, 1994.

2. The General Assembly approve the action of the Home Missions Board in adding a Compliance Schedule to the existing Schedules for use at Quinquennial Visitations. The General Assembly require all Kirk Sessions and Deacons' Courts / Finance Committees to complete this Schedule. They instruct Presbyteries to ensure that this Schedule is completed. Furthermore they instruct Presbyteries to investigate any failures to comply with the appropriate Regulations and to make certain that proper compliance is attained. The Presbytery shall report any outstanding compliance issues to the Chief Administrative Officer who shall give further assistance and guidance as required.

Act XVII - Act anent the Loyal and Dutiful address to Her Majesty The Queen
(No 15 of Class II)

Edinburgh, 18th May 2010

TO THE QUEEN'S MOST EXCELLENT MAJESTY

The Loyal and Dutiful Address of the General Assembly
of the Free Church of Scotland 2010

May it please Your Majesty

We, the Ministers and Elders of the Free Church of Scotland met in General Assembly the 18th day of May 2010, humbly offer Your Majesty the expression of our continual loyalty to Your Majesty's Person and Throne and to the Constitutional Monarchy of which you are the honoured Head and Representative.

We thank Almighty God for his continued protection and gracious care of Your Majesty in all the many duties and journeys involved in Your Majesty's work as Sovereign.

Prayer is constantly offered both in our homes and our churches for Your Majesty's Person and family, both for personal blessing and for strength and wisdom in all the many public duties performed on behalf of communities, charities, nation and Commonwealth.

We also pray for Your Majesty's Ministers and Governments at Westminster and at Edinburgh that they may be given by Almighty God wisdom, grace and strength for carrying out their great responsibilities as God's servants to do good and deter evil.

We are grateful to God for the stability provided by Your Majesty's constitutional role in respect to the recent United Kingdom General Election, particularly in regard to the appointment of a new Prime Minister.

We rejoice that Your Majesty's wise counsels and personal example uphold the principles of constitutional government, by seeking to advance the good of the people of the United Kingdom, and the manifestation of those Christian virtues without which our national life would greatly suffer.

We remember in prayer the members of Your Majesty's Armed Forces as they struggle to bring peace and stability to the troubled land Afghanistan, often in extremely dangerous and demanding circumstances. We thank God for the constant encouragement given by all members of the Royal Family on behalf of the people of the United Kingdom to serving soldiers, sailors and airmen and for the sympathetic support of their families at home, especially those who have lost loved ones in recent conflicts.

In a year that saw disasters strike a number of countries, particularly the devastation caused to the nation of Haiti, we are grateful to Your Majesty's leadership in showing Christian compassion by the offering of condolences and sympathy.

As we are reminded daily of the increasing inter-dependence of the nations of the world, we are deeply grateful for Your Majesty's role as Head of the Commonwealth, uniting by Your Majesty's understanding and wisdom the many diverse countries of which it is composed.

Although, we lament a continued decline in Church attendance and growth in secular values, and whilst we humbly acknowledge before Almighty God our failure as a Church to gain the ear of many of the people of Scotland, we acknowledge with thankfulness Your Majesty's personal expression of Christian faith and public support of services of Christian worship, which provides spiritual leadership to our nation.

We give thanks for Your Majesty's continued recognition of the contribution to the life of Scotland 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.

Act XVIII - Act anent Management of Absence due to sick leave of Ministers in Pastoral Charges
(No 16 of Class II)

Edinburgh, 18th May 2010

The General Assembly re-enact the regulations relating to the management of absence due to illness for ministers in pastoral charges as follows:

1. *Short-term Absence*

1.1 All illness in excess of seven consecutive days shall be reported to the Presbytery Clerk and a medical certificate shall be provided. The minister shall continue to provide such certificates, covering the whole period of absence, and a final certificate showing the date of return to work. The Presbytery Clerk shall:

- (a) record the dates of commencement and end of absence in a record apart;
- (b) inform the Presbytery of the minister's absence;
- (c) inform the Chief Administrative Officer of the minister's absence;
- (d) inform the Chief Administrative Officer, within seven days, of the minister's return to work; and
- (e) inform the Convener of the Presbytery's Pastoral Committee as soon as possible so that the appropriate support for the minister and his family may be set in motion.

1.2 Presbyteries should at all times when dealing with the illness of ministers bear in mind their obligation to exercise pastoral care toward ministers, and toward congregations where many pastoral and other needs may arise in the absence of the minister. Presbyteries are reminded of the central role of their Pastoral Committee in providing support to the Minister.

1.3 If the illness is expected to exceed four weeks, the Presbytery shall consult with the minister through their Pastoral Committee. The Minister shall not undertake any duties in relation to his office. The Presbytery shall consider the pastoral needs of the congregation and take appropriate action for the welfare of the congregation.

1.4 If the absence of the Minister exceeds, or is expected to exceed, eight weeks:

- (a) Presbytery shall appoint an Interim Moderator in consultation with the Kirk Session, if this step has not already been taken.

(b) The Presbytery's Pastoral Committee shall continue to monitor the minister's progress throughout the term of his absence.

(c) The Presbytery, having informed the Home Missions Board, should also seek an Occupational Health Medical Report from an Occupational Health professional. The Occupational Health Report should address issues such as the minister's health and prognosis, any work related factors which may delay a return to work, and an assessment of the minister's capability to return to work. The costs of the report are to be paid for by the Home Missions Board. The Board have no need to see the report; the Presbytery merely need to exhibit the letter of instruction and the invoice to the Board, together with the minute of how it is intended to manage the ministerial absence, and how it will facilitate a return to work, where possible. Further update reports should be obtained bi-monthly until and including the sixth month of absence.

1.5 If the illness is expected to exceed 28 weeks, the Chief Administrative Officer shall be provided with the medical certificate 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 stipend a sum equivalent to HMRC allowances to which the minister is entitled.

1.6 If the illness exceeds four months the Presbytery shall report to the Chief Administrative Officer and to the Clerk of the Home Missions Board by the end of the sixth month of illness. The report shall consider the needs of the congregation as well as the minister.

2 *Long-term absence*

2.1 If the illness exceeds six months the Presbytery shall obtain a further independent medical report and shall, by the end of the seventh month, meet with the congregation to ascertain (a) their condition in the light of their minister's absence; and (b) their views on the most satisfactory way of meeting their pastoral and other needs. As a result of this meeting the Presbytery will make recommendations to the Home Missions Board as to the appropriate ministerial arrangements for the congregation in the continuing absence of the minister. In so doing the Presbytery will seek to balance the needs of the congregation with the particular circumstances of the minister and his family.

2.2 In the event of a minister returning to work after six months on a part-time basis, payment of stipend 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 minister is unable to resume full-time duties the provisions of Section 3.2.5 onwards will apply.

2.3 If the illness exceeds nine months the Presbytery shall obtain a further occupational health medical report, the terms of which will be communicated to the Chief Administrative Officer and to the Clerk of the Home Missions Board by the end of the eleventh month.

2.4 If in the light of this report the illness is expected to exceed twelve months the Presbytery shall (a) meet with the congregation to give an update on the current situation with regard to the minister's absence and to consider the way ahead; (b) assess the congregational needs and its spiritual health and (c) report on the present situation to the Home Missions Board.

2.5 If at the end of the twelfth month of absence the minister is still unable to resume his duties the Presbytery shall, in agreement with the Home Missions Board, either (a) inform the minister that his pastoral tie shall be dissolved, on a date that is determined by the Presbytery with due regard to all the circumstances; or (b) declare that exceptional circumstances exist, having obtained a further medical report, that justify a decision not to dissolve the pastoral tie.

2.6 If the pastoral tie is to be dissolved the Presbytery shall proceed to loose the minister from his charge and his name will be placed on the Roll of Resigned and Retired Ministers. A minister loosed from his charge under these re-enacted regulations shall be eligible to receive the full stipend for a period of six months or until taking up another appointment if earlier. If exceptional circumstances exist the Presbytery shall record in its minutes the reasons which constitute the exceptional circumstances. The Presbytery shall, in either case, report its finding to the Home Missions Board.

2.7 If, in the case of exceptional circumstances, the minister is unable to resume his duties after three months, the Presbytery shall (a) inform the minister that his pastoral tie shall be dissolved, on a date that is

determined by the Presbytery with due regard to all the circumstances; and (b) proceed to loose the minister from his charge and place his name on the Roll of Resigned and Retired Ministers. The minister shall be paid the full stipend for a further three months.

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

2.9 In the case of exceptional circumstances and in the event of a minister returning to work after twelve months of absence on a part-time basis payment of stipend will be made at the full rate for a period of three months. The Presbytery shall report to the Chief Administrative Officer and to the Clerk of the Home Missions Board of the implementation of this procedure. If at the end of this period the minister is unable to resume full duties he shall be loosed from his charge, and the minister shall be paid his full stipend for a further three months.

3. *General provisions*

3.1 All discussions on personnel matters should be held in camera, and any papers distributed should be returned to the Presbytery Clerk by the close of the Presbytery 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.

3.2 The Presbytery and the Home Missions Board shall offer the minister such assistance and advice as it deems appropriate in all the circumstances. In particular, the Home Missions Board is to remind the Presbytery of the important resource that its Pastoral Committee may play during the period of absence.

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

3.4 Each Presbytery shall make financial provision for any additional support that may be deemed necessary for the minister and his family during his absence through the provisions of a Presbytery Benevolent Fund.

3.5 Pension rights at full stipend shall be conserved as long as stipend continues to be paid.

3.6 A minister who is absent as a result of illness may not attend a court or committee of the Church.

3.7 Any minister 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.

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

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

3.10 Act IV, 2001, is hereby repealed.

Act XIX - Act anent Annual Leave and Leave of Absence for Ministers in Pastoral Charges (No 17 of Class II)

Edinburgh, 18th May 2010

The General Assembly re-enact the regulations for Annual Leave and Leave of Absence for Ministers in Pastoral Charges for reasons other than Illness as follows:

Absence from duty under this Act will fall into three categories as follows: (1) Annual Leave; (2) Compassionate Leave; (3) Special Leave.

1. *Annual leave*

Ministers are encouraged to take at least one day of rest a week. Presbyteries should encourage ministers to follow this practice through the normal course of the activities of its Pastoral Committee. Kirk Sessions should also encourage the minister to follow this practice and should make every effort to relieve the minister of regular pastoral duties on the designated day of rest. In addition to the weekly day of rest, ministers shall be entitled to annual leave as follows:

1.1 Ministers are entitled to 42 days annual leave of which six may be Sundays, in any one calendar year.

1.2 Any one holiday period shall not exceed 28 successive days without the minister informing the Presbytery of his proposed arrangements.

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

Ministers are encouraged to plan their holidays well in advance and to make timeous arrangements for cover. Deacons' Courts are expected to pay for pulpit supply during the minister's holiday periods as per Act XXVII, 2005.

2. *Compassionate leave*

Compassionate leave on grounds of bereavement, family illness or special circumstances may be granted to the minister by the Presbytery. The Presbytery Clerk (or other appointed Presbytery representative) is to be authorised to make interim arrangements after consultation with the minister and then report to the Presbytery. The Presbytery, acting through its Pastoral Committee, will take all reasonable pastoral care of the minister and his family during such occasions where Compassionate Leave is considered appropriate.

2.1 *Bereavement*

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

2.2 *Family Illness*

In the event of serious family illness where the minister'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 Presbytery in consultation with the minister and giving due regard to the personal circumstances prevailing at the time.

2.3 *Special Circumstances*

Where special circumstances apply, it will be open to the Presbytery to extend the period of compassionate leave. The Presbytery, through its Pastoral Committee, shall monitor closely the specific circumstances in each case. The Pastoral Committee may be authorised to make interim arrangements (e.g. appoint Interim Moderator or arrange supply), after consultation with the minister, and then report to Presbytery.

3. *Special leave*

Special Leave for ministers in pastoral charges may be granted by the Presbytery under the following conditions:

3.1 To undertake work within the Free Church of Scotland, e.g. as a delegate, at the specific request of a department of the Church. In each case the department shall obtain the permission of the Presbytery and the concurrence of the Congregation. The full cost of the minister's absence shall be borne by the department concerned.

3.2 To undertake work for any organisations outside the Free Church of Scotland. This would involve secondment to an organisation and the organisation concerned would meet the full cost of the minister's absence, including pension costs. In granting such leave the Presbytery shall have the concurrence of the Congregation.

3.3 To undertake sabbatical leave for study, writing or extra-denominational work.

(a) A minister shall be entitled to sabbatical leave for every ten years of service in the ministry of the Free Church of Scotland.

(b) Such leave may be granted where the minister has served at least three years in his present charge.

- (c) Such leave of absence, on full stipend, may be granted up to a maximum of four months. The Presbytery shall consult with the Kirk Session and the Home Missions Board before a final decision is taken. The Congregation and the Home Missions Board shall have the right of appeal.

Ministers in Redevelopment Charges, Church Extension Charges, and Church Planting appointments (cf. Act XXXIV, 1988; Act XXVII, 1989; Act XXVIII, 1989; Act XXX, 2006) are precluded from leave of absence under the above Paragraphs 3.1 and 3.2 above. A minister shall, at all times, inform his congregation of his proposed absence and of pastoral arrangements during such absence.

The pension rights of ministers shall be conserved as long as paid leave extends.

Act XX - Act anent Preaching Fees, Travelling Expenses and Residential Supply
(No 18 of Class II)

Edinburgh, 18th May 2010

The General Assembly re-enact the Regulations relating to Preaching Fees, Travelling Expenses and Residential Supply as follows:

1. In all vacant congregations preaching fees shall be not less than the Scale of Fees approved by the General Assembly.
2. Congregations shall be responsible for providing accommodation and board for weekend supply; and accommodation and travelling expenses for Temporary Resident Supply.
3. Where supply involves the conduct of only one service on the Lord's Day the fee to be paid shall be at half the level that would otherwise obtain.
4. *Travelling expenses of Supply Preachers* All congregations shall be responsible for meeting the travelling expenses of supply preachers in full. Such preachers shall make use of public transport wherever available. When such transport is not available and suitable, payment shall be at the rate of 30p per mile.
5. *Scale of Fees from 1st January 2011* As from 1st January 2011 a standard fee of £50 shall be paid by the congregation to a weekend supply preacher. This fee shall not be paid to a Minister in a settled charge.
6. The General Assembly, while recognising the rights of interim moderators to make appropriate arrangements for the supply of vacant congregations, including residential supply where this is seen to be desirable, enact that no such appointment involving the occupation of the manse for a period of longer than three months shall be entered into without prior approval of the Presbytery. In all such cases, a formal lease should be drawn up by the Deacons' Court or Finance Committee, subject to the terms of the Title Deeds. In the case of properties held under the Model Trust Deed, the Presbytery shall ensure, prior to granting approval for the resident supply arrangement, that a lease is drawn up in proper form to safeguard the rights of the Church, such lease to be approved by the Chief Administrative Officer.
7. Act III, 2004, Act XXVI, 2005, Act XI, 2006 and any other legislation inconsistent with these enactments are hereby repealed.

Act XXI - Act placing Rev. Kerry Stewart on the List of Resigned and Retired Ministers
(No 19 of Class II)

Edinburgh, 18th May 2010

The General Assembly instruct the Clerk to add the name of Rev. W. Kerry Stewart to the List of Resigned and Retired Ministers in accordance with Act XIX, 1995, Section 5, and to advise the Presbytery of Edinburgh and Perth accordingly.

Act XXII - Act granting Rev. Colin F. Macleod a seat in the Presbytery of Edinburgh and Perth
(No 20 of Class II)

Edinburgh, 18th May 2010

The General Assembly receive the Petition of Rev. Captain Colin F. Macleod, noting the residence is within the bounds of the Presbytery of Edinburgh and Perth. They grant the crave of the Petition to the extent that they grant Captain Macleod a seat in the Presbytery of Edinburgh and Perth on condition that he provide the Presbytery with an annual report of his ministry with Her Majesty's Armed Forces. This arrangement shall continue as long as Captain Macleod retains his current post of Chaplain to the Forces.

Act XXIII - Act uniting the Congregations of Coigach and Lochbroom
(No 21 of Class II)

Edinburgh, 18th May 2010

The General Assembly unite the congregations of Lochbroom and Coigach as one Pastoral charge with one Kirk Session and one Deacons' Court under the present ministry of Rev. Alasdair M. Macleod, the united congregation to be known as Lochbroom and Coigach Free Church, from a date to be appointed by the Presbytery not later than 31st July 2010.

Act XXIV - Act anent Ministerial Pensions
(No 22 of Class II)

Edinburgh, 19th May 2010

In light of the continued inability to fully fund proposed increases to stipend and in response to concerns expressed by ministers with regard to retirement accommodation, the General Assembly instruct the Board of Trustees to liaise with the Personnel Committee in order to consider bringing forward fully costed proposals to the 2011 General Assembly to increase the Church's pension contribution from 10% of pensionable salaries to 15% of pensionable salaries. This increase will be phased in over a five year period from 2011 to 2015 or sooner if finance permits.

Act XXV - Act anent Draft Budget Schedules for Boards and Committees
(No 23 of Class II)

Edinburgh, 19th May 2010

The General Assembly instruct the Board of Trustees to prepare draft budget schedules for circulation to committees and boards before their first meeting following the General Assembly with a view to approving the 2011 budget at the October meeting of the Commission of Assembly. The General Assembly empower the said Commission of Assembly to take up and finally dispose of a report from the Board on this matter.

**Act XXVI - Act anent Constitution of the Reformed Educational Association San Andres
amending Act XXVII, 2007**
(No 24 of Class II)

Edinburgh, 19th May 2010

The General Assembly hereby amend the second numbered paragraph under Title Twelve of the constitution for

the Reformed Educational Association San Andres as approved in Act XXVII, 2007 to read:

Once the Constitution becomes effective, the Board of Trustees of the Free Church of Scotland, through its Nominees in Peru will convey to the Association title to the property in which the Colegio operates at Av. Petit Thouars 179, 144, 141, 145, Pasaje Hernan Velarde 152; 164, 174 and 132 (Santa Beatriz, Lima) as soon as practicable, such conveyance being subject always to the other provisions of the Constitution and, in particular, those under Title Eleven.

Act XXVII - Act anent Occupation of Manses
(No 25 of Class II)

Edinburgh, 19th May 2010

The General Assembly endorse the view of the Board of Trustees that manses remain an important basis for pastoral ministry and reinforce the principle in Act II, 1991, that, in holding a charge, a minister is obliged to occupy the manse.

Act XXVIII - Act anent Diaconal Ministries and Working of Presbyteries
(No 26 of Class II)

Edinburgh, 19th May 2010

The General Assembly remind Presbyteries of the terms of Paragraph 9 of Act III, Commission of Assembly, October 2008, in relation to diaconal ministries and instruct them to report their progress to the Board of Trustees by January 2011 in order that the Board may report to the General Assembly of 2011.

The General Assembly remind Presbyteries of the terms of Paragraph 10 of Act III, Commission of Assembly, October 2008, in relation to the workings of Presbyteries and, where they have not already done so, to report their progress to the Board of Trustees by January 2011 in order that the Board may report to the General Assembly of 2011.

Act XXIX - Act anent Audit of Skills and Experience for members of Boards and Committees
(No 27 of Class II)

Edinburgh, 19th May 2010

The General Assembly endorse the view that Committees and Boards should conduct an audit of the skills and experience required when vacancies arise in their membership and to provide such information to the Nominations Committee. They further instruct the Nominations Committee to make this information available to Presbyteries when seeking nominations.

Act XXX - Act anent Protecting Vulnerable Groups Scheme
(No 28 of Class II)

Edinburgh, 19th May 2010

The General Assembly instruct the Board of Trustees to keep under review developments in relation to the Protecting Vulnerable Groups Scheme and to report on such developments to the 2011 General Assembly.

Act XXXI - Act anent Developments at 16 North Bank Street, Edinburgh
(No 29 of Class II)

Edinburgh, 19th May 2010

The General Assembly approve the plans of the Board of Trustees for the development of a coffee shop and bookshop at 16 North Bank Street. They instruct the Board to report on progress to a future General Assembly.

Act XXXII - Act anent Transactions relating to Properties under the Model Trust Deed
(No 30 of Class II)

Edinburgh, 19th May 2010

The General Assembly instruct that transactions relating to properties held under the Model Trust Deed may be carried out by, or under the oversight of, a suitably qualified person in the employ of the Church, if available, or by the Church's Law Agent.

Act XXXIII - Act anent Use of Modern Technology in Conducting Church Business
(No 31 of Class II)

Edinburgh, 19th May 2010

The General Assembly, recognising the advantages to be obtained from the use of modern technology in conducting the business of Church courts, committees and boards hereby enact as follows:

1. Technology such as video conferencing may only be used for the conduct of meetings where all members of the court, committee or board have reasonably ready access to such facilities.
2. The minutes of a meeting conducted by video or telephone conferencing shall indicate the location of the meeting as being that of the chairman or convener and should also note that some members were present by way of video or telephone link.
3. The sederunt of a meeting conducted by video or telephone conferencing shall be read out by the secretary or clerk once all participants have joined the meeting.
4. It is preferable that matters requiring a vote to be taken be held over until a subsequent face to face meeting. If a vote needs to be taken on a particular matter, at the instruction of the chairman or convener, the secretary or clerk shall record the vote of each member in turn and after totalling the votes, advise the board or committee accordingly and record in the minute as normal.
5. All members of courts, committees or boards must ensure that normal rules governing confidentiality are adhered to in the conduct of meetings held by telephone or video conferencing.
6. Any decisions relating to the business of a court, committee or board, taken outside of a formal meeting (for example, decisions taken following email consultation) must be recorded formally in the minute of the next meeting.

Act XXXIV - Act anent Sale of Properties
(No 32 of Class II)

Edinburgh, 19th May 2010

Nairn

The General Assembly grant authority to sell the former manse at Gordon Street, Nairn, the proceeds of the sale to be lodged with the Board of Trustees on behalf of the congregation and the capital to be made available upon application to the Board for the development of new buildings and maintenance of existing properties, the transaction to be carried out under supervision of the Church's Law Agent.

Greyfriars-Stratherrick

The General authorise the sale of the manse at Tomatin, and direct that of the proceeds remaining after the deduction of all marketing and legal costs, 80% be allocated to the Greyfriars-Stratherrick Free Church congregation and 20% to the Duthil-Dores congregation of the Free Church Continuing, the proceeds allocated to the Greyfriars-Stratherrick Free Church to be held by the Board of Trustees on behalf of the congregation and made available to the congregation for congregational purposes. The General Assembly authorise the transfer of title to the church building at Dores to the congregation of the Duthil-Dores congregation of the Free Church Continuing on condition that, should the Free Church Continuing, or the Duthil-Dores congregation of the Free Church Continuing cease to exist, or should the said congregation cease to use the church building at Dores for meetings of a strictly religious, charitable or social nature (as specified in *The Practice*, Supplement to Chapter I, paragraph 2,2), the title shall be transferred to the Greyfriars-Stratherrick congregation of the Free Church of Scotland. The General Assembly direct the Deacons' Court of Greyfriars-Stratherrick Free Church to secure a legally binding agreement with the Dores congregation of the Free Church Continuing to secure the above-mentioned condition.

Park

The General Assembly grant authority to sell the church building at Cromore, the transaction to be carried out under supervision of the Church's Law Agent. They direct that the proceeds of the sale be held by the Board of Trustees on behalf of the congregation and that they be applied to the funds of the congregation, upon application to the Board of Trustees.

Act XXXV - Act anent Synods
(No 33 of Class II)

Edinburgh, 19th May 2010

The General Assembly remind Synod Clerks to ensure that the requirements of Act XXXIX, 2009, paragraphs 3-4 and 6-8, are to be 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.

Act XXXVI - Act appointing General Assessors to the Presbytery of Glasgow and Argyll
(No 34 of Class II)

Edinburgh, 19th May 2010

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 the next General Assembly.

Act XXXVII - Act Reconstituting the Deacons' Court of Resolis and Urquhart
(No 35 of Class II)

Edinburgh, 18th May 2010

The General amend Act IX, 1991, Act XIX, 1993, and Act XIX, 1991, to the extent that they ordain that the Urquhart Finance Committee and be discharged and that the Resolis Deacons' Court be reconstituted as the Deacons' Court of Urquhart and Resolis Free Church, to become effective at a date to be appointed by Urquhart

and Resolis Free Church Kirk Session and not later than 31st December 2010. The General Assembly authorise the merging of the separate financial arrangements of the congregation, appropriate arrangements to be concluded as arranged by the Deacons' Court having regard to their duty as charity trustees and not later than 31st December 2010.

**Act XXXVIII - Act anent Commemoration of the 400th Anniversary
of the King James version of the Bible**
(No 36 of Class II)

Edinburgh, 19th May 2010

The General Assembly instruct the Communications Committee to mark, in 2011, the 400th anniversary of the King James Version of the Bible, in creative ways that will:

1. advocate the authority and relevance of biblical principles and values in public life;
2. encourage expository preaching in the Church that relates the message of the Bible to contemporary issues;
3. promote family and personal engagement with the Scriptures as central to Christian discipleship in the 21st century.

**Act XXXIX - Act anent Arrangements for Distribution of the
Church's Psalmody Products in the USA**
(No 37 of Class II)

Edinburgh, 19th May 2010

The General Assembly acknowledge with grateful thanks the thoughtfulness and consideration of the Banner of Truth Trust in the arrangements which have been made for them to act as agents for the shipment, transit, sale and distribution of the Church's psalmody products in the USA. The Assembly direct the Committee to bring a report on the progress of this initiative to the 2012 General Assembly.

Act XL - Act anent Procedure in the Appointment of College Principal
(No 38 of Class II)

Edinburgh, 20th May 2010

The General Assembly amend Act XXV, 1999 – Act anent Procedure on Appointment of College Principal, Paragraph 1 (3) to read as follows:

The College Board shall tabulate the returns made by Presbyteries and Synods and report these to the General Assembly. In appointing to the Principalship, the General Assembly shall not be limited to the names included in the College Board's Report.

The Act as amended now reads:

1. The General Assembly, in order to clarify the remit of the College Board, declare that the effect of paragraph 6.5 of Act XVI, 1995, is that the following is the current practice of the Church in the matter:

(1) That it shall be the duty of the College Board, on receiving intimation of a resignation or retirement from the College Principalship, to inform Presbyteries and Synods of the impending vacancy;

(2) It shall be in the power of Presbyteries and Synods to submit to the College Board one or more nominations for the vacancy, such nominations to be in the hands of the Board by the date specified when intimation of the vacancy is made to Presbyteries and Synods;

(3) The College Board shall tabulate the returns made by Presbyteries and Synods and report these to the General Assembly. In appointing to the Principalship, the General Assembly shall not be limited to the names included in the College Board's Report.

2. The General Assembly enact that the post of Principal of the College shall be an appointment by the General Assembly and that the practice of induction to the College Principalship is herewith discontinued.

Act XLI - Act Appointing Principal of the Free Church College
(No 39 of Class II)

Edinburgh, 20th May 2010

The General Assembly hereby appoint Rev. Professor John L. Mackay, M.A., M.Litt, B.D., to be Principal of the Free Church College with effect from 1st July 2010, in terms of current legislation.

**Act XLII - Act conferring the Title of Professor-Emeritus upon
Rev. Professor Donald M. MacDonald**
(No 40 of Class II)

Edinburgh, 20th May 2010

The General Assembly bestow the title of *Professor-Emeritus* on Professor Donald MacDonald, former Professor of Apologetics and Pastoral Theology, with immediate effect.

**Act XLIII - Act anent Involvement with the European Conference of Reformed Churches
to integrate Theological Training in Europe**
(No 41 of Class II)

Edinburgh, 20th May 2010

The General Assembly authorise the College Board to have continued involvement with the initiative of the European Conference of Reformed Churches to integrate theological provision throughout Europe through increased networking between theological colleges and training centres. They thank Professor John McIntosh for his work on the organising committee attending to this matter, and encourage the Free Church College to play a full role in providing theological education within Europe.

Act XLIV - Act reappointing the Study Panel
(No 42 of Class II)

Edinburgh, 20th May 2010

The General Assembly re-appoint the membership of the Study Panel and instruct them to report to the General Assembly of May 2011.

Act XLV - Act anent Potential Role of Deacons
(No 43 of Class II)

Edinburgh, 20th May 2010

The General Assembly reaffirm the present practice that only ministers and elders are eligible to serve as full members of Boards and Committees of the General Assembly.

The General Assembly discharge the Committee.

Act XLVI - Act appointing the Membership of the Judicial Commission
(No 44 of Class II)

Edinburgh, 21st May 2010

The General Assembly, following upon their finding of the Sixth Sederunt, on the recommendation of the Committee on Review of Discipline, appoint the following members to the Judicial Commission:

Presbytery of Edinburgh and Perth

Rev. A. J. MacDonald, Rev. Professor J. R. McIntosh, Mr John Macrae, Mr D. W. Matheson

Presbytery of Glasgow and Argyll

Rev. A. J. Howat, Rev. K. Stewart, Mr Evan MacDonald, Mr Norman Smith

Presbytery of Inverness, Lochaber and Ross

Rev. Gordon Mair, Rev. D. C. Meredith, Mr Andrew Murchison, Dr Gordon Fraser

Northern Presbytery

Rev. A. M. Fraser, Rev. K. A. Macleod, Mr David Lipp, Dr James Skinner

Presbytery of Skye and Wester Ross

Rev. John H. MacLean, Rev. D. G. MacDonald, Mr John A. Gillies, Mr Robert MacDonald

Presbytery of the Western Isles

Rev. James Maciver, Rev. Malcolm Macleod, Mr Murdo Macleod (Lochs), Mr Murdo Murray (Stornoway)

The General Assembly appointed Rev. A. J. MacDonald to be Chairman of the Commission.

Act XLVII - Act appointing the Commission of Assembly
(No 45 of Class II)

Edinburgh, 21st May 2010

The General Assembly did, and hereby do, nominate and appoint a Commission consisting of all members of Assembly with the addition of Rev. David A. Robertson, 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; and 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 the ongoing question of relations with the Free Church Continuing, the matter of legal issues in relation to the occupation of property belonging to the Free Church of Scotland by the said Free Church Continuing, the freezing of bank accounts, and the processing of legal action in the civil courts, 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 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, to take up and dispose of a report from the Board of Trustees anent 2011 budgets, to approve the church's accounts for 2010 through a report from the Board of Trustees, to receive a report from the Assembly Clerk anent the records of the Presbytery of Edinburgh and Perth and the Presbytery of Skye and Wester Ross, 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 XLVIII - Act appointing the General Assembly of 2011
and Special General Assembly of November 2010**
(No 46 of Class II)

Edinburgh, 21st May 2010

The General Assembly appoint the next General Assembly to meet in Edinburgh on 23rd May 2011 at 6 o'clock in the evening. Furthermore, in accordance with their finding of the Fourth Sederunt, the General Assembly appoint a Special General Assembly to meet in Edinburgh on Thursday 18th November 2010 at 6 o'clock in the evening.

The General Assembly also declare, in interpretation of the aforeside finding, that ministers who have been appointed General Assessors to a Presbytery other than their own and thus are members of two Presbyteries, shall make choice of which Presbytery they wish to represent, and that Presbytery alone shall appoint a corresponding Elder.

ACTS OF COMMISSION OF ASSEMBLY

Act I – Act anent Expenditure Budget for 2010

Edinburgh, 7th October 2009

1. The Commission of Assembly receive the report of the Board of Trustees and thank the Board.
2. The Commission of Assembly support the principle that the Church should prepare budgets with the aim of balancing anticipated income with anticipated expenditure.

3. The Commission of Assembly approve the committee and board budgets included as an Appendix to the Board's Report, which Appendix is appended to this Minute, and instruct budget holders to operate within the constraints of these budgets.

Act II - Act anent Manse Titles and Constitutions for London and Cobham Congregations

Edinburgh, 7th October 2009

1. The Commission of Assembly receive the report of the Board of Trustees and thank the Board.
2. The Commission of Assembly instruct the Board to seek further legal advice in relation to concerns over the title to the manse properties of London City Presbyterian Church and Cobham Free Church. They authorise the Board to take such steps as it deems appropriate following the receipt of this advice.
3. The Commission of Assembly authorise the Board to transfer the titles to the manse properties of London City Presbyterian Church and Cobham Free Church to the congregations if the Board considers such a course of action to be appropriate.
4. The Commission of Assembly continue the remit to the Board to formulate a constitution to be adopted by the London City Presbyterian Church and Cobham Free Church. They instruct the Board to base this constitution on that approved under Act V, Commission of Assembly, January 2007, as amended by Act XXXI, 2009, and to adjust this as appropriate based on advice in relation to specific considerations for charities in England and Wales and in relation to the manner in which title to property should be held by such charities.

Act III - Act anent Membership of the Reformed Educational Association San Andres

Edinburgh, 7th October 2009

1. The Commission of Assembly, on the recommendation of the International Missions Board, appoint the following to the membership of the Reformed Educational Association San Andres, as required by Act XXVII, Class II, 2009, § Title Twelve, Final Dispositions, Transitory Disposition 3.

	Name	Gender	Details
1	Victor Arroyo	M	Former senator of the republic; former executive director of CONEP (National Evangelical Council of Peru); former San Andres parent
2	Nelson Ayllon	M	Pastor Presbyterian church of La Molina; co-ordinator of AGEUP (Christian student association); member of CONEP
3	Edwin Castaneda	M	Pastor IEPP; member of SEL Board; chair of Los Olivos School Board
4	Rene Castro	M	Pastor; lecturer in Lima Evangelical Seminary; University lecturer and author; former President of CONEP
5	Margarita de la Colina	F	Educational administrator; previously Annie Soper School, Moyobamba, currently SEL.
6	Pedro Ferreira	M	Businessman; former executive director of Radio del Pacifico (Christian radio station)
7	Juan Fonseca	M	Historian and writer; former San Andres pupil
8	Rev Dr David Ford	M	FC missionary
9	Rafael Goto	M	Pastor; former President of CONEP; journalist

10	Pablo Gutierrez	M	Administrator; middle management Peruvian Bible Society; former San Andres pupil
11	Lucen Hashimoto	M	Industrial engineer; former San Andres pupil
12	Marcos Ignacio	M	Civil Engineer; former administrator of PROESA project in Cajamarca in conjunction with IEPP
13	Carmen Limaco	F	Educator; Director of Diego Thomson Teacher Training College
14	Pedro Merino	M	Former executive director of CONEP; member of governing board of Scripture Union, Peru
15	Roberto Miranda	M	Lawyer; current executive secretary of Peruvian Bible Society; former pupil San Andres
16	Cesar Morales	M	Pastor, educator and administrator. Deputy Rector of SEL; parent in San Andres
17	Arwin Rammel	M	Executive president of Governing Board, Gutenberg Christian School
18	Rev Dr Manuel Reano	M	FC missionary
19	Maria Reyes	F	Head of human resources; member Presbyterian church of Surco; on executive board of Libreria El Inca (Christian bookshops)
20	Rosa Scherb	F	Educator; Director of Primary in Gutenberg Christian School
21	Rev Dr Donald Smith	M	FC missionary
22	Ruben Tejada	M	Architect; former San Andres pupil
23	Gustavo Yabar	M	Middle management Peruvian Bible Society; former San Andres pupil

2. The Commission of Assembly recommend that other men and women be invited by the Association as co-operating members, once the Association is formed, who are supporters of Colegio San Andres, such as Pedro Arana (retired) and Luis Campos (lives in USA).

Act IV - Act anent Release of Funds to Perth and Pitlochry Congregation

Edinburgh, 7th October 2009

The Commission of Assembly receive the Petition from the Presbytery of Edinburgh and Perth and grant its crave. They authorise the release of funds held in the name of Aberfeldy, Glenlyon and Pitlochry, for the use of the united congregation of Perth and Pitlochry as required, the funds to be used for the maintenance of existing church and manse properties and to finance gospel outreach. The Commission of Assembly also authorise the Perth and Pitlochry Deacons' Court to administer the use of the said funds.

Act VI - Act renewing Development Status for the Congregation of Gairloch and Kinlochewe

Edinburgh, 7th October 2009

The Commission of Assembly receive the Petition from the Presbytery of Skye and Wester Ross, on the grounds of the reasons stated in Clause 5 of the Petition, and grant its crave. They renew the Redevelopment Status of Gairloch and Kinlochewe Free Church, in accordance with Act XXIV, 1988, the term of renewal to run until the General Assembly of 2011.

DRAFT ACTS SENT DOWN TO PRESBYTERIES UNDER THE BARRIER ACT

Act I - Act anent Team Ministries

Whereas the Commission of Assembly of October 2008 instructed the Home Missions Board to research and develop proposals allowing the development of team ministries incorporating more than one congregation, in order to enable a more efficient deployment of full time workers and the sharing of ministers and other personnel between congregations willing to enter into such an arrangement as a means to greater gospel growth, and to report on this matter to the General Assembly of 2011;

Whereas the outcome of this research as set out in the proposals below envisages a new category of relationship between congregations and ministers in a Team Ministry situation, thereby requiring the procedure of transmitting these proposals to Presbyteries under the terms of the Barrier Act;

Whereas the proposals are of sufficient importance as to affect the whole Church, and,

Whereas it is advisable “to secure due deliberation and harmony in the enactment of new laws and in the alteration of old ones” (*The Practice*, chapter III, Part II, par. 4);

Wherefore the General Assembly transmit the following proposed legislation to Presbyteries under the terms of the Barrier Act;

The General Assembly in order to enable a more efficient deployment of full time workers and the sharing of ministers and other personnel between congregations willing to enter into such an arrangement as a means to greater gospel growth, authorise the creation of team ministries in accordance with the following regulations:

1. The General Assembly enact and ordain that team ministries shall be established to serve groups of more than one congregation. Such arrangements shall be authorised by the General Assembly on the recommendation of the Home Missions Board after consultation with the Presbytery concerned.

Team ministries may be set up in any one of the following situations:

- (a) A group of two or more congregations, at least one of which does not qualify for the appointment of a minister under current legislation and where the appointment of a District Minister is not appropriate;
- (b) A group of two or more congregations, at least one of which is vacant and at least one of which has a settled ministry;
- (c) A charge where two or more congregations have been linked and where the linked charge is of sufficient size to require the appointment of more than one minister but where the appointment of an assistant minister is inappropriate.
- (d) A group of two or more congregations which have settled ministries but who wish to cooperate on a team ministry basis.

2. *The Presbytery*

2.1 Applications for the approval of a team ministry arrangement shall take the form of a Petition to the General Assembly from the Presbytery / Presbyteries in which the congregations involved are located. The Petition will be accompanied by a Schedule in which the participating congregations’ contributions to the maintenance of the team ministry will be indicated.

2.2 The Presbytery shall, through its Strategy Committee, formulate a clear plan for the team ministry arrangement in consultation with the Kirk Sessions and congregations within the area to be covered by the team ministry plan. The plan shall give details of (a) the number and names of the congregations involved; (b) the number of ministers and auxiliary workers which will form the team; and (c) proposals for pulpit ministry, pastoral ministry, and mission/evangelism in the locality served by each congregation. The plan shall be flexible in order to ensure the exercise of all aspects of gospel ministry in the area to be served by the team ministry arrangement. This plan shall be known as the Team Ministry Plan. The number of ministers in the Team Ministry will be limited by the combined annual remittances of the congregations included in the Plan and the annual direct cost of ministry.

2.3 The Presbytery shall give careful consideration to the membership of the team with particular consideration given to the appointment of a team leader and the preferred location of the team leader.

2.4 Where the proposed group of congregations within the Team Ministry Plan contains one or more settled charges at the time of the creation of the team ministry, the Presbytery shall consult with the Home Missions Board regarding arrangements for ministerial appointments under the proposed Plan.

2.5 Each congregation included in the Team Ministry Plan shall have its own Kirk Session and Deacons' Court / Finance Committee. Kirk Sessions may meet together if they so desire to dispose of matters of common interest.

2.6 Where the congregations comprising a team ministry cross presbytery boundaries, the Team Ministry Plan will indicate which Presbytery will be responsible for the general oversight of the team ministry. In the case of a minister in a settled charge being appointed to the team ministry, the Petition shall include a crave for the minister to be a general assessor to the Presbytery within which he does not reside.

2.7 Having formulated a detailed plan of the team ministry arrangements, the Presbytery shall bring forward a Petition to the General Assembly through the Home Missions Board. The Petition shall indicate the number of ministers and other workers required, and the general nature of the proposed duties of the members of the team.

2.8 The Sustentation Fund Schedule will indicate: (1) the combined remittances of the congregations in the proposed team ministry arrangement over the last three years; (2) the arrangements for the remuneration and financial support of non-ministerial members; (3) the accommodation to be provided for the ministerial members of the team; (4) the amount of financial assistance required from the Home Missions Board. The terms of the Petition, the Sustentation Fund Schedule and the Team Ministry Plan shall be approved by the participating congregations.

2.9 Funding for auxiliary workers who are appointed to the team will normally be according to the terms of Act X, 2006, regarding Auxiliary Workers.

3. *Home Missions Board*

3.1 The Home Missions Board shall give due consideration to the Team Ministry Plan in the light of the strategy of the Presbytery and the overall strategy of the Board with regard to the development of existing ministries and the potential for new ministries within the Presbytery bounds.

3.2 The Home Missions Board shall examine the Sustentation Fund Schedule and give due consideration to the ability of the congregations included in the Team Ministry Plan to meet the financial commitment given in the combined Schedule for the five year term of the Plan. The Board may also, at its discretion, and in the light of its overall strategy, consider whether additional financial support can be given to the proposal in order to help achieve the total number of ministers required to fulfil the objectives of the Plan.

3.3 The Board shall give due consideration, in the light of its overall strategy, to the financial support required to fund the appointment of ministerial members of the team and also the level of financial support required to fund the appointment of auxiliary workers to the team in terms of Act X, 2006. If the Plan is approved, the Board shall ensure that annual budgetary provision is made for the five-year term of the Plan.

3.4 Where the proposed group of congregations within the Team Ministry Plan contains one or more settled charges at the time of the creation of the team ministry, the Board shall consider the financial viability of the settled charge or charges in terms of Act I, 2009. If a charge is no longer financially viable under the terms of the aforesaid Act, the minister shall be loosed from his charge in terms of the Act, and the minister or ministers will be available for appointment to the Team. A minister in a settled charge which is still financially viable will also have the terms of his appointment adjusted so that his pastoral relationship is extended to include all the congregations in the team ministry plan but without further induction.

3.5 The Board shall have further consultation with the Presbytery as necessary in order to establish a clear and definite proposal with regard to the appointment and location of the team leader and the relationship between the members of the team.

3.6 The Board shall be fully satisfied with the financial and practical arrangements of the Team Ministry Plan before agreeing to support the Plan.

3.7 The Board, after consultation with the Presbytery, may consult with the Board of Ministry with regard to the placement of students entering their year of probation in terms of Act XLVI, 2008, and the possibility of such students being appointed to assist with the Team Ministry Plan.

4. ***Implementation of the Team Ministry Plan***

4.1 When authority has been granted by the General Assembly for the establishment of a team ministry, the Home Missions Board, in consultation with the Presbytery and the congregations, shall make arrangements for the appointment of members of the Team according to the Team Ministry Plan.

4.2 Ministers shall be appointed by the Board with concurrence of the Presbytery and the congregations involved in the Team Ministry Plan.

4.3 The Team Leader shall be appointed first. His appointment as such shall be with the concurrence of the Presbytery and the congregations comprising the team ministry. If the Team Leader is a minister in a settled charge within the area covered by the Team Ministry Plan, he will be appointed to the position of Team Leader and retain his seat on the Presbytery. If the Team Leader is a minister not in a settled charge within the area covered by the Team Ministry Plan, the minister will be inducted to the team ministry and granted a seat on the Presbytery. The Team Leader will carry out his duties as leader and as a minister in the team ministry according to the terms of the Team Ministry Plan. A minister not previously serving in one of the Team ministry congregations shall be inducted by the Presbytery to the Team ministry.

4.4 The above arrangements for the appointment of the team leader will apply *mutatis mutandis* to all other ministers appointed to the team ministry. Where a Probationer is appointed he shall be ordained in accordance with the normal practice following ordination trials. Probationers shall not be appointed team leaders.

4.5 Auxiliary workers will be appointed to the Team according to the terms of Act X, 2006, and will be dedicated to the work of the Team Ministry Plan.

4.6 The Presbytery shall appoint a Team Ministry Council which will have the responsibility of implementing the Team Ministry Plan. The Convener of the Presbytery Strategy Committee shall be a member of the Team Ministry Council and act as Chairman of the Council. The ministers appointed under the Plan will be members of the Council. Auxiliary Workers appointed under the Plan will also be members of the Council. Kirk Sessions served by the Team Ministry Plan will each appoint one representative elder to serve on the Council.

4.7 The Presbytery shall make arrangements for the appointment of moderators of the particular Kirk Sessions within the team ministry. All ministers appointed to a team ministry shall be members of each Kirk Session in the Team Ministry Plan. A minister in a settled charge within the area covered by the Team Ministry Plan may continue as Moderator of his previous Kirk Session.

4.8 Ministerial members of the team shall receive the Stipend for the current year. Other workers shall be remunerated and their terms of appointment shall conform to the current regulations for Auxiliary Workers in Act X, 2006.

4.9 During the first five years of a minister's initial appointment to the team ministry, no Presbytery shall sustain a call to him without the prior agreement of the Home Missions Board. If his appointment is extended beyond the initial five-year period, he shall be eligible for call to another charge in the normal way.

5. ***Review***

5.1 The team ministry arrangement will be for an initial period of five years and will be subject to a full and thorough review commencing twelve months before the five year term is due to expire.

5.2 The Presbytery shall report on the Team Ministry to the Home Missions Board on an annual basis. The Report shall give details of progress in each area of ministry and shall draw attention to any adjustments that need to be made to the Team Ministry Plan. Any changes to the original Team Ministry Plan shall be made with the joint agreement of the Presbytery and the Board.

5.3 In the event of a vacancy occurring in the position of team leader, a review will be immediately put in place by the Presbytery who shall report their recommendations to the Home Missions Board. The Board, in consultation with the Presbytery and the congregations, shall take such steps as they deem necessary for the filling of the vacancy within the terms of the original agreement.

5.4 After a team ministry has been operative for four years from the date of its creation, the Board in consultation with the Presbytery will initiate a Review and report to the next General Assembly. The Report will include (1) recommendations as to the continuance of the arrangement when considered appropriate; (2) recommendations as to adjustments or changes to the Team Ministry Plan; or (3) recommendations as to the terminating of the arrangement and alternative arrangements for ministry in the congregations covered by the arrangement.

5.5 All ministerial appointments to the Team Ministry Plan will be five-year terminable or renewable appointments and the general terms of Act I, 2009, will apply to ministers whose appointment is terminated by the General Assembly. A Minister whose appointment is terminated in this way will have his name added to the Register of Ministers without Charge, Eligible for Call. Ministers appointed to the Team Ministry who were ministers in financially viable congregations at the time of appointment will revert to the original terms of their appointment prior to the setting up of the team ministry.

5.6 The appointment of auxiliary workers will be for a fixed term and the conditions of employment will be according to the terms of Act X, 2006.
