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2007

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THE PRINCIPAL
ACTS
OF THE
GENERAL ASSEMBLY OF THE FREE CHURCH OF SCOTLAND
MAY MMVII
CLASS I – ACTS WHICH HAVE PASSED THE BARRIER ACT

None

CLASS II – ACTS WHICH ARE OF GENERAL INTEREST TO THE CHURCH

I – Act anent Loyal and Dutiful Address to Her Majesty The Queen
(No 1 of Class II)

Edinburgh, 22nd May 2007

TO THE QUEEN’S MOST EXCELLENT MAJESTY

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

May it please Your Majesty

We, the Ministers and Elders of the Free Church of Scotland met in General Assembly the 22nd day of May 2007, respectfully 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 consistently 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 duties performed on behalf of communities, charities, nation and Commonwealth.

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

We look forward to the visit by Your Majesty and Prince Philip to Scotland in June to address the Scottish Parliament and pray confidently that Your Majesty's visit will be a blessing both to the Parliament and nation. 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 Scotland, and the manifestation of those Christian virtues without which our national life would be greatly impoverished.

We remember in prayer the members of Your Majesty's Armed Forces, particularly as they struggle to bring peace and stability to the troubled lands of Iraq and Afghanistan 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.

We recall with pleasure Your Majesty's recent visit to the United States of America both to commemorate the four-hundredth anniversary of the Jamestown landing and to reinforce the bonds of friendship and cooperation that exist between our nations united by a common Christian heritage.

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 counties of which it is composed.

Although we lament the increasing decline in Church attendance and acknowledge before 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.

**II – Act reappointing the Special Commission anent
Reformed Church in Sweden**
(No 2 of Class II)

Edinburgh, 22nd May 2007

The General Assembly reappoint the Special Commission anent the establishing of a Reformed Church in Sweden, consisting of Rev. Fergus A. J. Macdonald, Rev. David A. Robertson, Rev. James Maciver and Dr Allan MacPherson, with powers to take all appropriate steps needed to achieve this objective, the Commission to report to the next General Assembly should it have occasion to meet.

III – Act anent Training of Youth Workers
(No 3 of Class II)

Edinburgh, 22nd May 2007

The General Assembly noting that in terms of Act X, 2006, Youth Workers are required to undertake a suitable training course as necessary, prior to, or as soon after taking up their appointment, instruct the Youth Committee to engage in a survey of suitable Youth Work related training and report their findings to the General Assembly of 2008 with recommendations.

IV – Act anent Doctrinal Subscription of Youth Workers
(No 4 of Class II)

Edinburgh, 22nd May 2007

The General Assembly, noting that in terms of Act X, 2006, Auxiliary Workers are required to accept and support the doctrinal position of the Free Church of Scotland as contained in the Westminster Confession of Faith, declare that when applied to Youth Workers the words ‘as contained in the Westminster Confession of Faith’ be replaced by the words ‘as contained in the Shorter Catechism’, and amend Act X, 2006, accordingly.

V – Act anent Youth Assistant in Bon Accord Free Church, Aberdeen
(No 5 of Class II)

Edinburgh, 22nd May 2007

The General Assembly authorise the appointment of a Youth Assistant within the Free Church congregation of Bon Accord, Aberdeen, for a period of three years, renewable by petition to the Presbytery of Edinburgh and Perth and subject to the agreement of the Youth Committee as to initial appointment and subsequent renewal of appointment; his/her remuneration to be at a rate equivalent to the rate paid to Resident Lay Preachers, to be met by the Youth Committee; the Deacons’ Court of Aberdeen to be responsible for additional expenses and accommodation. The terms of appointment shall conform to those in Act VI, 2006, § 2.1 – 2.7 *mutatis mutandis*. § 2.8 of the said Act is hereby repealed.

VI – Act anent Sale of Portree Church, Manse and Hall
(No 6 of Class II)

Edinburgh, 22nd May 2007

The General Assembly authorise the sale of the Manse at Staffin Road and the sale of the Church and Hall at Fancy Hill, Portree, the transaction to be carried out through the Church's Law Agent. They appoint the proceeds to be lodged with the General Trustees on behalf of the congregation, to be released in order to fulfil the terms of the negotiated agreement with the self styled Free Church Continuing, the repayment of the new manse loan, the remainder to be used to establish a fund towards the cost of erecting or procuring another church building, the interest in the meantime to be added to the capital.

VII – Act anent Stipend and Related Salaries
(No 7 of Class II)

Edinburgh, 22nd May 2007

The General Assembly declare a stipend of £17,500 from 1st April 2007, 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.

VIII – Act anent Ministerial Arrangements for Clyne
(No 8 of Class II)

Edinburgh, 22nd May 2007

The General Assembly instruct the Northern Presbytery to initiate negotiations to link or unite the congregation of Helmsdale and Kinbrace with the congregation of Clyne. They authorise the continued payment of the stipend to the Minister of Clyne during 2007.

IX – Act anent Assistantships
(No 9 of Class II)

Edinburgh, 22nd May 2007

The General Assembly having considered that it is desirable for the Ministers of certain congregations to have Ordained Assistants enact as follows:

1. The General Assembly reserve to themselves the right to judge of all applications which may be made by congregations for the appointment of an Assistant Minister under waiver of the conditions of Act III, 1851.
2. Such application shall only be considered from congregations which (1) contribute to Central Funds an amount not less than three times the Stipend; and (2) have met their annual commitment to central funds in each of the previous three years, or where there has been a shortfall, can show that this has been due to exceptional circumstances to the satisfaction of the Sustentation and Ministry Committee.

3. An application for the appointment of an Assistant Minister in terms of this Act shall be by means of a Petition from the Presbytery presented to the General Assembly through the Committee on Sustentation and Ministry. The Committee shall only transmit such a Petition after scrutiny and approval of a special Sustentation Schedule.
4. Such a Schedule shall give adequate information so as to satisfy the Committee as to the suitability of the accommodation to be provided for and the expenses to be paid to the Assistant Minister by the congregation, and the nature of his proposed duties.
5. Upon the granting of an application by the General Assembly the Presbytery shall consult with the congregation concerned and process an invitation from them as though it were a Call and upon its acceptance make the requisite arrangements for the ordination/induction of the appointee to the assistantship and to a seat in the Presbytery.
6. The appointee shall be instructed by the minister who shall consult with the Kirk Session as regards the work to be undertaken by him. He shall have a seat in the Kirk Session and may preside in the absence of the Minister.
7. In the event of the General Assembly granting an application but no appointment being made within two years, the permission of the General Assembly will lapse and a fresh application will require to be made in accordance with 3) and 4) above. Such an application may be submitted, with accompanying Schedule, to the meeting of the Committee on Sustentation and Ministry in the March before the second General Assembly after the Assembly which granted the original application.
8. The appointment shall in the first instance be for three years, renewable by the Presbytery at the request of the Kirk Session, for a further period of three years. The permission of the General Assembly must be obtained for any extension beyond six years. In either case, renewal shall be dependant upon the congregation having met their commitment to central funds in each of the previous years where there has been an Assistant, or where there has been a shortfall, can show that this has been due to exceptional circumstances to the satisfaction of the Presbytery or the Sustentation and Ministry Committee as the case may be. In the former case the Presbytery shall advise the Committee of their decision.
9. At the date of expiry of the Assistant's appointment, he shall be placed on the Register of Ministers without Charge and be paid at the rate of the Stipend for a period of six months from the date of the expiry of his appointment or until his induction to a charge, whichever is sooner.
10. Act XIX, 2000, is hereby repealed.

X – Act anent Appointment of Assistant Minister in Rosskeen
(No 10 of Class II)

Edinburgh, 22nd May 2007

The General Assembly receive the Petition of the Northern Presbytery, and noting the recommendation of the Committee on Sustentation and Ministry, grant its crave. They renew permission for the congregation of Rosskeen to appoint an Assistant Minister in accordance with the terms of Act IX, 2007, such permission to lapse at the General Assembly of 2009.

XI – Act anent Pastoral Care of Ministers
(No 11 of Class II)

Edinburgh, 22nd May 2007

The General Assembly, noting with concern the increased number of ministers absent from duty for health reasons in recent years, commend them and their families and congregations to the prayers of the Church. They instruct presbyteries to ensure that the requirements of Act XXIV, 2003, with reference to Pastoral Committees is being fully complied with and all possible support is given both to ministers absent from duty and their families, and also their congregations.

XII – Act authorising Legacy Income to Capital or Revenue
(No 12 of Class II)

Edinburgh, 23rd May 2007

The General Assembly direct that the Board of Trustees be given discretion, provided no bar is imposed by the instructions of the testator, and having given due consideration to the prevailing financial position of the Church, to allocate legacy income to capital or revenue in whole, or in part, as deemed appropriate and to report accordingly on an annual basis. Act XI, 1990 is hereby repealed.

XIII – Act anent Compliance with the new Charity Legislation
(No 13 of Class II)

Edinburgh, 23rd May 2007

The General Assembly note the work done to ensure compliance with the requirements of the new Charity legislation. The General Assembly approve the following amendments to the congregational constitutions made subsequent to the Commission of Assembly of 18th January 2007 in consultation with the Office of the Scottish Charity Regulator.

(A) CONSTITUTIONS FOR CONGREGATIONS WITH DEACONS' COURTS

DEED OF CONSTITUTION OF

THE CONGREGATION OF

OF THE FREE CHURCH OF SCOTLAND

IN THE PRESBYTERY OF

- Congregational Aims 1. The Congregation aims to maintain the public worship of God and to foster Christian fellowship; to evangelise the local area by proclaiming the gospel of Jesus Christ, to exercise pastoral care and practical compassion for those in need; to uphold and further the interests of the Free Church of Scotland; and to participate in the worldwide promotion of Christian fellowship and the advancement of the Christian faith. All the business and proceedings of the Congregation shall be conducted in accordance with the constitution of the Free Church of Scotland, under the supervision of the Presbytery of the bounds, and in terms of the Acts, deliverances or directions of the General Assembly of the Free Church of Scotland.
- General Duties and Responsibilities of the Deacons' Court 2. The control of the whole temporal affairs of the Congregation shall be vested in the Deacons' Court, subject as hereinafter mentioned, to any Acts, deliverances or directions of the General Assembly of the Free Church of Scotland.
- Membership of the Deacons' Court 3. The Deacons' Court shall consist of the Minister, Assistant Minister (where such exists), *bona fide* acting Elders and Deacons of the Congregation. The Minister and Assistant Minister (where such exists) become members of the Deacons' Court on being inducted to the charge by the Presbytery of the bounds after a free election by communicant members of the Congregation. Elders and Deacons are elected on the initiative of the Kirk Session by the communicant members of the Congregation in accordance with the procedures of the Church. Elders and Deacons hold office for life and remain members of the Deacons' Court until they cease to be members of the Congregation, or their resignations from office are accepted, or they have been deposed from Office.
- In the event of a vacancy in the pastoral charge, the Presbytery of the bounds has the right and duty to appoint a Minister, who is a member of Presbytery, to act as interim Moderator of the Kirk Session, and he becomes a member of the Deacons' Court with the same rights and duties as the minister in that regard during the term of his appointment.
- In the event of there being no *bona fide* acting Elders, or only one, the Presbytery has the right to appoint one or more assessors from within their own bounds to act for a stated period, which may thereafter be extended, as General Assessors to the Congregation. Such General Assessors become members of the Deacons' Court during the term of their appointment.
- If the Congregation faces circumstances of particular difficulty, the Kirk Session may request the Presbytery to augment its numbers by the appointment of Special Assessors, or the Presbytery may do so on their own initiative. Such Special Assessors do not become members of the Deacons' Court unless the Presbytery explicitly stipulates this in the terms of their appointment.
- Convening of Meetings 4. A meeting of the Deacons' Court shall be convened by due notice through pulpit intimation, church intimation or by personal notice to the members thereof, and is called by authority of the Minister, or at the requisition of any three members—said requisition being addressed to the Minister, or, in time of a vacancy of the pastoral charge, to the Clerk of the said Court. The ordinary business of the Deacons' Court may not be transacted on the Lord's Day. The Deacons' Court shall not meet at the same time as the Presbytery or Synod of the bounds or the General Assembly.
- Chairman and Quorum 5. The minister shall preside in the meeting of the Deacons' Court, when he is present; and, in his absence, any Elder or Deacon whom the meeting may appoint. Three members form the quorum of a Deacons' Court.
- Constituting Meeting 6. Every meeting of the Deacons' Court is both opened and closed with prayer. The Minute shall always bear at the outset that the Deacons' Court was *constituted*, and at the end that the meeting was *closed with prayer*. No Extract Minute shall be received which does not bear that the Deacons' Court was constituted, and which is not certified by the Clerk as having been extracted by him from the Records of the Court.

Conduct of Business	7. The Chairman may introduce any business to the Deacons' Court, and may address them regarding it. Resolutions are passed by a simple majority of members attending. The Chairman has only a casting vote.
Clerk to the Deacons' Court	8. The Deacons' Court shall appoint a Clerk, usually from among their own number, who shall write up the minutes of each meeting and take care of such of its papers, books and documents as are not entrusted to the custody of a Treasurer. In the absence of the Clerk, the Deacons' Court shall appoint a replacement <i>pro tempore</i> , and this fact shall be noted in the minutes. The temporary clerk shall sign the minutes he has written as well as the regular clerk.
Treasurer	9. The Deacons' Court shall appoint one or more treasurers who need not be members of the Court, and whose term of office is as stipulated by the Deacons' Court. The Treasurer shall keep one or more bank accounts in the name of the Congregation and also detailed records of the income and expenditure of the Congregation as required by church regulations and civil legislation.
Powers of the Deacons' Court	10. The Deacons' Court has the management and charge of the whole property belonging to the Congregation and of all its temporal affairs with the determination of all questions relating thereto; and it is the province and duty of the said Court to transmit, from time to time, to the denominational Treasurer appointed by the General Assembly, or their Committee, the funds raised for the annual commitments toward stipends and other centrally funded work of the denomination, to apply the remaining congregational funds, in fitting proportions, to the support of the ministry, the payment of the salaries of the various support staff (who may or may not be members of the Deacons' Court), provision of indemnity insurance for members of the Deacons' Court and the defraying of all necessary charges connected with the property, or with the dispensation of Christian ordinances; to apply, moreover, any surplus, which may thereafter arise, to religious, ecclesiastical, educational or charitable objects. The Court may also organise designated collections of funds for other stated purposes of a religious, ecclesiastical, educational or charitable nature and accept similar funds for onward transmission to the denomination's central treasurer or committee, or charity in terms of the donor's wishes. Finally, the Court shall decide as to the payments to be made for the relief of the poor.
Nature of Meetings	11. The meetings of Deacons' Court shall not usually be open to the public, or the Congregation; but the Deacons' Court may hold open meetings if it see special cause.
Maintenance of Church Property	12. While property belonging to the Congregation is held in the name of local trustees, the Deacons' Court is responsible for the maintenance of its fabric, keeping it in proper order and repair and fully insured against loss or damage by fire and also against loss or damage by such other risks or perils as appropriate.
Health and Safety	13. The Deacons' Court has the responsibility for discharging all duties imposed by Health and Safety and other civil law legislation pertaining to the properties owned or occupied by the Congregation or assigned by the Free Church of Scotland or one of its committees for the Congregation's use.
Use of Church Property	14. While the church is solely at the disposal of the Minister for all religious purposes, the consent of the Deacons' Court, as well as of the Minister, is necessary, before any meeting, not strictly of a religious, ecclesiastical, or charitable nature, can be held in it. It is, however, within their competence to make such charge for these uses as will defray costs falling on the Congregation.
Declaration of Interest	15. A member of the Deacons' Court who has a personal interest in any transaction or arrangement which the Court is proposing to enter into must declare that interest, and is debarred from voting on whether or not the Court should enter into that transaction or arrangement. Provided this procedure has been followed, a member of the Deacons' Court is not debarred from entering into a transaction or arrangement with the Court in which a

personal interest exists.

Application of Funds and Assets	16. The Deacons' Court shall apply the whole funds and assets of any description and under its control in any way, exclusively for the purposes of the Congregation and/or the Free Church of Scotland, unless such funds or assets are otherwise appropriated in law to a specific purpose, and in accordance with all relevant Acts, directions and deliverances approved by the General Assembly.
Examination of Records	17. The Minute Book of the Deacons' Court shall be exhibited to the Presbytery of the bounds at its first ordinary meeting after 31st January each year for the purpose of being examined and attested by the Presbytery at said meeting.
Examination of Accounts	18. The Treasurer's Accounts shall be prepared and examined in accordance with prevailing accounting regulations. The Accounts, once examined, shall be submitted to the Presbytery each year, and the Presbytery shall forward them to the Church's Finance Manager within three months of the financial year end. After the Finance Manager has acknowledged receipt of the Accounts, the Congregation shall forward them to the Charity Regulator along with their annual returns.
Annual Congregational Meeting	19. After the Minute Book of the Deacons' Court has been attested by the Presbytery and the Treasurer's Accounts duly examined; and preferably not later than 31st March, a Congregational Meeting shall be held, when the Deacons' Court shall present a report of its proceedings for the preceding year, give such information and explanations as may be asked for, and receive any suggestions which may be offered by members of the Congregation for the consideration of the Court, with reference to the future distribution of funds. The Congregational Meeting shall be convened by intimation from the pulpit, and the Minister, if present, shall preside at it.
Minutes of Congregational Meetings	20. Meetings of the Deacons' Court with the Congregation (that is, Congregational Meetings which do not require the Kirk Session's authority) should be duly minuted and the minutes engrossed in the Record of the Deacons' Court.
Dissent	21. So long as the Deacons' Court acts within the bounds of its authority as prescribed by Church law, decisions are regarded as final, and no dissent and complaint is competent. A simple dissent is, however, competent.
Petition against Decisions	22. Any member of a Congregation or of the Kirk Session may petition the Presbytery against the procedure of the Deacons' Court on the grounds that it has exceeded its powers or disregarded Acts of Assembly. It is competent also for the Presbytery to find that the Deacons' Court has exceeded its powers or disregarded the Acts, upon the periodical examination of the Record. The Presbytery may, in either of these cases, require the procedure to be altered, or censure the Deacons' Court, according to the nature of the case. The Deacons' Court may appeal to the Superior Courts; so also may the petitioners against the Deacons' Court's procedure, if the Presbytery reject their Petition.
Congregational Trustees	23. Property belonging to the Congregation shall be held in the names of trustees elected by the Congregation. The duties of local trustees are to hold properties in trust and sign necessary documents connected with ownership or sale, when duly authorised. A list of local property trustees should be maintained by the Deacons' Court and included in the Treasurer's Annual Accounts. Duties of day-to-day management belong to the Deacons' Court.
Model Trust Deed Property	24. For congregational property held in terms of the Model Trust Deed only persons whose names appear on the Communion Roll of the Congregation as duly attested by Presbytery have the right to vote in electing trustees. A Congregational meeting to elect trustees must be intimated from the pulpit after the forenoon service and the intimation must specify the reason for which the meeting is called. At least ten days' notice of such a meeting must be given.
Other	25. Congregational property not held under the Model Trust Deed shall be held in the

Congregational Property	name of trustees as stipulated by a local trust deed.
Powers to borrow	26. The Deacons' Court shall have power to borrow money for the purpose of implementing its duties and obligations but only if the Deacons' Court is satisfied that sufficient funds are available or are assured for the purpose of repaying the money borrowed. Neither the Deacons' Court nor trustees holding property under the Model Trust Deed have the right to use such property as security for a loan.
Existing functions of Minister and Kirk Session reserved	27. Nothing herein contained shall interfere with the functions assigned either to the Minister or to the Kirk Session by the constitution of the Free Church of Scotland or by the Acts and Deliverances of its General Assembly.
Powers reserved to the General Assembly	28. It shall be in the power of the General Assembly or its Commission, to alter, revoke, amend or modify this Deed of Constitution, in whole or in part with the exception of para 1, or to substitute a new Deed of Constitution for this Deed of Constitution.

(B) CONSTITUTIONS FOR CONGREGATIONS WITH A FINANCE COMMITTEE

DEED OF CONSTITUTION OF
THE CONGREGATION OF
OF THE FREE CHURCH OF SCOTLAND
IN THE PRESBYTERY OF

Congregational Aims	1. The Congregation aims to maintain the public worship of God and to foster Christian fellowship; to evangelise the local area by proclaiming the gospel of Jesus Christ, to exercise pastoral care and practical compassion for those in need; to uphold and further the interests of the Free Church of Scotland; and to participate in the worldwide promotion of Christian fellowship and the advancement of the Christian faith. All the business and proceedings of the Congregation shall be conducted in accordance with the constitution of the Free Church of Scotland, under the supervision of the Presbytery of the bounds, and in terms of the Acts, deliverances or directions of the General Assembly of the Free Church of Scotland.
General Duties and Responsibilities of the Finance Committee	2. The control of the whole temporal affairs of the Congregation shall be vested in the Finance Committee, subject as hereinafter mentioned, to any Acts, deliverances or directions of the General Assembly of the Free Church of Scotland.
Membership of the Finance Committee	3. The Finance Committee shall consist of the Minister, Assistant Minister (where such exists) and <i>bona fide</i> acting Elders of the Congregation along with those persons appointed members of the Finance Committee by the Congregation. The Minister and Assistant Minister (where such exists) become members of the Finance Committee on being inducted to the charge by the Presbytery of the bounds after a free election by communicant members of the Congregation. Elders are elected on the initiative of the Kirk Session by the communicant members of the Congregation in accordance with the procedures of the Church. Elders hold office for life and remain members of the Finance Committee until they cease to be members of the Congregation, or their resignations are accepted, or they have been deposed from Office. Each year at the Annual Congregational Meeting the Kirk Session should propose a suitable number of other persons to serve on the Finance Committee. Each of these persons shall be approved of by a majority of the Congregation to serve on the Finance Committee until the next Annual Congregational Meeting. Individuals shall be eligible for re-election from year to year. In the event of a vacancy in the pastoral charge, the Presbytery of the bounds has the

right and duty to appoint a Minister, who is a member of Presbytery, to act as interim Moderator of the Kirk Session, and he becomes a member of the Finance Committee with the same rights and duties as the minister in that regard during the term of his appointment.

In the event of there being no *bona fide* acting Elders, or only one, the Presbytery has the right to appoint one or more assessors from within their own bounds to act for a stated period, which may thereafter be extended, as General Assessors to the Congregation. Such General Assessors become members of the Finance Committee during the term of their appointment.

If the Congregation faces circumstances of particular difficulty, the Kirk Session may request the Presbytery to augment its numbers by the appointment of Special Assessors, or the Presbytery may do so on their own initiative. Such Special Assessors do not become members of the Finance Committee unless the Presbytery explicitly stipulates this in the terms of their appointment.

Convening of Meetings	4. A meeting of the Finance Committee shall be convened by due notice through pulpit intimation, church intimation or by personal notice to the members thereof, and is called by authority of the Minister, or at the requisition of any three members—said requisition being addressed to the Minister, or, in time of a vacancy of the pastoral charge, to the Clerk of the Finance Committee. The ordinary business of the Finance Committee may not be transacted on the Lord’s Day. The Finance Committee shall not meet at the same time as the Presbytery or Synod of the bounds or the General Assembly.
Chairman and Quorum	5. The minister shall preside in the meeting of the Finance Committee, when he is present; and, in his absence, any Elder or member of the Finance Committee whom the meeting may appoint. Three members form the quorum of a Finance Committee.
Constituting Meeting	6. Every meeting of Finance Committee is both opened and closed with prayer. The Minute shall always bear at the outset that the Finance Committee was <i>constituted</i> , and at the end that the meeting was <i>closed with prayer</i> . No Extract Minute shall be received which does not bear that the Finance Committee was constituted, and which is not certified by the Clerk as having been extracted by him from the Records of the Committee.
Conduct of Business	7. The Chairman may introduce any business to the Finance Committee, and may address them regarding it. Resolutions are passed by a simple majority of members attending. The Chairman has only a casting vote.
Clerk to the Finance Committee	8. The Finance Committee shall appoint a Clerk, usually from among their own number, who shall write up the minutes of each meeting and take care of such of its papers, books and documents as are not entrusted to the custody of a Treasurer. In the absence of the Clerk, the Finance Committee shall appoint a replacement <i>pro tempore</i> , and this fact shall be noted in the minutes. The temporary clerk shall sign the minutes he has written as well as the regular clerk.
Treasurer	9. The Finance Committee shall appoint one or more treasurers who need not be members of the Committee, and whose term of office is as stipulated by the Finance Committee. The Treasurer shall keep one or more bank accounts in the name of the Congregation and also detailed records of the income and expenditure of the Congregation as required by church regulations and civil legislation.
Powers of the Finance Committee	10. The Finance Committee has the management and charge of the whole property belonging to the Congregation and of all its temporal affairs with the determination of all questions relating thereto; and it is the province and duty of the said Committee to transmit, from time to time, to the denominational Treasurer appointed by the General Assembly, or their Committee, the annual commitments towards stipends and other centrally funded work of the denomination; to apply the remaining congregational funds, in fitting proportions, to the support of the ministry, the payment of the salaries of the various subordinate functionaries (who may or may not be members of the Finance Committee), provision of indemnity insurance for members of the Finance Committee and the defraying of all necessary charges connected with the property, or with the dispensation of Christian ordinances; to apply, moreover, any surplus, which may thereafter arise, to religious,

ecclesiastical, educational or charitable objects. The Committee may also organise designated collections of funds for other stated purposes of a religious, ecclesiastical, educational or charitable nature and accept similar funds for onward transmission to the denomination's central treasurer or committee, or other charity in terms of the donor's wishes. Finally, the Committee shall decide as to the payments to be made for the relief of the poor.

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| Nature of Meetings | 11. The meetings of Finance Committee shall not usually be open to the public, or the Congregation; but the Finance Committee may hold open meetings if they see special cause. |
| Maintenance of Church Property | 12. While property belonging to the Congregation is held in the name of local trustees, the Finance Committee is responsible for the maintenance of its fabric, keeping it in proper order and repair and fully insured against loss or damage by fire and also against loss or damage by such other risks or perils as appropriate. |
| Health and Safety | 13. The Finance Committee has the responsibility for discharging all duties imposed by Health and Safety and other civil law legislation pertaining to the properties owned or occupied by the Congregation or assigned by the Free Church of Scotland or one of its committees for the Congregation's use. |
| Use of Church Property | 14. While the church is solely at the disposal of the Minister for all religious purposes, the consent of the Finance Committee, as well as of the Minister, is necessary, before any meeting, not strictly of a religious, ecclesiastical, or charitable nature, can be held in it. It is, however, within their competence to make such charge for these uses as will defray costs falling on the Congregation. |
| Declaration of Interest | 15. A member of the Finance Committee who has a personal interest in any transaction or arrangement which the Committee is proposing to enter into must declare that interest, and is debarred from voting on whether or not the Committee should enter into that transaction or arrangement. Provided this procedure has been followed, a member of the Finance Committee is not debarred from entering into a transaction or arrangement with the Committee in which a personal interest exists. |
| Application of Funds and Assets | 16. The Finance Committee shall apply the whole funds and assets of any description and under its control in any way exclusively for the purposes of the Congregation and/or the Free Church of Scotland, unless such funds or assets are otherwise appropriated in law to a specific purpose, and in accordance with all relevant Acts, directions and deliverances approved by the General Assembly. |
| Examination of Records | 17. The Minute Book of the Finance Committee shall be exhibited to the Presbytery of the bounds at its first ordinary meeting after 31st January each year for the purpose of being examined and attested by the Presbytery at said meeting. |
| Examination of Accounts | 18. The Treasurer's Accounts shall be prepared and examined in accordance with prevailing accounting regulations. The Accounts, once examined, shall be submitted to the Presbytery each year, and the Presbytery shall forward them to the Church's Finance Manager within three months of the financial year end. After the Finance Manager has acknowledged receipt of the Accounts, the Congregation shall forward them to the Charity Regulator along with their annual returns. |
| Annual Congregational Meeting | 19. After the Minute Book of the Finance Committee has been attested by the Presbytery and the Treasurer's Accounts duly examined, and not later than 31st March, a Congregational Meeting shall be held, when the Finance Committee shall present a report of its proceedings for the preceding year, give such information and explanations as may be asked for, and receive any suggestions which may be offered by members of the Congregation for the consideration of the Committee, with reference to the future distribution of funds. The Congregational Meeting shall be convened by intimation from the pulpit, and the Minister, if present, shall preside at it. |

Minutes of Congregational Meetings	20. Meetings of the Finance Committee with the Congregation (that is, Congregational Meetings which do not require the Kirk Session's authority) should be duly minuted and the minutes engrossed in the Record of the Finance Committee.
Dissent	21. So long as the Finance Committee acts within the bounds of its authority as prescribed by Church law, decisions are regarded as final, and no dissent and complaint is competent. A simple dissent is, however, competent.
Petition against Decisions	22. Any member of a Congregation or of the Kirk Session may petition the Presbytery against the procedure of the Finance Committee on the grounds that it has exceeded its powers or disregarded Acts of Assembly. It is competent also for the Presbytery to find that the Finance Committee has exceeded its powers or disregarded the Acts, upon the periodical examination of the Record. The Presbytery may, in either of these cases, require the procedure to be altered, or censure the Finance Committee, according to the nature of the case. The Finance Committee may appeal to the Superior Courts; so also may the petitioners against the Finance Committee's procedure, if the Presbytery reject their Petition.
Congregational Trustees	23. Property belonging to the Congregation shall be held in the names of trustees elected by the Congregation. The duties of local trustees are to hold properties in trust and sign necessary documents connected with ownership or sale, when duly authorised. A list of local property trustees should be maintained by the Finance Committee and included in the Treasurer's Annual Accounts. Duties of day-to-day management belong to the Finance Committee.
Model Trust Deed Property	24. For congregational property held in terms of the Model Trust Deed only persons whose names appear on the Communion Roll of the Congregation as duly attested by Presbytery have the right to vote in electing trustees. A Congregational Meeting to elect trustees must be intimated from the pulpit after the forenoon service and the intimation must specify the reason for which the meeting is called. At least ten days' notice of such a meeting must be given.
Other Congregational Property	25. Congregational property not held under the Model Trust Deed shall be held in the name of trustees as stipulated by a local trust deed.
Powers to borrow	26. The Finance Committee shall have power to borrow money for the purpose of implementing its duties and obligations but only if the Finance Committee are satisfied that sufficient funds are available or are assured for the purpose of repaying the money borrowed. Neither the Finance Committee nor trustees holding property under the Model Trust Deed have the right to use such property as security for a loan.
Existing functions of Minister and Kirk Session reserved	27. Nothing herein contained shall interfere with the functions assigned either to the Minister or to the Kirk Session by the constitution of the Free Church of Scotland or by the Acts and deliverances of its General Assembly.
Powers reserved to the General Assembly	28. It shall be in the power of the General Assembly or its Commission, to alter, revoke, amend or modify this Deed of Constitution, in whole or in part with the exception of paragraph 1, or to substitute a new Deed of Constitution for this Deed of Constitution.

XIV - Act anent the Church's Expenditure Budget for 2008
(No 14 of Class II)

Edinburgh, 23rd May 2007

The General Assembly instruct the Board of Trustees to prepare a revised draft of expenditure budgets for 2008 for circulation in advance of the meetings of Standing Committees in June with a view to approving the 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 Committee on the 2008 budget.

XV – Act anent Local Support Funds
(No 15 of Class II)

Edinburgh, 23rd May 2007

The General Assembly commend to the Church local support funds set up to address residual problems resulting from the illegal seizure of Church property by the self-styled Free Church Continuing and instruct the Board of Trustees to provide such support as is required in the administration and publicising of these funds.

XVI – Act instructing Presbyteries to undertake Congregational Audits
(No 16 of Class II)

Edinburgh, 23rd May 2007

The General Assembly instruct Presbyteries to conduct a thorough audit, according to the criteria appended to this report, of congregations remitting less than £23,000 p.a. to the General Fund, and to retain the results in their records, forwarding copies to the Committee by 28th February 2008, for report to the General Assembly of 2008.

XVII – Act anent Legislative Compliance
(No 17 of Class II)

Edinburgh, 23rd May 2007

The General Assembly direct the Board of Trustees to continue to assess and manage the Church's exposure to risk in the area of legislative compliance and to assess the merits of appointing someone to oversee this complex area.

XVIII – Act anent 2006 College Review
(No 18 of Class II)

Edinburgh, 23rd May 2007

The General Assembly direct that the College Board examine the 2006 College Review report from the Committee on Stewardship and Policy and consider and discuss its conclusions and recommendations with a view to adopting what it would find advantageous and conducive to increasing the College's profile and support within the denomination and beyond.

XIX – Act anent Church Strategy
(No 19 of Class II)

Edinburgh, 23rd May 2007

1. The General Assembly encourage the Board of Trustees through their Strategy Sub-Committee to undertake planned activities in advancing the themes identified in the Stewardship and Policy Committee's Report with a view to recommending its adoption by the 2008 Assembly.
2. The General Assembly instruct the Board of Trustees to communicate general proposals on Church Planting to the Church Extension and Redevelopment Committee and to Presbytery Strategy Committees for their consideration.
3. The General Assembly authorise the Board of Trustees to develop a three year plan addressing the primary issues arising from the strategy process and to present this plan to the 2008 General Assembly.

XX – Act anent Leadership Training for Office Bearers
(No 20 of Class II)

Edinburgh, 23rd May 2007

The General Assembly instruct the Board of Trustees to consult with the Training of the Ministry Committee with regard to the provision of leadership training for office bearers. They further instruct the Committee to work with Presbyteries to provide training for members in identifying and using their spiritual gifts.

XXI – Act anent the Sale of Property and Release of Funds
(No 21 of Class II)

Edinburgh, 23rd May 2007

1. The General Assembly receive the Petition of the Deacons' Court of Assynt Free Church and grant its crave. They authorise the sale of the manse in Lochinver, the transaction to be carried out under the supervision of the Church's Law Agent, and direct that the proceeds of sale be held by the General Trustees on behalf of the congregation with interest added, the funds to be made available to the congregation for the erection or

purchase of a more suitable manse, with surplus funds to be subsequently available for congregational purposes.

2. The General Assembly receive the Petition of the Deacons' Court of Scourie Free Church and grant its crave. They authorise the sale of the church building at Scourie, the transaction to be carried out under the supervision of the Church's Law Agent, and direct that the proceeds of sale be held by the General Trustees on behalf of the congregation with interest added, and that the congregation have access to these funds for congregational purposes.

3. The General Assembly receive the Petition of the Finance Committee of Oban Free Church, and grant its crave. They authorise the sale of the manse at Oban, the transaction to be carried out under the supervision of the Church's Law Agent, and direct that the proceeds of the sale be lodged with the General Trustees on behalf of the congregation with interest added, the funds to be available to the congregation for the purchase of a replacement manse.

4. The General Assembly receive the petition of the Deacons' Court of Dowanvale Free Church and grant its crave. They authorise the sale of the church building at Drumchapel, the transaction to be carried out under supervision of the Church's Law Agent, and direct that the proceeds of sale be applied to the funds of the Congregation.

5. The General Assembly receive the petition of the Deacons' Court of Park Free Church and grant its crave. They authorise the sale of the church building at Calbost, the transaction to be carried out under supervision of the Church's Law Agent, and direct that the proceeds of sale be applied to the funds of the Congregation.

6. The General Assembly receive the petition of the Deacons' Court of Dingwall and Strathpeffer Free Church and grant its crave. The General Assembly repeal all previous Acts relating to monies held on behalf of the Congregation. They consolidate the funds of the congregation held under these various Acts (including Act 1.1 of the Commission of Assembly, October 1998; Act 8.3 and 8.8 of the General Assembly, May 2002, and various Acts relating to small capital sums connected with the sale of property in Contin) into one capital fund to be held on behalf of the congregation, interest being added to the capital, and the interest and capital being available to the Deacons' Court upon application, for repairs and improvements to congregational properties and for congregational purposes.

XXII – Act appointing Assessor Presbyteries to Synods
(No 22 of Class II)

Edinburgh, 23rd May 2007

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.

XXIII – Act appointing Board of Trustees
(No 23 of Class II)

Edinburgh, 23rd May 2007

1. The General Assembly hereby enact that, as from the close of this Assembly, a Board of Trustees shall discharge the present functions performed by the Stewardship and Policy Committee and by the General Trustees. The Board shall assume all entitlements and responsibilities of the General Trustees in relation to holding title to the Church's property, both heritable and moveable, as trustees. In addition the Board shall assume the statutory duties and responsibilities of Charity Trustees under the Charities and Trustee Investment (Scotland) Act, 2005. Existing General Trustees not appointed to the Board by this General Assembly shall resign as directors of the Nominee Company.

The Board of Trustees shall have responsibility for all aspects of financial management; for monitoring and coordinating strategy development and objective setting; for performance monitoring; and for reporting thereon. In light of the statutory responsibilities falling to Charity Trustees, the Board of Trustees shall have the right to take all appropriate action to protect the Church's financial position, to deal with potential budget overruns, and to manage any legal or governance risk in relation to the Church's affairs. In these respects the Board shall have the right to override the authority of other committees and boards. The Board of Trustees shall also report on Custody of Titles and in this regard shall receive reports from the Principal Clerk of Assembly who shall act as Custodian of Titles. The Principal Clerk of Assembly shall have the right to approach the Board of Trustees to request that they act as a Law and Advisory Committee with regard to matters of church legislation.

Membership: Twelve members comprising at least four ministerial members and at least six elders, appointed by the General Assembly on the recommendation of the Nominations Committee for a four year term, renewable by the Assembly for one further term of four years. Each Presbytery shall have at least one representative on the Board. The General Assembly shall appoint one of the Board, who shall always be an elder, as Chairman, for a four year term, renewable by the General Assembly for one further term of four years. The quorum shall be three trustees.

Secretary: The Chief Administrative Officer (CAO) shall act as Secretary to the Board of Trustees.

The members of the Board of Trustees shall be directors of Free Church of Scotland General Trustees' Nominees Limited and, in this regard, and for all associated purposes, shall be considered to be the General Trustees of the Free Church of Scotland. When required to transact business in connection with the Trust Estate, the Board of Trustees shall meet in their capacity as the General Trustees' Nominees Company and only business relevant to the Trust Estate shall be transacted at such a meeting.

The General Assembly noting that the proposed Board of Trustees is to succeed to the functions and responsibilities of the Stewardship and Policy Committee, and that the title proposed reflects one area of activity only relating to the relationship between the Church and the civil law, instruct the Board to consider further a description which reflects more appropriately the full range of its remit, and to report to the next General Assembly.

2. The Board of Trustees shall be served by the following Sub-Committees:

2.1 Compliance, Audit and Risk Management Sub-Committee to assume the legal compliance and audit functions of the existing Staffing, Compliance and Audit Sub-Committee of the Stewardship and Policy Committee; to have responsibility for audit of internal controls and processes; to have formal responsibility for reviewing Annual Accounts and Returns to the Office of the Scottish Charity Regulator (OSCR).

Membership: At least three members of the Board of Trustees, one of whom shall be appointed as Chairman by the Board; the Chief Administrative Officer *ex officio*, if an elder of the Church; up to four additional members, who need not be restricted to members of the Board, appointed by the General Assembly on the recommendation of the Nominations Committee after consultation with the Board of Trustees.

2.2 Finance Sub-Committee to develop and implement financial policy including reserves policy, loans policy, and budgeting procedures; to keep under review congregational remittances to central funds and the system for gathering such remittances; to oversee, in consultation with the Home Missions Board, the financial implications of special arrangements for congregations; to monitor income and expenditure against budgets; to monitor the performance of the General Trust assets and make recommendations to the Board of Trustees in respect of proposed changes to investment policy.

Membership: At least three members of the Board of Trustees, one of whom shall be appointed as Chairman by the Board; a representative from each of the Personnel Committee, the Home Missions Board, the College Board, and the International Missions Board, as appointed by the said Committee and Boards; the Chief Administrative Officer and Finance Manager both *ex officio*, if elders of the Church; up to two additional members, who need not be restricted to members of the Board, appointed by the General Assembly on the recommendation of the Nominations Committee after consultation with the Board of Trustees.

2.3 Strategy Sub-Committee to ensure that the strategies developed by other committees and boards are done so in a coordinated manner and that organisational structures are aligned with the objectives of these strategies; to act as a forum for discussion and debate regarding issues facing the Church in terms of long term direction.

Membership: At least three members of the Board of Trustees, one of whom shall be appointed by the Board as Chairman; the Chairman or Vice-Chairman of each of the Personnel Committee, the Home Missions Board and the International Missions Board, as appointed by the said Committee and Boards; the Chief Administrative Officer *ex officio*, if an elder of the Church; up to two additional members, who need not be restricted to

members of the Board, appointed by the General Assembly on the recommendation of the Nominations Committee after consultation with the Board of Trustees.

2.4 Legal Group to oversee matters in relation to the ongoing dispute with the Free Church (Continuing) and to provide advice to the Board of Trustees and to Deacons' Courts and congregational trustees.

Membership: To be appointed by the Board of Trustees, bearing in mind that for this issue, continuity of membership is important. The Board of Trustees shall appoint one of their number as the Chairman.

2.5 The place of a representative from each of the Personnel Committee and the Home Missions Board under 3.2 and 3.3 above shall be taken respectively by a representative from each of the Sustentation and Ministry Committee and Church Extension and Redevelopment Committee, until such time as the Personnel Committee and the Home Missions Board be appointed in May 2008.

3. The General Assembly hereby repeal Act II, 2006, Act IV, 2005, Act VI, 2005, Act XV, 2004, Act II, 1979, Act XVI, 1977 and all other Acts bearing on the structures, remits and powers of Committees, Boards and General Trustees insofar as they are inconsistent with this Act. They direct that Standing Orders be amended in terms of this Act with immediate effect.

XXIV Act anent Modification of Committee Structure
(No 24 of Class II)

Edinburgh, 23rd May 2007

1. The General Assembly approve, in principle, the proposals relating to modification of its committee structure. They enact that, from May 2008 the work of the Assembly between their meetings shall be prosecuted by the following committees and boards:

1.1 Board of Ministry to receive and process applications from candidates for the ministry; to set training programmes for successful applicants in consultation with the College Board and to monitor subsequent progress; to oversee the Student Finance Scheme in consultation with the Personnel Committee and the Finance Sub-Committee of the Board of Trustees; to discharge the present functions performed by the Board of Pastoral Advice.

Membership: Eight members in total, appointed by the General Assembly on the recommendation of the Nominations Committee for a four year term. The total membership will comprise five ministers and three elders. The Chairman shall be appointed from the membership of the Board by the General Assembly on the recommendation of the Nominations Committee for a four-year term, renewable for one further term of four years. The Board shall have powers to appoint a Vice-chairman, an executive and sub-committees from its own membership. The quorum shall be three members of the Board.

1.2 Personnel Committee to assume oversight of all matters relating to the working conditions of ministers (including stipend) and other staff members; to develop contracts of service for staff where required and, working with other committees and boards to take responsibility for recruitment, training and development (for non-ministerial staff); to oversee pension arrangements; to work with Presbyteries in seeking to further equip ministers in areas such as leadership and management skills; to provide a forum for development of meaningful pastoral support mechanisms.

Membership: Six members in total, appointed by the General Assembly on the recommendation of the Nominations Committee for a four year term. The total membership will comprise three ministers and three elders. The Convener shall be appointed from the membership of the Committee by the General Assembly on the recommendation of the Nominations Committee for a four-year term, renewable for one further term of four years. The Committee shall have powers to appoint a Vice-Convener, an executive and sub-committees from its own membership. The quorum shall be three members of the Committee.

1.3 Home Missions Board to discharge the present functions performed by the Church Extension and Redevelopment Committee; to authorise the filling of congregational vacancies; to assess, in consultation with the Finance Sub-Committee of the Board of Trustees, applications from congregations seeking Special Arrangements; to promote unions or linking of non-viable congregations; to discharge the other functions performed by the Sustentation and Ministry Committee insofar as these are not allocated to other committees or boards within the revised committee structure; to assume responsibility for the Youth Work of the Church, with the exception of the production of 'Free' magazine but including the work of the Youth Camps; to undertake the Social Responsibility functions presently discharged by the Public Questions Committee and to administer the funds held for this purpose.

Membership: Eight members in total, appointed by the General Assembly on the recommendation of the Nominations Committee for a four year term. The total membership will comprise four ministers and four elders. The Chairman shall be appointed from the membership of the Board by the General Assembly on the recommendation of the Nominations Committee for a four-year term, renewable for one further term of four years. The Board shall have powers to appoint a Vice-chairman, an executive and sub-committees from its own membership. The quorum shall be three members of the Board.

The Board shall assess the potential requirement for a full-time secretarial resource in light of its workload.

1.4 International Missions Board to discharge the functions of the International Missions Board as presently constituted. The Board shall consult with the Personnel Committee on all matters relating to conditions of service, including remuneration and payment of expenses for missionaries and other personnel under the immediate oversight of the Board.

Membership: Eight members in total, appointed by the General Assembly on the recommendation of the Nominations Committee for a four year term. The total membership will comprise four ministers and four elders. The Chairman shall be

appointed from the membership of the Board by the General Assembly on the recommendation of the Nominations Committee for a four-year term, renewable for one further term of four years. The Board shall have powers to appoint a Vice-Chairman, an executive and sub-committees from its own membership. The quorum shall be three members of the Board.

1.5 Communications Committee to discharge the functions of the Communications Committee as presently constituted; to oversee *The Instructor* and *Free*; to manage and develop the Church's website(s); to discharge the present functions performed by the Public Questions Committee in relation to questions of morality, religion and doctrine including the preparation of resources on such questions to better equip the membership of the Church as they grapple with such matters in daily life.

Membership: Eight members in total, appointed by the General Assembly on the recommendation of the Nominations Committee for a four year term. The total membership will comprise four ministers and four elders, which shall include a representative from each of the Home Missions Board and the International Missions Board appointed by the said Boards. The Convener shall be appointed from the membership of the Committee by the General Assembly on the recommendation of the Nominations Committee for a four-year term, renewable for one further term of four years. The Committee shall have powers to appoint a Vice-Convener, an executive and sub-committees from its own membership. The quorum shall be three members of the Committee.

1.6 College Board to discharge the functions of the College Board as presently constituted; to consult with the Personnel Committee on matters relating to the remuneration and working conditions of Professors; 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).

Membership: Twelve members in total, comprising the Principal of the College *ex officio*; two additional members of the Senate appointed by the Senate; the Chairman of the Board of Ministry *ex officio*; the President of the Students' Representative Council of the College *ex officio*; three additional ministers and three additional elders appointed by the General Assembly on the recommendation of the Nominations Committee for a four-year term, the elders to have suitable qualifications or experience in education, preferably tertiary education, or in the administration or promotion of education. The Chairman, who shall be a member of the Board but not a member of the College Senate, shall be appointed by the General Assembly on the recommendation of the Nominations Committee for a four-year term, renewable for one further term of four years. The Board shall have powers to appoint a Vice-Chairman, an executive and sub-committees from its own membership. The quorum shall be three members of the Board.

The College Secretary shall act as Secretary to the College Board.

1.7 Ecumenical Relations Committee to discharge the functions of the Ecumenical Relations Committee as presently constituted.

Membership: Eight members in total, appointed by the General Assembly on the recommendation of the Nominations Committee for a four year term, comprising the

Moderator and previous Moderator of the General Assembly, the Chairman or Vice-Chairman of the Home Missions Board and of the International Missions Board as appointed by the said Boards, the Principal Clerk of Assembly, and two additional members, at least one of whom should be an elder, appointed by the General Assembly on the recommendation of the Nominations Committee for a four-year term. The Committee shall have powers to appoint a Vice-Convener, an executive and sub-committees from its own membership. The quorum shall be three members of the Committee.

1.8 Psalmody Committee to discharge the functions of the Psalmody Committee as presently constituted.

Membership: Six members in total, appointed by the General Assembly on the recommendation of the Nominations Committee for a four-year term. The Convener shall be appointed from the membership of the Committee by the General Assembly on the recommendation of the Nominations Committee for a four-year term, renewable for one further term of four years. The Committee shall have powers to appoint a Vice-Convener, an executive and sub-committees from its own membership. The quorum shall be three members of the Committee.

1.9 Assembly Arrangements Committee to discharge the functions of the Assembly Arrangements Committee as set out in Act XV, 2004, comprising the Principal Clerk of Assembly, the Assistant Clerk of Assembly, the Moderator and past Moderator of the Assembly, with the addition of one minister or elder from each of the home Synods, appointed by the General Assembly on the recommendation of the Nominations Committee for a four-year term. The Moderator-designate shall become a member of the committee following the announcement of his acceptance of nomination. The Moderator of the General Assembly will be the Chairman. In the case of a Moderator whose usual residence is outwith the United Kingdom the Committee shall be chaired by the Moderator of the previous Assembly. The Committee shall have powers to appoint a Vice-Convener, an executive and sub-committees from its own membership. The quorum shall be three members of the Committee.

2. The General Assembly hereby appoint a **Nominations Committee** to receive nominations from Presbyteries for vacancies on committees and boards when they occur, and to make recommendations from these submissions to the General Assembly. With the exceptions of the International Missions Board and the College Board, or unless otherwise provided for in this Act, the Nominations Committee should ensure that each Presbytery is represented on a committee or board. The Committee when seeking nominations from Presbyteries shall outline for their information the skills and expertise expected of nominees for each vacancy. Presbyteries shall nominate candidates from within their own bounds. However, if a Presbytery is unable to identify a suitable candidate from within its own bounds, the Nominations Committee shall arrange to fill such a vacancy from elsewhere. Appointments made in these cases shall exist for the duration of the term of service specified, unless terminated by death, resignation, translation to another Presbytery or discipline. The Nominations Committee shall instruct Presbyteries to ensure that nominees are available, willing and able to serve *before* submitting their names. In addition, the Nominations Committee shall seek evidence from Presbyteries of the suitability of nominees to fill vacancies.

Unless otherwise provided for in this Act, the Nominations Committee shall, in consultation with committees and boards, appoint clerks and secretaries in accordance with Act III, 2001. The Nominations Committee shall make arrangements to ensure that initial appointments of committee and board members provide for a phased programme of retirement from service.

Membership: The Principal Clerk of Assembly as Convener; the Clerk of each home Presbytery, the Chairman of the Board of Trustees and the Moderator of the General Assembly. The quorum shall be three members of the Committee.

3. The termination of appointment of any member of a committee or board by death, resignation, translation to another Presbytery, or discipline, shall be reported as soon as possible after the event to the Nominations Committee by the committee or board affected. Upon notification the Nominations Committee shall proceed to appoint a replacement who shall serve until the ensuing General Assembly at which the Committee shall report on the same.

4. Uninterrupted absence from meetings by any member of a Committee or Board during the period from the General Assembly to 31st December in any calendar year, without good reason given by him and sustained by the relevant Committee or Board, shall be considered a resignation of his membership of that Committee or Board, who shall inform the Nominations Committee accordingly before 31st January of the ensuing year. Upon notification the Nominations Committee shall proceed to appoint a replacement who shall serve until the ensuing General Assembly at which the Committee shall report on the same.

5. The General Assembly instruct the Board of Trustees to develop Memoranda of Procedures for each committee and board appointed by this Act. This shall include the detailed remit of the committee or board, duties and powers of Conveners and Clerks, a timetable of meetings and an outline of proceedings of meetings. These Memoranda are to be made available to the committees and boards at their first meeting after May 2008. It shall subsequently be the responsibility of each board and committee through its secretary or clerk to ensure that its Memorandum of Procedure is reviewed annually.

6. The General Assembly instruct the Board of Trustees, until the establishment of a Personnel Committee in May 2008, to assume responsibility for staffing issues currently undertaken by the Stewardship and Policy Committee's Staffing, Compliance and Audit Sub-Committee as well as for matters in relation to the Church's pension scheme arrangements.

7. The General Assembly hereby repeal Act II, 2006, Act IV, 2005, Act VI, 2005, Act XV, 2004, Act II, 1979, Act XVI, 1977 and all other Acts bearing on the structures, remits and powers of Committees, Boards and General Trustees insofar as they are inconsistent with this Act. They direct that Standing Orders be amended in terms of this Act with immediate effect.

XXV – Act renewing Redevelopment Status for Gairloch and Kinlochewe
(No 25 of Class II)

Edinburgh, 23rd May 2007

The General Assembly, noting the recommendation of the Church Extension and Redevelopment Committee, grant to the congregation of Gairloch and Kinlochewe renewal of redevelopment status in terms of Act XXXIV, 1988, as amended by Act XIV, 1992 and Act XIV, 1993.

XXVI – Act renewing Redevelopment Status for Harris
(No 26 of Class II)

Edinburgh, 23rd May 2007

The General Assembly, noting the recommendation of the Church Extension and Redevelopment Committee, grant to the congregation of Harris renewal of redevelopment status in terms of Act XXXIV, 1988, as amended by Act XIV, 1992, and Act XIV 1993.

XXVII – Act redesignating the Highways and Byways Sub-Committee
(No 27 of class II)

Edinburgh, 23rd May 2007

The General Assembly instruct that the name of the Hyways and Byways Sub-Committee be changed to the Evangelism Support Sub-Committee in order reflect the contemporary reality of its ministry.

**XXVIII – Act appointing General Assessors to the
Presbytery of Skye and Wester Ross**
(No 28 of Class II)

Edinburgh, 23rd May 2007

The General Assembly appoint Mr Farquhar Renwick, Minister at Knockbain, Mr William Wyllie, Elder at Knockbain and Mr Thomas Cook, Elder at Knockbain, to be assessors to the Free Presbytery of Skye and Wester Ross, the term of appointment to be until the next General Assembly.

**XXIX - Act appointing Rev. W. M. Mackay as a General Assessor to
the Presbytery of Glasgow and Argyll**
(No 29 of Class II)

Edinburgh, 23rd May 2007

The General Assembly appoint Mr William M. Mackay, retired, Edinburgh, to be a General Assessor to the Presbytery of Glasgow and Argyll, the term of appointment to be until the next General Assembly.

**XXX – Act approving the Terms of Appointment for the Editor of
The Monthly Record and the Procedure to be followed in such an Appointment**
(No 30 of Class II)

Edinburgh, 23rd May 2007

1. The General Assembly direct that the Qualifications for Appointment as Editor of *The Monthly Record* shall be as follows:

- 1.1 The Editor shall be a minister or elder of the Free Church of Scotland.
- 1.2 The qualifications and experience of the candidate shall be matched as closely as possible to the job description for the post as agreed by the Communications Committee.
- 1.3 The job description will be subject to appropriate development and improvement by the Committee as and when required in consultation with the Editor.
- 1.4 The term of appointment will be for seven years, with eligibility for re-appointment.
- 1.5 There will be an initial review of the post by the Committee after one year, and subsequently at two year intervals.
- 1.6 The Editor will be accountable to the Communications Committee.
- 1.7 The Editor shall submit an Annual Report for the March meeting of the Committee for inclusion in their Report to the General Assembly if the Committee so resolve. The Editor may report to the Committee at other times if he so desires.
- 1.8 Remuneration and conditions of service shall be in accordance with current practice, and duties shall commence from a date to be mutually agreed by the Committee and the new Editor.

2. When a vacancy occurs, the following procedure will be followed:

- 2.1 When a vacancy occurs, the Clerk of the Committee will circulate all Presbyteries of the Church with a request for nominations.
- 2.2 The Committee will arrange for an appropriate interview panel to meet with the candidates, and make recommendations to the full Committee.
- 2.3 The full Committee will recommend a name or names (up to a maximum of three) to the General Assembly by whom the appointment shall be made. The General Assembly may accept the Committee's recommendation, or if not, may only choose another candidate from those previously nominated by Presbyteries and interviewed by the Committee.

3. The General Assembly repeal Act XIII (No 13 of Class II), 1973, in so far as it refers to the Editor of *The Monthly Record*, and Act IX (No 9 of Class III), 1982, and also any other previous acts inconsistent with the foregoing.

**XXXI – Act appointing Rev. David A. Robertson to the post of
Editor of The Monthly Record**
(No 31 of Class II)

Edinburgh, 23rd May 2007

The General Assembly appoint Rev. David A. Robertson to the post of the Editor of *The Monthly Record* in accordance with the terms approved by the General Assembly.

XXXII – Act anent Practical Training of Students
(No 32 of Class II)

Edinburgh, 24th May 2007

1. The General Assembly instruct the Committee on the Training of the Ministry and Admissions to prepare a Handbook on the Student Placement Scheme for the guidance of Ministers and Interim-Moderators. The General Assembly amend Act XLVI, 2006, by deleting paragraph 2.
2. The General Assembly approve the Committee's action concerning extra-mural teaching for the Practical Training of Students. They repeal Act XLV, 2006.

**XXXIII – Act admitting Rev. M. J. N. Mackay to the Ministry of the
Free Church of Scotland**
(No 33 of Class II)

Edinburgh, 24th May 2007

1. The General Assembly receive the Application from Rev. Norman Mackay and admit him as an ordained minister of the Free Church of Scotland with effect from his signing the Formula.
2. The General Assembly charge the Training of the Ministry and Admissions Committee to ensure that, prior to signing the Formula, Mr Mackay has undertaken and satisfied the requirements of the Free Church Ministry Module and that he has successfully completed his course of study at the Highland Theological College. Upon such satisfaction of the said requirements the Committee shall notify the Presbytery of Glasgow and Argyll to that effect.
3. The General Assembly instruct the Presbytery of Glasgow and Argyll, upon receipt of the notification specified in 3. above, to make arrangements for Mr Mackay to sign the Formula under their supervision and thereafter by extract to notify the Principal Clerk of Assembly thereanent.

4. The General Assembly instruct the Principal Clerk of Assembly, upon notification that Mr Mackay has signed the Formula, to place his name on the Register of Ministers Eligible for Call.
5. The General Assembly declare that the pension entitlement in the Free Church of Scotland shall date from Mr Mackay's formal induction or appointment in the service of the church subsequent to his being placed on the Register.
6. The General Assembly order the supporting documents to be held *in retentis*.

**XXXIV – Act admitting Rev. Colin Macleod to the Ministry of the
Free Church of Scotland**
(No 34 of Class II)

Edinburgh, 24th May 2007

The General Assembly admit Rev. Colin Macleod to the status of a Minister of the Free Church of Scotland and direct that his name be added to the Register of Ministers Eligible for Call with effect from his signing the Formula, to be arranged by the Presbytery of Glasgow and Argyll.

The General Assembly order the supporting documents to be held *in retentis*.

**XXXV – Act granting Rev. Robert Macleod a seat in the
Presbytery of Edinburgh and Perth**
(No 35 of Class II)

Edinburgh, 24th May 2007

The General Assembly receive the Petition of the Presbytery of Edinburgh and Perth and grant its crave. They grant Rev. Robert Macleod a seat on the Presbytery of Edinburgh and Perth from the date of his leaving his present charge in Falkirk to take up an appointment as Hospital Chaplain to the Forth Valley Health Board, subject to his undertaking to present an annual report on his work to the April meeting of Presbytery, this arrangement to continue during the duration of Mr Macleod's appointment there.

XXXVI – Act anent Sale of Church Flats
(No 36 of Class II)

Edinburgh, 24th May 2007

The General Assembly homologate the decision of the General Trustees that, because of the complexity of the legislative requirements placed upon landlords, together with the associated administrative burden, up to 13 of the flats held in Edinburgh be disposed of as

they may become vacant, the proceeds of the sale to be held in the General Fund of the Church.

**XXXVII – Act *ad interim* anent Interviewing Women, Children
and Vulnerable Adults**
(No 37 of Class II)

Edinburgh, 25th May 2007

1. The General Assembly note that returns from Presbytery to the Overture anent interviewing women, children and vulnerable adults did not provide a majority in favour of passing the said Overture and that therefore, the Assembly is prohibited from passing the proposals into a standing law for the church.

2. The General Assembly therefore, transmit the following amended Overture to Presbyteries under the provisions of the Barrier Act:

1. Whereas the General Assembly reaffirm the need to have clearly defined procedures available for all Church Courts to follow;

2. Whereas it is imperative that the church meets the standards set out in civil regulations for best practice in modern society, particularly with regard to the interviewing of women, children and vulnerable persons, and insofar as these standards do not involve principles or practices in conflict with Scripture;

3. Whereas sensitivity applies in all situations where women appear before an all-male court, especially in relation to breaches of the seventh commandment or in any matter where questions of an intimate nature are raised;

Wherefore it is hereby enacted and ordained that:

1. Guidance to Parties with regard to Appeal (to be substituted for paragraph 21 in *The Practice*, page 94)

Where judgment is announced with information that a complaint has been lodged, parties should be informed of the possibility that the complaint may be abandoned. This may affect decision on their part to appeal.

2. Guidance with regard to Accompaniment and Support (to be inserted as paragraph 22 in *The Practice*, thereafter)

It is open to anyone who appears before a church court to be accompanied by a friend or support person. Depending on the circumstances of the case, the support person may be legally qualified. On such occasions, the church court itself should arrange to have a legal assessor present. The court should receive no less than seven days notice of such attendance in order to make its own arrangements, if required.

3. Cases involving the interviewing of Women (to be inserted as paragraph 23 in *The Practice*, thereafter)

Sensitivities apply in all situations where females appear before an all-male court, especially in relation to breaches of the seventh commandment or in any matter where questions of an intimate nature arise. If a female is a potential witness in a matter which could lead to the disciplining of a church member, another female should, where practicable, conduct the initial interview of the female, for the purposes of obtaining a precognition, which could inform the decision whether to institute disciplinary process. In any such situation, the following regulations shall apply:-

(a) The female who provides such assistance should be a mature believer, preferably a communicant member of the Free Church of Scotland, or, where this is not possible, a professing Christian in another denomination. Such a female should possess appropriate professional qualifications and experience of the procedures and issues involved in interviewing females, whether from a legal, social work or similar background.

(b) The female must be appointed by the church court involved. No interviews should be conducted by individuals who are not so appointed.

(c) The principal questions should be prepared in advance by the relevant church court in liaison with the female who is to undertake the interview. At the discretion of the interviewer, supplementary questions may be asked in the light of answers received.

(d) The Principal Clerk of Assembly shall keep an updated list of suitably qualified females to undertake such interviews, entries to be by recommendation of Presbyteries and reviewed annually, to be known as the List of Female Interviewers. Church courts shall not be confined to using personnel from this list but Presbyteries should ensure, so far as possible, that they inform the Principal Clerk of Assembly of all suitably qualified females known to them for inclusion on the central list.

(e) Interviewers reasonable expenses shall be paid by the appropriate court.

In the event that, having considered the precognition obtained, the Church court considers that a disciplinary process should be instituted the general procedures applicable in all Church courts, as set out in the earlier paragraphs of this Chapter, shall be followed. In the event that it is deemed necessary to have a female give evidence to a Church court the court should consider in advance whether or not any of the standard or further special measures set out in the Vulnerable Witnesses (Scotland) Act 2004 **, are practicable and appropriate. Before reaching a decision on whether such measures are appropriate, parties to the disciplinary process should have an opportunity to be heard.

In circumstances in which a minister or elder requires to interview a female in confidence, for example in connection with a pastoral matter, he should carefully consider the most appropriate venue for such an interview so as to ensure, so far as possible, that others are in close proximity.

4. The interviewing of Children and other Vulnerable Witnesses (to be inserted as Paragraph 24 in *The Practice*, thereafter)

For the avoidance of doubt, where circumstances arise which merit implementation of the Church's Child Protection Policy & Guidelines the foregoing guidance shall only be followed, if necessary, *subsequent* to such implementation and any proceedings following thereon.

Church courts should ensure that in all instances where a child (being a person under the age of sixteen) or other vulnerable witness (as defined in the Vulnerable Witnesses (Scotland) Act 2004*) is interviewed the interview is conducted in a skilled manner and in a low-key environment, with questions being simple and non-leading, and with the child or other vulnerable witness being given a break or rest period at any time requested.

Careful reflection is necessary, having regard to the whole circumstances of the case including the welfare of the child or other vulnerable witness, before any Church Court seeks to have such a witness give evidence on a matter involving church discipline.

If it is deemed necessary to have a child or other vulnerable witness give evidence to a Church court the court should consider in advance whether or not any of the standard or further special measures set out in the Vulnerable Witnesses (Scotland) Act 2004**, would be practicable and appropriate. If there is a significant risk that the quality of the witness's evidence would be diminished through mental disorder, fear or distress, or if it is felt that the giving of evidence without such special measures would be detrimental to welfare of the witness, an appropriate measure from such measures should be introduced, where practicable, provided its introduction, in the particular circumstances of the case, would not prejudice the legitimate rights of the party who is the subject of the disciplinary process. Before reaching a decision on whether any such standard or special measures are appropriate, parties to the disciplinary process should have an opportunity to be heard.

5. Clarification on the Conduct of Defence (to be added to the penultimate paragraph on page 205 of *The Practice*, at end of “Questions of Evidence, etc.)

An individual who is the subject of a disciplinary process in connection with an allegation of sexual misconduct shall be prohibited from conducting his own defence. In such circumstances, a representative shall be appointed to conduct his defence.

* In terms of the Vulnerable Witnesses (Scotland) Act 2004 a vulnerable witness is (a) a child or (b) a person who is not a child but in respect of whom there is a significant risk that the quality of his evidence would be diminished by reason of mental disorder within the meaning of S.328(1) of the Mental Health (Care and Treatment) (Scotland) Act 2003 or by reason of fear or distress in connection with giving evidence.

** In terms of Vulnerable Witnesses (Scotland) Act 2004 standard and special measures include giving evidence from behind a screen, having a supporter present, giving evidence by live television link, giving evidence in chief in the form of a prior statement, the giving of evidence on commission or any other measures the Scottish Ministers may prescribe by Statutory Instrument.

and Sub-Committees
(No 38 of Class II)

Edinburgh, 25th May 2007

1. The General Assembly appoint the personnel of the Board of Trustees as follows (years of service in parentheses):

Mr James M. Fraser (4), *Chairman*; Mr Iain K. Macleod (4); Mr David Jones (4); Rev. Donald A. MacDonald (3); Rev. Neil Macmillan (3); Mr Neil Campbell (3); Mr Iain Gillies (3); Rev. John Ross (2); Dr Allan MacPherson (2); Mr Donald I. Macleod (2); Dr John Morrison (2); Rev. James Maciver (1).

2. The General Assembly appoint the following personnel to sub-committees of the Board of Trustees:

Compliance, Audit and Risk Management: Mr Norman Campbell, Mr Iain MacLeod, Mr Murdo Murchison, Rev. Angus Macrae
Finance: Mr Iain D. Gill, Mr Donald Forsyth
Strategy: Rev. R. Akroyd, Rev. D.C. Meredith

3. The General Assembly direct the attention of the Board of Trustees to the comments contained in Section 2 of this Report.

XXXIX – Act appointing the members of the Special Committee to examine the Potential Role of Deacons
(No 39 of Class II)

Edinburgh, 25th May 2007

The General Assembly appoint Rev. R. C. Christie, Rev. Principal Donald Macleod, The Principal Clerk, Rev. Professor D. M. MacDonald, Mr Evan MacDonald and Mr Thomas Cook, the Principal Clerk to be Convener.

XL – Act appointing the Commission of Assembly
(No 40 of Class II)

Edinburgh, 25th May 2007

The General Assembly did, and hereby do, nominate and appoint a Commission consisting of all members of Assembly with the addition of Rev. A. J. MacDonald, 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 self-styled 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 self-styled 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 the budget for 2008; to take up and dispose of a report from the Sustentation and Ministry Committee with regard to the congregation of Strath, 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.

XLI – Act appointing the next General Assembly
(No 41 of Class II)

Edinburgh, 25th May 2007

The General Assembly appoint the next General Assembly to meet in Edinburgh on Monday 19th May 2008 at 6 o'clock in the evening.

ACTS OF THE COMMISSION OF ASSEMBLY

I – Act granting Special Arrangements to the congregation of Dumfries

Edinburgh, 4th October 2006

The Commission of Assembly, in accordance with Act XIV, 2006, note the Report from the Committee on Sustentation and Ministry with regard to the congregation of Dumfries. They renew permission for the said congregation to call a Minister under Special Arrangements in terms of Act XVIII, 1998, § 5, on condition that they remit a sum corresponding to 75% of stipend to central funds annually.

II – Act anent appointment of Rev. Seoras MacGillivray to Asian Mission work

Edinburgh, 4th October 2006

The Commission of Assembly approve the appointment of a new work entitled “Asian Ministry” under the International Missions Board. They instruct the Presbytery of Glasgow and Argyll to take Rev. Seoras MacGillivray on trials for ordination and, in the event of the trials being sustained, to arrange for his ordination and induction to the work of Asian Ministry, on a date not later than 31st December 2006.

III – Act anent Expenditure Budget for 2007

Edinburgh, 4th October 2006

1. The Commission of Assembly receive the report of the Stewardship and Policy Committee and thank the Committee.
2. The Commission of Assembly note the anticipated shortfall in income compared to expenditure budgets for 2007, and support the conclusion that this situation is unsustainable.
3. The Commission of Assembly instruct budget holders to make the savings specified in the table below. The Commission of Assembly instruct that where circumstances prevent these specific savings from being made, budget holders must identify alternative cost saving measures of at least the same financial value. No items of spend may be reinstated to budgets without removal of other items amounting to at least the same value.

Budget Holder	Budgetary Item	Potential Budget Saving
Training of the Ministry	Strict Application of Student Finance Scheme	£10,000
College Board	Savings Identified by College Board	£8,000
Sustentation & Ministry	Retirals	£15,000
	Church & Manse Building Fund	£10,000
Pensions	No discretionary increases	£100,000
	Reduced pension contribution due to retirals	£6,000
International Missions Board	Use of reserves	£50,000
	Grant to CWI	£32,450
General Purposes	Insurance Premiums	£8,000
Public Questions	Social Responsibility Fund	£10,000
TOTAL		£249,450

4. The Commission of Assembly instruct the Stewardship and Policy Committee, in consultation with the Sustentation and Ministry Committee, to seek additional remittances from subsidised congregations with a settled ministry and thereby to reduce the deficit by at least £45,000.

5. The Commission of Assembly support the Committee in its attempts to identify opportunities for project-led funding and instruct the Committee to consult with the other Standing Committees of Assembly to agree on suitable projects.

IV – Act anent Governance Arrangements (A)

Edinburgh, 4th October 2006

1. The Commission of Assembly receive the report of the Stewardship and Policy Committee and thank the Committee.

2. The Commission of Assembly support the stance taken by the Committee in its response to the Office of the Scottish Charity Regulator. In particular, the Commission of Assembly agree that to consolidate congregational finances within the accounts of the central Church would be inappropriate and misleading.

3. The Commission of Assembly note that the likely implication of the stance taken is that all congregations will be required to register as separate charities. If this is required, the Commission of Assembly instruct the Committee to work with congregations and the staff in the Church Offices to identify where additional support will be required and subsequently identify the best means for providing such support.

V – Act anent Governance Arrangements (B)

Edinburgh, 18th January 2007

1. The Commission of Assembly receive the report of the Stewardship and Policy Committee. They approve the congregational constitutions attached and thank the Committee.
2. The Commission of Assembly support the view of the Committee and instruct all congregations to submit an application for registration for separate charitable status as soon as practically possible, and not later than 31st March 2007. The Commission of Assembly direct Kirk Sessions to appoint a congregational meeting to adopt the constitutional form as approved and appropriate to their particular congregation, as included in the Appendices to the Committee's Report.
3. The Commission of Assembly instruct congregations already holding separate Charity Registration to adopt the constitutional form appropriate to their particular congregation and submit this to OSCR as a replacement for their existing constitution.
4. The Commission of Assembly recognise ongoing discussions with OSCR and empower the Assembly Clerk, the Convener and Vice Convener of the Stewardship and Policy Committee to respond to any observations and to make any minor amendments as necessary.
5. The Commission of Assembly instruct the Committee to continue to work with congregations and the staff in the Church Offices to identify where additional support will be required and subsequently identify the best means for providing such support.
6. The Commission instruct the Stewardship and Policy Committee to bring a full report on all relevant matters to next General Assembly.

Appendix One

Draft Constitution for Congregations with a Deacons' Court

DEED OF CONSTITUTION OF

THE CONGREGATION OF

OF THE FREE CHURCH OF SCOTLAND

IN THE PRESBYTERY OF

- | | |
|---------------------|--|
| Congregational Aims | <ol style="list-style-type: none"> 1. The Congregation aims to maintain the public worship of God and to foster Christian fellowship; to evangelise the local area by proclaiming the gospel of Jesus Christ, to exercise pastoral care and practical compassion for those in need; to uphold and further the interests of the Free Church of Scotland; and to participate in the worldwide promotion of Christian fellowship and the advancement of the Christian faith. All the business and proceedings of the Congregation shall be conducted in accordance with the constitution of the Free Church of Scotland, under the supervision of the Presbytery of the bounds, and in terms of the Acts, deliverances or directions of the General Assembly of the Free Church of Scotland. |
|---------------------|--|

General Duties and Responsibilities of the Deacons' Court	2. The control of the whole temporal affairs of the Congregation shall be vested in the Deacons' Court, subject as hereinafter mentioned, to any Acts, deliverances or directions of the General Assembly of the Free Church of Scotland.
Membership of the Deacons' Court	3. The Deacons' Court shall consist of the Minister, Assistant Minister (where such exists), <i>bona fide</i> acting Elders and Deacons of the Congregation. The Minister and Assistant Minister (where such exists) become members of the Deacons' Court on being inducted to the charge by the Presbytery of the bounds after a free election by communicant members of the Congregation. Elders and Deacons are elected on the initiative of the Kirk Session by the communicant members of the Congregation in accordance with the procedures of the Church. Elders and Deacons hold office for life and remain members of the Deacons' Court until they cease to be members of the Congregation, or their resignations from office are accepted, or they have been deposed from Office.
	In the event of a vacancy in the pastoral charge, the Presbytery of the bounds has the right and duty to appoint a Minister, who is a member of Presbytery, to act as interim Moderator of the Kirk Session, and he becomes a member of the Deacons' Court with the same rights and duties as the minister in that regard during the term of his appointment.
	In the event of there being no <i>bona fide</i> acting Elders, or only one, the Presbytery has the right to appoint one or more assessors from within their own bounds to act for a stated period, which may thereafter be extended, as General Assessors to the Congregation. Such General Assessors become members of the Deacons' Court during the term of their appointment.
	If the Congregation faces circumstances of particular difficulty, the Kirk Session may request the Presbytery to augment its numbers by the appointment of Special Assessors, or the Presbytery may do so on their own initiative. Such Special Assessors do not become members of the Deacons' Court unless the Presbytery explicitly stipulates this in the terms of their appointment.
Convening of Meetings	4. A meeting of the Deacons' Court shall be convened by due notice through pulpit intimation, church intimation or by personal notice to the members thereof, and is called by authority of the Minister, or at the requisition of any three members—said requisition being addressed to the Minister, or, in time of a vacancy of the pastoral charge, to the Clerk of the said Court. The ordinary business of the Deacons' Court may not be transacted on the Lord's Day. The Deacons' Court shall not meet at the same time as the Presbytery or Synod of the bounds or the General Assembly.
Chairman and Quorum	5. The minister shall preside in the meeting of the Deacons' Court, when he is present; and, in his absence, any Elder or Deacon whom the meeting may appoint. Three members form the quorum of a Deacons' Court.
Constituting Meeting	6. Every meeting of the Deacons' Court is both opened and closed with prayer. The Minute shall always bear at the outset that the Deacons' Court was <i>constituted</i> , and at the end that the meeting was <i>closed with prayer</i> . No Extract Minute shall be received which does not bear that the Deacons' Court was constituted, and which is not certified by the Clerk as having been extracted by him from the Records of the Court.
Conduct of Business	7. The Chairman may introduce any business to the Deacons' Court, and may address them regarding it. Resolutions are passed by a simple majority of members attending. The Chairman has only a casting vote.
Clerk to the Deacons' Court	8. The Deacons' Court shall appoint a Clerk, usually from among their own number, who shall write up the minutes of each meeting and take care of such of

its papers, books and documents as are not entrusted to the custody of a Treasurer.

In the absence of the Clerk, the Deacons' Court shall appoint a replacement *pro tempore*, and this fact shall be noted in the minutes. The temporary clerk shall sign the minutes he has written as well as the regular clerk.

Treasurer	9. The Deacons' Court shall appoint one or more treasurers who need not be members of the Court, and whose term of office is as stipulated by the Deacons' Court. The Treasurer shall keep one or more bank accounts in the name of the Congregation and also detailed records of the income and expenditure of the Congregation as required by church regulations and civil legislation.
Powers of the Deacons' Court	10. The Deacons' Court has the management and charge of the whole property belonging to the Congregation and of all its temporal affairs with the determination of all questions relating thereto; and it is the province and duty of the said Court to transmit, from time to time, to the denominational Treasurer appointed by the General Assembly, or their Committee, the funds raised for the annual commitments toward stipends and other centrally funded work of the denomination, to apply the remaining congregational funds, in fitting proportions, to the support of the ministry, the payment of the salaries of the various support staff (who may or may not be members of the Deacons' Court), provision of indemnity insurance for members of the Deacons' Court and the defraying of all necessary charges connected with the property, or with the dispensation of Christian ordinances; to apply, moreover, any surplus, which may thereafter arise, to religious, ecclesiastical, educational, or benevolent objects. The Court may also organise designated collections of funds for other stated purposes of a religious, ecclesiastical, educational, or benevolent nature and accept similar funds for onward transmission to the denomination's central treasurer or committee, or charity in terms of the donor's wishes. Finally, the Court shall decide as to the payments to be made for the relief of the poor and the education of youth.
Nature of Meetings	11. The meetings of Deacons' Court shall not usually be open to the public, or the Congregation; but the Deacons' Court may hold open meetings if it see special cause.
Maintenance of Church Property	12. While property belonging to the Congregation is held in the name of local trustees, the Deacons' Court is responsible for the maintenance of its fabric, keeping it in proper order and repair and fully insured against loss or damage by fire and also against loss or damage by such other risks or perils as appropriate.
Health and Safety	13. The Deacons' Court has the responsibility for discharging all duties imposed by Health and Safety and other civil law legislation pertaining to the properties owned or occupied by the Congregation or assigned by the Free Church of Scotland or one of its committees for the Congregation's use.
Use of Church Property	14. While the church is solely at the disposal of the Minister for all religious purposes, the consent of the Deacons' Court, as well as of the Minister, is necessary, before any meeting, not strictly of a religious, ecclesiastical, or charitable nature, can be held in it. It is, however, within their competence to make such charge for these uses as will defray costs falling on the Congregation.
Declaration of Interest	15. A member of the Deacons' Court who has a personal interest in any transaction or arrangement which the Court is proposing to enter into must declare that interest, and is debarred from voting on whether or not the Court should enter into that transaction or arrangement. Provided this procedure has been followed, a member of the Deacons' Court is not debarred from entering into a transaction or arrangement with the Court in which a personal interest exists.
Application of Funds and Assets	16. The Deacons' Court shall apply the whole funds and assets of any description and under its control in any way, exclusively for the purposes of the

Congregation and/or the Free Church of Scotland, unless such funds or assets are otherwise appropriated in law to a specific purpose, and in accordance with all relevant Acts, directions and deliverances approved by the General Assembly.

Examination of Records	17. The Minute Book of the Deacons' Court shall be exhibited to the Presbytery of the bounds at its first ordinary meeting after 31st January each year for the purpose of being examined and attested by the Presbytery at said meeting.
Examination of Accounts	18. The Treasurer's Accounts shall be prepared and examined in accordance with prevailing accounting regulations. The Accounts, once examined, shall be submitted to the Presbytery each year, and the Presbytery shall forward them to the Church's Finance Manager within three months of the financial year end. After the Finance Manager has acknowledged receipt of the Accounts, the Congregation shall forward them to the Charity Regulator along with their annual returns.
Annual Congregational Meeting	19. After the Minute Book of the Deacons' Court has been attested by the Presbytery and the Treasurer's Accounts duly examined; and preferably not later than 31st March, a Congregational Meeting shall be held, when the Deacons' Court shall present a report of its proceedings for the preceding year, give such information and explanations as may be asked for, and receive any suggestions which may be offered by members of the Congregation for the consideration of the Court, with reference to the future distribution of funds. The Congregational Meeting shall be convened by intimation from the pulpit, and the Minister, if present, shall preside at it.
Minutes of Congregational Meetings	20. Meetings of the Deacons' Court with the Congregation (that is, Congregational Meetings which do not require the Kirk Session's authority) should be duly minuted and the minutes engrossed in the Record of the Deacons' Court.
Dissent	21. So long as the Deacons' Court acts within the bounds of its authority as prescribed by Church law, decisions are regarded as final, and no dissent and complaint is competent. A simple dissent is, however, competent.
Petition against Decisions	22. Any member of a Congregation or of the Kirk Session may petition the Presbytery against the procedure of the Deacons' Court on the grounds that it has exceeded its powers or disregarded Acts of Assembly. It is competent also for the Presbytery to find that the Deacons' Court has exceeded its powers or disregarded the Acts, upon the periodical examination of the Record. The Presbytery may, in either of these cases, require the procedure to be altered, or censure the Deacons' Court, according to the nature of the case. The Deacons' Court may appeal to the Superior Courts; so also may the petitioners against the Deacons' Court's procedure, if the Presbytery reject their Petition.
Congregational Trustees	23. Property belonging to the Congregation shall be held in the names of trustees elected by the Congregation. The duties of local trustees are to hold properties in trust and sign necessary documents connected with ownership or sale, when duly authorised. A list of local property trustees should be maintained by the Deacons' Court and included in the Treasurer's Annual Accounts. Duties of day-to-day management belong to the Deacons' Court.
Model Trust Deed Property	24. For congregational property held in terms of the Model Trust Deed only persons whose names appear on the Communion Roll of the Congregation as duly attested by Presbytery have the right to vote in electing trustees. A Congregational meeting to elect trustees must be intimated from the pulpit after the forenoon service and the intimation must specify the reason for which the meeting is called. At least ten days' notice of such a meeting must be given.

Other Congregational Property	25. Congregational property not held under the Model Trust Deed shall be held in the name of trustees as stipulated by a local trust deed.
Powers to borrow	26. The Deacons' Court shall have power to borrow money for the purpose of implementing its duties and obligations but only if the Deacons' Court is satisfied that sufficient funds are available or are assured for the purpose of repaying the money borrowed. Neither the Deacons' Court nor trustees holding property under the Model Trust Deed have the right to use such property as security for a loan.
Existing functions of Minister and Kirk Session reserved	27. Nothing herein contained shall interfere with the functions assigned either to the Minister or to the Kirk Session by the constitution of the Free Church of Scotland or by the Acts and Deliverances of its General Assembly.
Powers reserved to the General Assembly	28. It shall be in the power of the General Assembly or its Commission, to alter, revoke, amend or modify this Deed of Constitution, in whole or in part with the exception of para 1, or to substitute a new Deed of Constitution for this Deed of Constitution.

Appendix Two

Draft Constitution for Congregations with a Finance Committee

DEED OF CONSTITUTION OF

THE CONGREGATION OF

OF THE FREE CHURCH OF SCOTLAND

IN THE PRESBYTERY OF

Congregational Aims	1. The Congregation aims to maintain the public worship of God and to foster Christian fellowship; to evangelise the local area by proclaiming the gospel of Jesus Christ, to exercise pastoral care and practical compassion for those in need; to uphold and further the interests of the Free Church of Scotland; and to participate in the worldwide promotion of Christian fellowship and the advancement of the Christian faith. All the business and proceedings of the Congregation shall be conducted in accordance with the constitution of the Free Church of Scotland, under the supervision of the Presbytery of the bounds, and in terms of the Acts, deliverances or directions of the General Assembly of the Free Church of Scotland.
General Duties and Responsibilities of the Finance Committee	2. The control of the whole temporal affairs of the Congregation shall be vested in the Finance Committee, subject as hereinafter mentioned, to any Acts, deliverances or directions of the General Assembly of the Free Church of Scotland.
Membership of the Finance Committee	3. The Finance Committee shall consist of the Minister, Assistant Minister (where such exists) and <i>bona fide</i> acting Elders of the Congregation along with those persons appointed members of the Finance Committee by the Congregation. The Minister and Assistant Minister (where such exists) become members of the Finance Committee on being inducted to the charge by the Presbytery of the bounds after a free election by communicant members of the Congregation. Elders are elected on the initiative of the Kirk Session by the communicant members of the Congregation in accordance with the procedures of the Church. Elders hold office for life and remain members of the Finance Committee until they cease to be members of the Congregation, or their resignations are accepted, or they have been deposed from Office.

Each year at the Annual Congregational Meeting the Kirk Session should propose a suitable number of other persons to serve on the Finance Committee. Each of these persons shall be approved of by a majority of the Congregation to serve on the Finance Committee until the next Annual Congregational Meeting. Individuals shall be eligible for re-election from year to year.

In the event of a vacancy in the pastoral charge, the Presbytery of the bounds has the right and duty to appoint a Minister, who is a member of Presbytery, to act as interim Moderator of the Kirk Session, and he becomes a member of the Finance Committee with the same rights and duties as the minister in that regard during the term of his appointment.

In the event of there being no *bona fide* acting Elders, or only one, the Presbytery has the right to appoint one or more assessors from within their own bounds to act for a stated period, which may thereafter be extended, as General Assessors to the Congregation. Such General Assessors become members of the Finance Committee during the term of their appointment.

If the Congregation faces circumstances of particular difficulty, the Kirk Session may request the Presbytery to augment its numbers by the appointment of Special Assessors, or the Presbytery may do so on their own initiative. Such Special Assessors do not become members of the Finance Committee unless the Presbytery explicitly stipulates this in the terms of their appointment.

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| Convening of Meetings | 4. A meeting of the Finance Committee shall be convened by due notice through pulpit intimation, church intimation or by personal notice to the members thereof, and is called by authority of the Minister, or at the requisition of any three members—said requisition being addressed to the Minister, or, in time of a vacancy of the pastoral charge, to the Clerk of the Finance Committee. The ordinary business of the Finance Committee may not be transacted on the Lord’s Day. The Finance Committee shall not meet at the same time as the Presbytery or Synod of the bounds or the General Assembly. |
| Chairman and Quorum | 5. The minister shall preside in the meeting of the Finance Committee, when he is present; and, in his absence, any Elder or member of the Finance Committee whom the meeting may appoint. Three members form the quorum of a Finance Committee. |
| Constituting Meeting | 6. Every meeting of Finance Committee is both opened and closed with prayer. The Minute shall always bear at the outset that the Finance Committee was <i>constituted</i> , and at the end that the meeting was <i>closed with prayer</i> . No Extract Minute shall be received which does not bear that the Finance Committee was constituted, and which is not certified by the Clerk as having been extracted by him from the Records of the Committee. |
| Conduct of Business | 7. The Chairman may introduce any business to the Finance Committee, and may address them regarding it. Resolutions are passed by a simple majority of members attending. The Chairman has only a casting vote. |
| Clerk to the Finance Committee | 8. The Finance Committee shall appoint a Clerk, usually from among their own number, who shall write up the minutes of each meeting and take care of such of its papers, books and documents as are not entrusted to the custody of a Treasurer.

In the absence of the Clerk, the Finance Committee shall appoint a replacement <i>pro tempore</i> , and this fact shall be noted in the minutes. The temporary clerk shall sign the minutes he has written as well as the regular clerk. |
| Treasurer | 9. The Finance Committee shall appoint one or more treasurers who need not be members of the Committee, and whose term of office is as stipulated by the |

Finance Committee. The Treasurer shall keep one or more bank accounts in the name of the Congregation and also detailed records of the income and expenditure of the Congregation as required by church regulations and civil legislation.

Powers of the Finance Committee	10. The Finance Committee has the management and charge of the whole property belonging to the Congregation and of all its temporal affairs with the determination of all questions relating thereto; and it is the province and duty of the said Committee to transmit, from time to time, to the denominational Treasurer appointed by the General Assembly, or their Committee, the annual commitments towards stipends and other centrally funded work of the denomination; to apply the remaining congregational funds, in fitting proportions, to the support of the ministry, the payment of the salaries of the various subordinate functionaries (who may or may not be members of the Finance Committee), provision of indemnity insurance for members of the Finance Committee and the defraying of all necessary charges connected with the property, or with the dispensation of Christian ordinances; to apply, moreover, any surplus, which may thereafter arise, to religious, ecclesiastical, educational, or benevolent objects. The Committee may also organise designated collections of funds for other stated purposes of a religious, ecclesiastical, educational, or benevolent nature and accept similar funds for onward transmission to the denomination's central treasurer or committee, or other charity in terms of the donor's wishes. Finally, the Committee shall decide as to the payments to be made for the relief of the poor and the education of youth.
Nature of Meetings	11. The meetings of Finance Committee shall not usually be open to the public, or the Congregation; but the Finance Committee may hold open meetings if they see special cause.
Maintenance of Church Property	12. While property belonging to the Congregation is held in the name of local trustees, the Finance Committee is responsible for the maintenance of its fabric, keeping it in proper order and repair and fully insured against loss or damage by fire and also against loss or damage by such other risks or perils as appropriate.
Health and Safety	13. The Finance Committee has the responsibility for discharging all duties imposed by Health and Safety and other civil law legislation pertaining to the properties owned or occupied by the Congregation or assigned by the Free Church of Scotland or one of its committees for the Congregation's use.
Use of Church Property	14. While the church is solely at the disposal of the Minister for all religious purposes, the consent of the Finance Committee, as well as of the Minister, is necessary, before any meeting, not strictly of a religious, ecclesiastical, or charitable nature, can be held in it. It is, however, within their competence to make such charge for these uses as will defray costs falling on the Congregation.
Declaration of Interest	15. A member of the Finance Committee who has a personal interest in any transaction or arrangement which the Committee is proposing to enter into must declare that interest, and is debarred from voting on whether or not the Committee should enter into that transaction or arrangement. Provided this procedure has been followed, a member of the Finance Committee is not debarred from entering into a transaction or arrangement with the Committee in which a personal interest exists.
Application of Funds and Assets	16. The Finance Committee shall apply the whole funds and assets of any description and under its control in any way exclusively for the purposes of the Congregation and/or the Free Church of Scotland, unless such funds or assets are otherwise appropriated in law to a specific purpose, and in accordance with all relevant Acts, directions and deliverances approved by the General Assembly.
Examination of Records	17. The Minute Book of the Finance Committee shall be exhibited to the Presbytery of the bounds at its first ordinary meeting after 31st January each year

for the purpose of being examined and attested by the Presbytery at said meeting.

Examination of Accounts	18. The Treasurer's Accounts shall be prepared and examined in accordance with prevailing accounting regulations. The Accounts, once examined, shall be submitted to the Presbytery each year, and the Presbytery shall forward them to the Church's Finance Manager within three months of the financial year end. After the Finance Manager has acknowledged receipt of the Accounts, the Congregation shall forward them to the Charity Regulator along with their annual returns.
Annual Congregational Meeting	19. After the Minute Book of the Finance Committee has been attested by the Presbytery and the Treasurer's Accounts duly examined, and not later than 31st March, a Congregational Meeting shall be held, when the Finance Committee shall present a report of its proceedings for the preceding year, give such information and explanations as may be asked for, and receive any suggestions which may be offered by members of the Congregation for the consideration of the Committee, with reference to the future distribution of funds. The Congregational Meeting shall be convened by intimation from the pulpit, and the Minister, if present, shall preside at it.
Minutes of Congregational Meetings	20. Meetings of the Finance Committee with the Congregation (that is, Congregational Meetings which do not require the Kirk Session's authority) should be duly minuted and the minutes engrossed in the Record of the Finance Committee.
Dissent	21. So long as the Finance Committee acts within the bounds of its authority as prescribed by Church law, decisions are regarded as final, and no dissent and complaint is competent. A simple dissent is, however, competent.
Petition against Decisions	22. Any member of a Congregation or of the Kirk Session may petition the Presbytery against the procedure of the Finance Committee on the grounds that it has exceeded its powers or disregarded Acts of Assembly. It is competent also for the Presbytery to find that the Finance Committee has exceeded its powers or disregarded the Acts, upon the periodical examination of the Record. The Presbytery may, in either of these cases, require the procedure to be altered, or censure the Finance Committee, according to the nature of the case. The Finance Committee may appeal to the Superior Courts; so also may the petitioners against the Finance Committee's procedure, if the Presbytery reject their Petition.
Congregational Trustees	23. Property belonging to the Congregation shall be held in the names of trustees elected by the Congregation. The duties of local trustees are to hold properties in trust and sign necessary documents connected with ownership or sale, when duly authorised. A list of local property trustees should be maintained by the Finance Committee and included in the Treasurer's Annual Accounts. Duties of day-to-day management belong to the Finance Committee.
Model Trust Deed Property	24. For congregational property held in terms of the Model Trust Deed only persons whose names appear on the Communion Roll of the Congregation as duly attested by Presbytery have the right to vote in electing trustees. A Congregational Meeting to elect trustees must be intimated from the pulpit after the forenoon service and the intimation must specify the reason for which the meeting is called. At least ten days' notice of such a meeting must be given.
Other Congregational Property	25. Congregational property not held under the Model Trust Deed shall be held in the name of trustees as stipulated by a local trust deed.
Powers to borrow	26. The Finance Committee shall have power to borrow money for the purpose of implementing its duties and obligations but only if the Finance Committee are satisfied that sufficient funds are available or are assured for the purpose of repaying the money borrowed. Neither the Finance Committee nor trustees

holding property under the Model Trust Deed have the right to use such property as security for a loan.

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| Existing functions of Minister and Kirk Session reserved | 27. Nothing herein contained shall interfere with the functions assigned either to the Minister or to the Kirk Session by the constitution of the Free Church of Scotland or by the Acts and deliverances of its General Assembly. |
| Powers reserved to the General Assembly | 28. It shall be in the power of the General Assembly or its Commission, to alter, revoke, amend or modify this Deed of Constitution, in whole or in part with the exception of paragraph 1, or to substitute a new Deed of Constitution for this Deed of Constitution. |

VI – Act anent Recovery of the Manse at Broadford and other purposes

Edinburgh, 21st March 2007

1. The Commission of Assembly receive the report of the Stewardship and Policy Committee and thank the Committee.
2. The Commission of Assembly support the stance taken by the Committee in relation to recovery of the manse in Broadford and homologate the action taken in the names of the Moderator and Principal Clerk of Assembly.
3. The Commission of Assembly encourage the Committee to continue their work in seeking to recover funds held in suspense by banks and other fund holders. In this regard, the Commission of Assembly authorise the Principal Clerk of Assembly to provide a Deed of Indemnity in the following terms to such banks and fund holders as are holding funds belonging to the Free Church of Scotland:

DEED OF INDEMNITY

by

FREE CHURCH OF SCOTLAND

In favour of

[BANK]

I, the REVEREND JAMES MACIVER, residing at Free Church Manse, Garrabost Point, Isle of Lewis HS2 0PW the Principal Clerk of the General Assembly of the Free Church of Scotland, CONSIDERING that in January in the year 2000 some ministers, members and adherents of the Free Church of Scotland (“the Church”) left the Church to form a separate denomination known as the Free Church of Scotland (Continuing) (“the FCC”) and CONSIDERING that those who departed have maintained that they have some entitlement to funds in bank accounts which were in the name of individual congregations of the Church in January 2000 and that since then certain [BANK] (“the Bank”) accounts (detailed in the Schedule annexed hereto) have been “frozen” as the Bank has been uncertain as to who is entitled to the accounts and CONSIDERING that the FCC instituted proceedings in the Court of Session, Edinburgh to have it declared that they were the true Free Church of Scotland and entitled to all its assets and CONSIDERING that they failed in that action and their claim was dismissed, and yet they refuse to agree

that the “frozen” accounts should be released to the Church but nevertheless take no further action to validate their claim and apparently require the Church to take the initiative, THEREFORE I on behalf of and as authorised by the General Assembly of the Church and its Commission hereby UNDERTAKE that in the event of the Bank releasing the “frozen” funds to the appropriate congregation as detailed in said Schedule of the Church that the Church will indemnify the Bank against any claim by the FCC or its representatives that it has wrongly released the accounts to the wrong body and this indemnity shall relate not only to the fund or funds standing at credit of the account or accounts but also costs incurred by the Bank in protecting its position and interest on any payments required to be made.

And we consent to the registration in the Books of Council and Session for preservation and execution: IN WITNESS WHEREOF

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THE PRINCIPAL
ACTS
OF THE
GENERAL ASSEMBLY OF THE FREE CHURCH OF SCOTLAND
MAY MMVIII
CLASS I – ACTS WHICH HAVE PASSED THE BARRIER ACT

Act I - Act anent interviewing Women, Children and Vulnerable Adults
(No 1 of Class I)

Edinburgh, 21st May 2008

The General Assembly in reaffirming the need to have clearly defined procedures available for all Church Courts to follow; and in noting the need for the Church to meet the standards set out in civil regulations for best practice in modern society, particularly with regard to the interviewing of women, children and vulnerable witnesses, insofar as these standards do not involve principles or practices in conflict with Scripture; and further in noting that sensitivity applies in all situations where women appear before an all-male court, especially in relation to breaches of the seventh commandment or in any matter where questions of an intimate nature are raised; with the consent of all Presbyteries hereby enact and ordain as follows:

1. Where judgment is announced with information that a complaint has been lodged, parties should be informed of the possibility that the complaint may be abandoned. This may affect decision on their part to appeal.
2. It is open to anyone who appears before a church court to be accompanied by a friend or support person. Depending on the circumstances of the case, the support person may be legally qualified. On such occasions, the church court itself should arrange to have a legal assessor present. The court should receive no less than seven days notice of such attendance in order to make its own arrangements, if required.
3. Sensitivities apply in all situations where females appear before an all-male court, especially in relation to breaches of the seventh commandment or in any matter where questions of an intimate nature arise. If a female is a potential witness in a matter which could lead to the disciplining of a church member, another female should, where practicable, conduct the initial interview of the female, for the purposes of obtaining a precognition, which could inform the decision whether to institute disciplinary process. In any such situation, the following regulations shall apply:
 - (a) The female who provides such assistance should be a mature believer, preferably a communicant member of the Free Church of Scotland, or, where this is not possible,

a professing Christian in another denomination. Such a female should possess appropriate professional qualifications and experience of the procedures and issues involved in interviewing females, whether from a legal, social work or similar background.

(b) The female must be appointed by the church court involved. No interviews should be conducted by individuals who are not so appointed.

(c) The principal questions should be prepared in advance by the relevant church court in liaison with the female who is to undertake the interview. At the discretion of the interviewer, supplementary questions may be asked in the light of answers received.

(d) The Principal Clerk of Assembly shall keep an updated list of suitably qualified females to undertake such interviews, entries to be by recommendation of Presbyteries and reviewed annually, to be known as the List of Female Interviewers. Church courts shall not be confined to using personnel from this list but Presbyteries should ensure, so far as possible, that they inform the Principal Clerk of Assembly of all suitably qualified females known to them for inclusion on the central list.

(e) Interviewers' reasonable expenses shall be paid by the appropriate court.

4. In the event that, having considered the precognition obtained, the Church court considers that a disciplinary process should be instituted the general procedures applicable in all Church courts, as set out in Chapter V, Parts I and II of *The Practice*, (8th edition, revised) shall be followed. In the event that it is deemed necessary to have a female give evidence to a Church court the court should consider in advance whether or not any of the standard or further special measures set out in the Vulnerable Witnesses (Scotland) Act 2004 *, are practicable and appropriate. Before reaching a decision on whether such measures are appropriate, parties to the disciplinary process should have an opportunity to be heard.
5. In circumstances in which a minister or elder requires to interview a female in confidence, for example in connection with a pastoral matter, he should carefully consider the most appropriate venue for such an interview so as to ensure, so far as possible, that others are in close proximity.
6. For the avoidance of doubt, where circumstances arise which merit implementation of the Church's Child Protection Policy and Guidelines the foregoing guidance shall only be followed, if necessary, *subsequent* to such implementation and any proceedings following thereon.
7. Church courts should ensure that in all instances where a child (being a person under the age of sixteen) or other vulnerable witness (as defined in the Vulnerable Witnesses (Scotland) Act 2004**) is interviewed the interview is conducted in a skilled manner and in a low-key environment, with questions being simple and non-leading, and with the child or other vulnerable witness being given a break or rest period at any time requested. Careful reflection is necessary, having regard to the whole circumstances of the case including the welfare of the child or other vulnerable

witness, before any Church Court seeks to have such a witness give evidence on a matter involving church discipline.

8. If it is deemed necessary to have a child or other vulnerable witness give evidence to a Church court the court should consider in advance whether or not any of the standard or further special measures set out in the Vulnerable Witnesses (Scotland) Act, 2004*, would be practicable and appropriate. If there is a significant risk that the quality of the witness's evidence would be diminished through mental disorder, fear or distress, or if it is felt that the giving of evidence without such special measures would be detrimental to welfare of the witness, an appropriate measure from such measures should be introduced where practicable provided its introduction, in the particular circumstances of the case, would not prejudice the legitimate rights of the party who is the subject of the disciplinary process. Before reaching a decision on whether any such standard or special measures are appropriate, parties to the disciplinary process should have an opportunity to be heard.
9. An individual who is the subject of a disciplinary process in connection with an allegation of sexual misconduct shall be prohibited from conducting his own defence. In such circumstances, a representative shall be appointed to conduct his defence. (this sentence to be added to the penultimate paragraph of (3) Questions of Evidence, etc., *The Practice*, page 205, 8th edition, revised).

* In terms of Vulnerable Witnesses (Scotland) Act 2004 standard and special measures include giving evidence from behind a screen, having a supporter present, giving evidence by live television link, giving evidence in chief in the form of a prior statement, the giving of evidence on commission or any other measures the Scottish Ministers may prescribe by Statutory Instrument.

** In terms of the Vulnerable Witnesses (Scotland) Act 2004 a vulnerable witness is (a) a child or (b) a person who is not a child but in respect of whom there is a significant risk that the quality of his evidence would be diminished by reason of mental disorder within the meaning of S.328(1) of the Mental Health (Care and Treatment) (Scotland) Act 2003 or by reason of fear or distress in connection with giving evidence.

CLASS II – ACTS WHICH ARE OF GENERAL INTEREST TO THE CHURCH

Act II - Act appointing Media Officer and Terms of Appointment (No 2 of Class II)

Edinburgh, 19th May 2008

The General Assembly appoint Rev. M. Iver Martin as Media Officer in terms of Act 1, Class 2, 2002 and endorse the following Job Description for the post:

- 1 The Media Officer shall be a minister or elder of the Free Church of Scotland.
- 2 The Media Officer shall be appointed by and be ultimately responsible to the General Assembly. He shall be appointed on the recommendation of the Communications Committee. The appointment shall be for a period of three years. At the end of this

period the Communications Committee shall have authority to renew the appointment. The maximum term of service for the same individual in the post shall be nine years.

3 The Media Officer shall be an effective communicator, comfortable in dealing with members of the press and other media, and a competent writer in popular style.

4 The Media Officer shall be a consultant to every Assembly Committee and Board, with the right to attend their meetings, and shall report regularly to the Communications Committee, to whom he shall be immediately responsible.

5 The Media Officer shall work closely with the Communications Officer, the Assembly Clerks' Department, the Church Offices, the Conveners and Chairmen of Church Committees and Boards, and the Editors of the Church's magazines.

6 The Media Officer shall be responsible for responding to inquiries from the media (which should all normally be referred to him) either by dealing with these himself, or by referring them to people with suitable expertise or knowledge within the church. To this end, in consultation with the Communications Officer, he shall keep an up-to-date list of those who may be consulted on a variety of issues.

7 The Media Officer shall be responsible for receiving and obtaining news items from Congregations, Presbyteries, Boards and Committees, framing press releases and, in consultation with the Communications Officer, releasing these to the media.

8 The Media Officer shall attend the meetings of the General Assembly and the Commission. He shall issue press releases leading up to and during the General Assembly in order to communicate to the public matters of importance to the Church and society. He shall do this in consultation with Chairmen and Conveners of Boards and Committees. He shall liaise with members of the press during the Assembly. He shall also obtain details of the Moderator Designate (nominated normally in October) and issue a press release.

9 On any matters of a legal or disciplinary or other sensitive nature, the Media Officer shall consult with the appropriate Church officer or body before issuing any statement. In particular, where there may be any doubt about a matter, he shall consult with the Moderator, the Assembly Clerk, the Convener of the Board of Trustees and the Chief Administrative Officer.

10 The Media Officer shall be responsible for overseeing the Free Church Website and Forum (or other such message boards), in consultation with the Communications Officer, who shall be responsible for the design and updating of the Website.

11 The post shall carry a remuneration consistent with that of Committee Clerks. The expenses of the Media Officer in attendance at meetings of the General Assembly and Commission of Assembly, together with reasonable expenses, such as use of telephone, stationery and printer consumables, necessarily incurred in carrying out the work of Media Officer, shall be met out of the Communications Committee budget, on application to the Chief Administrative Officer.

12 Act II, 2002, is hereby repealed.

Act III - Act anent Duties of Moderator of General Assembly
(No 3 of Class II)

Edinburgh, 19th May 2008

The General Assembly ordain that except for comfort breaks the Moderator shall require the permission of the Assembly for absence from the chair during sittings of the Assembly. They further ordain that the Moderator shall not undertake visits on behalf of the Assembly without their prior authority. The General Assembly instruct that these details be inserted into Standing Orders and into the Memorandum issued annually to Moderators Designate.

Act IV - Act anent Loyal and Dutiful Address to Her Majesty the Queen
(No 4 of Class II)

Edinburgh, 20th May 2008

TO THE QUEEN'S MOST EXCELLENT MAJESTY

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

May it please Your Majesty

We, the Ministers and Elders of the Free Church of Scotland met in General Assembly the 20th day of May, 2008, respectfully offer Your Majesty the expression of our continuing 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 regularly offered in our Churches for Your Majesty's Person and family, both for personal blessing and for strength and wisdom in all the many duties performed on behalf of communities, charities, nation and Commonwealth.

We rejoice in the success of visits paid by Your Majesty to countries overseas. We are deeply aware that such visits by Your Majesty and by other members of the Royal Household do much to strengthen the ties with many nations and advance our mutual friendship and cooperation.

We had great joy in the celebration of Your Majesty's Diamond Wedding Anniversary and pray that with His Royal Highness Prince Philip Duke of Edinburgh you may continue to have good health and happiness.

We also remember in prayer the members of Your Majesty's Armed Forces, particularly as they seek to bring peace and stability to the troubled lands of Afghanistan and Iraq, and are mindful of their Royal Highnesses Princes William and Harry in their service to the Nation.

We express our deep appreciation of the way in which as a constitutional Monarch you have addressed the problems of a changing society and have gained the respect of the leaders of the European Union and of the countries of the Commonwealth. We pray that in these times Your Majesty's throne may continue to exercise a stabilising influence in our multi-racial society and throughout the world.

We constantly pray for Your Majesty's Ministers and Government that the wisdom which has its beginning in reverence for the Lord may be given them for the discharge of their duties and that peace and prosperity founded on national recognition of God's grace and righteousness may be established among us.

May God's blessing rest on Your Majesty's Person and Rule; on His Royal Highness Prince Philip, Duke of Edinburgh; on their Royal Highnesses Prince Charles, Princess Anne, Prince Andrew and Prince Edward, and all other members of Your Royal House.

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

Act V - Act anent Equal Dividend and Related Salaries
(No 5 of Class II)

Edinburgh, 20th May 2008

Edinburgh, 21st May 2008

1. The General Assembly declare a stipend of £18,500 from 1st April 2008, 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.

2. The General Assembly instruct the Home Missions Board to identify income generating or cost saving measures to fund an increase in stipend to a level of £18,500 from April 2008.

Act VI - Act anent Ministerial Arrangements for Clyne
(No 6 of Class II)

Edinburgh, 20th May 2008

The General Assembly note the progress of negotiations to link or unite the congregation of Clyne with the congregation of Helmsdale and Kinbrace and continue this remit to the Northern Presbytery with instructions to report to the General Assembly of 2009 through

the Home Missions Board. They authorise the continued payment of the stipend to the Minister of Clyne during 2008.

Act VII - Act anent Discussion with Presbyteries and with Smaller Congregations
(No 7 of Class II)

Edinburgh, 20th May 2008

The General Assembly discontinue the remit to the Sustentation and Ministry Committee to visit Presbyteries and congregations whose gross ordinary income falls below £30,000 to discuss the appropriate ministerial arrangements and repeal Act XV, 2005. They empower the Home Missions Board to visit presbyteries and congregations as and when appropriate to discuss questions relating to allocation of ministerial manpower and status of congregations.

Act VIII - Act anent Special Arrangements for the Congregation of Dumfries
(No 8 of Class II)

Edinburgh, 20th May 2008

The General Assembly renew permission for the congregation of Dumfries to call a Minister under Special Arrangements in terms of Act XVIII, 1998 § 5, on condition that they remit a sum corresponding to 70% of the Stipend to central funds annually.

Act IX - Act renewing appointment of Rev. Robert J. Akroyd as Assistant Minister of Buccleuch and Greyfriars Free Church, Edinburgh
(No 9 of Class II)

Edinburgh, 20th May 2008

The General Assembly renew the appointment of Rev. Dr Robert J. Akroyd as Assistant Minister of the congregation of Buccleuch and Greyfriars Free Church, Edinburgh, in accordance with the terms of Act IX, 2007.

Act X - Act anent Ministers' Car Expenses
(No 10 of Class II)

Edinburgh, 20th May 2008

The General Assembly declare that as from 1st January 2009 the minimum rate at which ministers' car expenses are met shall be 30p per mile and amend Act XXIII, 2005, § 1 accordingly.

The amended Act shall read as follows:

1. The minimum rate at which ministers' car expenses shall be met is 30p per mile. A congregation may pay at a higher rate if they so desire. The cost of ferry travel and bridge tolls shall be met in addition where appropriate.

**Act XI - Act uniting the Congregation of Glenurquhart and Fort Augustus with the
Congregation of Kilmorack and Strathglass**
(No 11 of Class II)

Edinburgh, 20th May 2008

The General Assembly, waiving the requirement of Act VII, 1893, that in call cases where union of congregations is proposed, the financial arrangements involved shall be submitted to the Sustentation Fund Committee for their consideration and approval, in view of the peculiar circumstances of this case, unite the congregation of Glenurquhart and Fort Augustus Free Church with the congregation of Kilmorack and Strathglass Free Church under the name of Glenurquhart and Fort Augustus Free Church and under the ministry of Rev. John A. M. Mackay; the united congregation to retain the status of a Redevelopment Charge in terms of Act V, 2004.

**Act XII - Act authorising the Appointment of a Youth and Secretarial Assistant to
the Congregation of Stornoway**
(No 12 of Class II)

Edinburgh, 20th May 2008

The General Assembly authorise the appointment of a Youth Worker and Secretarial Assistant within the Free Church congregation of Stornoway for a period of three years, renewable by petition to the Presbytery of the Western Isles and subject to the agreement of the Youth Committee as to the initial appointment and subsequent renewal of appointment; his/her remuneration to be at a rate equivalent to 80% of stipend, to be met by the Youth Committee; and with the Stornoway congregation being allowed an additional sum of £10,000 held before remittance calculation in line with current arrangements where an assistant minister is in place.

Act XIII - Act anent Suspension of Statutory Meetings of Synods
(No 13 of Class II)

Edinburgh, 20th May 2008

The General Assembly receive the Overture of the Western Synod and grant its crave to the extent that they instruct the Board of Trustees to consider the implications of the

suspension of statutory meetings of Synods and to bring proposals to the next General Assembly.

Act XIV - Act anent Organisation and Supervision of Sunday Schools
(No 14 of Class II)

Edinburgh, 20th May 2008

1 All Sunday Schools are under the supervision of the Kirk Session which shall take a particular interest in them and use every possible means to improve their efficiency.

2 The formal appointment of Sunday school teachers shall be made by the Kirk Session and be duly recorded in the minutes of the Session.

3 No person shall be considered for appointment as a Sunday School teacher unless the Kirk Session is satisfied as to his or her qualifications and suitability. Ordinarily, they should be a member of the congregation.

4 Every Sunday School teacher shall have Child Protection clearance and shall be advised of their responsibilities before they commence their teaching duties.

5 The minister shall make every effort, where possible, to visit the Sunday School and take an active interest in its life and work.

6 The Kirk Session shall consider appointing an elder with specific responsibility for oversight of the Sunday School.

7 The Kirk Session shall appoint an overall leader for the work of the Sunday School, and that person shall be responsible to the Kirk Session through the elder where such is appointed in terms of 6 above.

8 It is recommended that Sunday Schools make use of the Free Church syllabus, or at least its core material, in the year to year curriculum.

9 The Kirk Session shall ensure that the Deacons' Court are aware of the practical needs of the Sunday school and that they do all in their power to meet these needs.

Act XV - Act appointing Rev. Colin Morison as Camps Supervisor
(No 15 of Class II)

Edinburgh, 20th May 2008

The General Assembly appoint Rev. Colin Morison, Elgin, to the position of Camps Supervisor and commend him to the prayers of the Church.

Act XVI - Act anent Christian Education
(No 16 of Class II)

Edinburgh, 20th May 2008

The General Assembly thank all members of the Working Party on Christian Schools and note that the group considers the potential for setting up further Christian schools in Scotland to be very limited. The Assembly remit the matter of Christian schools to the Youth Committee with a view to encouraging further discussion of this important issue in the political arena. The Assembly instruct the Youth Committee to continue to work with groups such as CARE (Christian Action and Research in Education), ACTS (Association of Christian Teachers), SU (Scripture Union) etc., to ensure that a Christian voice is heard in educational matters in Scotland.

Act XVII - Act appointing the Panel of Pastoral Advice and other purposes

(No 17 of Class II)

Edinburgh, 20th May 2008

Edinburgh, 21st May 2008

Edinburgh, 23rd May 2008

1. The General Assembly, in view of the special nature of the remit of the Board of Pastoral Advice, direct that the Board shall be replaced by a Panel of Pastoral Advice consisting of men of proven pastoral experience, to be appointed by the General Assembly on the recommendation of the Nominations Committee, the said Panel to report directly to the General Assembly. They amend Act XXIV, 2007, § 1.2 accordingly.
2. The General Assembly instruct the Panel of Pastoral Advice to consider ways of improving the pastoral care of ministers and their families and in this regard instruct that it takes into account the responses received by the Board of Trustees to their approach to Presbyteries.
3. The General Assembly appoint the following members to the Panel on Pastoral Advice: Rev. Alastair MacDonald, Rev. W. D. Graham, Rev. F. Renwick, Rev. J. Maciver, Dr Martin Walker and Dr James Skinner, Mr MacDonald to be Convener.

Act XVIII - Act anent Sale of Properties and Release of Funds

(No 18 of Class II)

Edinburgh, 21st May 2008

1. The General Assembly approve the sale of the temporary manse in Partick with title to be transferred to the Board of Trustees. They direct that the transaction be carried

out under the supervision of the Church's Law Agent with the proceeds to be used to offset the congregation's outstanding loan and the balance applied to congregational funds.

2. The General Assembly receive the Petition from the Deacons' Court of Back Free Church and grant its crave. They authorise the sale of the two plots of land adjacent to School Road, Back, the transaction to be carried out under the supervision of the Church's Law Agent. They direct that the proceeds of sale be held by the Board of Trustees on behalf of the congregation, with interest being added to capital, and that the whole funds (capital and interest) be made available to the Deacons' Court upon application for the purpose of financing a new hall building.

3. The General Assembly receive the Petition from the Deacons' Court of Mull Free Church and grant its crave. They authorise the sale of the manse building at Tobermory, the transaction to be carried out under the supervision of the Church's Law Agent. They direct that the proceeds of sale be held by the Board of Trustees and invested on behalf of the congregation, with the income to be made available upon application to the Deacons' Court of the congregation.

4. The General Assembly receive the Petition from the Deacons' Court of Greyfriars-Stratherrick Free Church and grant its crave. They authorise the sale of the Free Church Hall at Carrbridge and the church building at Farr with adjoining grounds, the transaction to be carried out under the supervision of the Church's law Agent. They direct that the proceeds of sale be held by the Board of Trustees on behalf of the congregation, with interest being added to capital, and that the Deacons' Court have access to the whole funds (capital and interest) for congregational purposes upon application.

5. The General Assembly receive the Petition from the Deacons' Court of Greyfriars-Stratherrick Free Church and grant its crave. They authorise the sale of the Manse at 3 Abertarff Road, the division of the proceeds to be divided equally between Greyfriars-Stratherrick Free Church of Scotland and the Inverness congregation of the Free Church Continuing, the transaction to be carried out through the Church's Law Agent. The General Assembly direct that the proceeds be lodged with the Board of Trustees on behalf of the congregation, the interest in the meantime to be added to the capital.

6. The General Assembly receive the Petition from the Deacons' Court of North Uist, Grimsay and Berneray Free Church and grant its crave. They grant authority to sell the Mission House and church building at Grimsay, the church building at Sollas, together with adjoining land, the transactions to be carried out under the supervision of the Church's Law Agent. The General Assembly direct that the proceeds of sale be held by the Board of Trustees and applied to the funds of the congregation, with interest being added to capital, and that the Deacons' Court have access to the whole funds (capital and interest) for the provision of a manse and a more suitable place of worship on one site in North Uist.

7. The General Assembly receive the Petition from the Deacons' Court of North Uist, Grimsay and Berneray Free Church and grant its crave. They grant authority to sell the manse and church building at Knockintorran, together with adjoining land, the transactions to be carried out under the supervision of the Church's Law Agent. The General Assembly direct that the proceeds of sale be held by the Board of Trustees and applied to the funds of the congregation, with interest being added to capital, and that the

Deacons' Court have access to the whole funds (capital and interest) for the provision of a manse and a more suitable place of worship on one site in North Uist.

8. The General Assembly receive the Petition from the Deacons' Court of Ardnamurchan Free Church and grant its crave. They grant authority to sell the manse and site at Kilchoan, the transaction to be carried out under the supervision of the Church's Law Agent, and direct that the proceeds of the sale be invested with the Board of Trustees with the interest to be made available to the congregation for congregational purposes upon application.

9. The General Assembly receive the Petition from the Presbytery of Inverness, Lochaber and Ross and grant its crave. They empower the Deacons' Court of Glenurquhart and Fort Augustus Free Church to sell or otherwise dispose of the Church building and grounds at Strathglass (Fasnakyle), the transaction to be carried out under the supervision of the Church's Law Agent, and direct that any proceeds of sale be lodged with the Board of Trustees with interest being added to capital, and that the whole funds (interest and capital) be made available to the congregation of Glenurquhart and Fort Augustus upon application for purposes approved of by the Presbytery of the bounds.

10. The General Assembly receive the Petition from the Urray and Strathconnon Free Church and grant its crave. They authorise the disposal of the present car park, the transaction to be carried out under the supervision of the Church's Law Agent, and direct that any proceeds of sale be lodged with the Board of Trustees with interest being added to capital, and that the whole funds (interest and capital) be made available to the congregation upon application for the provision of an alternative car park.

11. The General Assembly receive the Petition from the Deacons' Court of Dowanvale Free Church and grant its crave. They grant permission for the sale of the church building in Govan, the transaction to be carried out under the supervision of the Church's Law Agent, and direct that the proceeds of the sale be applied to the funds of the congregation.

12. The General Assembly receive the Petition from the Finance Committee of Burghead Free Church and grant its crave. They grant permission to sell the main Church building, the transaction to be carried out under the supervision of the Church's Law Agent, and direct that the proceeds of sale be lodged with the Board of Trustees with interest being added to capital, and that the whole funds (interest and capital) be made available to the congregation upon application for the development and modernising of the existing halls and vestry. The General Assembly further direct that any remaining funds be held by the Board of Trustees on behalf of the congregation, these to be made available to the congregation upon application for the maintenance of congregational properties and for congregational purposes.

13. The General Assembly receive the Petition from the Deacons' Court of Arran Free Church and grant its crave. They authorise the sale of the church building at Bennecarrigan, the transaction to be carried out under the supervision of the Church's Law Agent. They direct that the proceeds of sale be held by the General Trustees on behalf of the congregation, with interest being applied to the funds of the congregation, and that the Deacons' Court have access to the whole funds (capital and interest) for congregational purposes upon application.

14. The General Assembly receive the Petition from the Deacons' Court of Park Free Church and grant its crave. They amend Act XVI, 2001, paragraph 4, final sentence, to read, "They direct that the Deacons' Court of Park Free Church have access to these funds for the erection of a new church hall with any surplus to be made available for the maintainance of congregational property."

15. The General Assembly receive the Petition of the Deacons' Court of Gairloch and Kinlochewe Free Church, and grant its crave. They amend Act III, Commission of Assembly, March 2005, to read as follows: "They direct that the proceeds of the sale be held by the Board of Trustees on behoof of the congregation, and that the congregation have access to the funds for congregational purposes".

Act XIX - Act anent Scheme of Governance for the Colegio San Andres
(No 19 of Class II)

Edinburgh, 21st May 2008

The General Assembly note the work undertaken to address financial and administrative issues in the Colegio San Andres. They instruct the Board of Trustees to continue to work with the International Missions Board and the Working Group set up for that purpose to bring forward a scheme of governance that will pass the school to local control. The General Assembly empowers the Commission of Assembly to take up and dispose of a Report from the Board in relation to proposals for such a scheme.

**Act XX - Act anent Transfer of Properties in South Africa
to the Free Church in South Africa**
(No 20 of Class II)

Edinburgh, 21st May 2008

The General Assembly approve the transfer of the properties in South Africa listed in the Appendix to this Act, and such additional properties as may be identified by the International Missions Board, to the Free Church in Southern Africa. In this regard, the General Assembly authorise the Board of Trustees to designate a minister or missionary to sign an Affidavit transferring Certificates of Permission to Occupy to the Free Church of Southern Africa.

**APPENDIX 2 – PROPERTIES TO BE TRANSFERRED TO
THE FREE CHURCH OF SOUTHERN AFRICA**

1 Properties with Certificates of Permission to Occupy

District	Township No	Township Name
Centane	51	Maciba
East London		Kowani
Keiskammahoek	2	Burnhill Res

Keiskammahoek		Ngqumeya
Kentane	29	Godidi
Kentani	24	Nqusi
District	Township No	Township Name
King William's Town		Cwencwe
King William's Town		Gwaba
King William's Town		Mxaxo
King William's Town		Pirie
King William's Town		Tyusha
King William's Town		Umdizini
King William's Town		Whiteville, Mbem's
Mdantsane		Mdantsane
Middledrift	1	Macibini, Amatola Basin
Middledrift		Xukwane
Middledrift	25	Zihlahleni
Qumbu	23	Gqunu
Tsolo	1	Sidwadweni
Tsolo	35A	Ngcele
Umtata	9	Mbolompo
Umtata	32	Fairfield
Umtata	4	Tabase
Umtata	38	Jersey Farm
Umtata		Egerton
Victoria East		Gqumahashe
Zwelitsha		Mamata

2 Properties with Title Deeds

Property at Erven 83, 82, 81 and 79 Keiskammahoek
 Site at Mnyameni, Division of King William's Town
 Land in Jafta's Location, Division of King William's Town
 Portion of Lot 4 in Umnxesha Valley, Division of King William's Town

Act XXI - Act anent Draft Budget Schedules for Committees and Boards (No 21 of Class II)

Edinburgh, 21st May 2008

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 2009 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 XXII - Act anent Congregational Remittances and Fundraising (No 22 of Class II)

Edinburgh, 21st May 2008

1. The General Assembly support the proposals for a new remittance system and instruct the Board to take steps to implement these proposals from January 2010. The new system shall have the following elements:

1.1 Congregations with a settled ministry shall remit to central funds the full costs of that ministry as advised by the Church Offices (such costs to include contributions in respect of Pension and National Insurance costs). If a congregation fails to meet this requirement, the Presbytery of the bounds shall consider whether or not there are sufficient grounds for presenting a case to the Home Missions Board for the ongoing support of a full-time ministry in the congregation. The Home Missions Board shall consider the merits of any such application and if the application is approved, it shall take steps to raise such additional finance as is required to meet the shortfall in remittances.

1.2 All congregations shall pay an Administration Levy to cover central overhead costs and a Training Levy to cover the costs associated with training students for the Free Church ministry. These levies shall be applied on a sliding scale in accordance with congregational income and shall be set by the Board of Trustees Finance Sub-Committee. In the case of the Training Levy, this shall be set in consultation with the Board of Ministry.

1.3 Congregations with income remaining after remitting funds to cover ministry costs and the levies referred to in (2) above, and after an income retention allowance is applied, shall remit a percentage of such remaining income to central funds as a contribution towards the costs of financing the work of Standing Committees and Boards. The Board of Trustees Finance Sub-Committee shall set the level of income retention allowance and the remittance percentage to be applied to remaining congregational income. These shall be set in such a way that, in the first year of operation of the new remittance system, 70 per cent of the budgeted expenditure of the Home Missions Board and the International Missions Board as well as the total budgeted expenditure of other committees and boards will be met through required remittances. In the second year this will reduce to 60 per cent of budgeted expenditure and by the third year of operation, 50 per cent of the budgeted expenditure of the Home and International Missions Boards will be met from required remittances.

1.4 The Home Missions Board and the International Missions Board shall raise such additional funding as is necessary to meet budgeted expenditure through project led fundraising activities.

In supporting these proposals, the General Assembly acknowledge that there are risks involved but they consider that the new system provides an opportunity to increase opportunities for local ministry, creates a mechanism to improve communication of, and support for, the work of the Church centrally, and provides a platform for enhanced efficiency at both congregational and central level.

2. The General Assembly instruct the Home Missions Board, in consultation with the Finance Sub-Committee, to bring forward draft legislation to the 2009 General Assembly in relation to arrangements for centrally supported congregations. Such draft legislation shall stipulate the number of congregations that can reasonably be supported by the Church and the levels of support that can be provided, and shall, as far as possible, be consistent with

current legislation governing Church Extension, Redevelopment and Special Arrangements charges.

3. The General Assembly instruct the Communications Committee in consultation with the Home Missions Board and the International Missions Board in relation to options for enhancing their communication and fundraising capabilities and to bring forward proposals to the 2009 General Assembly in relation to these matters. Where such proposals have budgetary implications, the Boards shall consult with the Finance Sub-Committee.

4. The General Assembly endorse the Board's support for the home and international missions work of the Church, remind local congregations of their responsibilities to support this work and encourage congregations to make such support a matter of priority when considering the utilisation of congregational resources.

5. The General Assembly instruct the Finance Sub-Committee to work with congregational treasurers to develop a clear set of procedures for the practical implementation of the new remittance system.

6. The General Assembly instruct the Board to consult with the Personnel Committee with a view to bringing forward proposals to the 2009 General Assembly for a set of creative and sensitive options for dealing with the personnel impact of bringing unsustainable ministries to an end.

Act XXIII - Act anent Three-Year Strategy Plan
(No 23 of Class II)

Edinburgh, 21st May 2008

The General Assembly instruct the Strategy Sub-Committee to arrange meetings with Presbyteries in order to provide them with an opportunity to review its three year plan in greater detail. They further instruct the Sub-Committee to invite all ministers and office bearers to a Church-wide discussion of the plan and its implementation and instruct the Board to bring forward a report incorporating the detail of the three year plan for approval by the October 2008 meeting of the Commission of Assembly. The General Assembly empower the said Commission of Assembly to take up and dispose of such a Report.

**Act XXIV - Act anent Appointment of Development Officer
for the Home Missions Board**
(No 24 of Class II)

Edinburgh, 21st May 2008

The General Assembly instruct the Board to work with the Home Missions Board in taking all necessary steps to provide for the secondment, for a one year period on a full-time basis, of a suitable minister to act as Development Officer for the work of the Home Missions Board. They further instruct the Home Missions Board to assess the long term worth of the

post and to bring forward proposals in relation to a permanent appointment to the 2009 General Assembly.

Act XXV - Act anent Pilot Process for Hub Congregations
(No 25 of Class II)

Edinburgh, 21st May 2008

The General Assembly instruct the Home Missions Board to facilitate the provision of training in leadership, preaching and multi-member ministry to willing and suitable hub congregations through setting criteria for qualifying congregations and by developing a suitable curriculum and a clear mechanism for delivery. The General Assembly direct that this process be piloted in three congregations beginning in August 2008.

Act XXVI - Act anent Free Church School of Theology
(No 26 of Class II)

Edinburgh, 21st May 2008

The General Assembly endorse the proposal for a new Free Church School in Theology and empower the Board of Trustees to appoint a suitably qualified minister to put this into effect.

**Act XXVII - Act anent Review of the Format and Timetabling
of the General Assembly**
(No 27 of Class II)

Edinburgh, 21st May 2008

The General Assembly instruct the Assembly Arrangements Committee to undertake a review of the format and functioning of the General Assembly in order to improve its efficiency and effectiveness as a representative body providing supervision and direction to the work of the denomination. They direct that the Committee consult with the Strategy Sub-Committee in carrying out such a review and report to the 2009 General Assembly with its findings and any recommendations for change including those relating to the procedures, format, working, powers and activities of the General Assembly.

Act XXVIII - Act anent Pensions and Death-in-Service Benefits
(No 28 of Class II)

Edinburgh, 21st May 2008

The General Assembly endorse the steps taken by the Board of Trustees and its Sub-Committee in closing the Defined Benefit Scheme to future accrual of benefits.

The General Assembly note the arrangements that have been put in place for a replacement Defined Contribution Pension Scheme. They instruct the Board to keep the level of “employer” contribution under review in consultation with the Personnel Committee in order to ensure that this is maintained at an appropriate level.

The General Assembly endorse the steps taken to provide death in service benefits to ministers and other employees of the Church. They instruct the Board to work with the International Missions Board to assess the possibilities for purchasing such cover for missionaries.

Act XXIX - Act anent Investigation of Principle of Manse Ownership
(No 29 of Class II)

Edinburgh, 21st May 2008

The General Assembly instruct the Board of Trustees to investigate the current principle of manse ownership, and the question of whether ministers be enabled to acquire suitable accommodation for themselves upon retirement.

Act XXX - Act anent Transportation of Children
(No 30 of Class II)

Edinburgh, 21st May 2008

The General Assembly endorse the position taken by the Board of Trustees in relation to the transportation of children. They instruct the Home Missions Board (and any other Committees and Boards as may be required) to follow the best practice guidance on transportation of children as outlined in the Child Protection Policy and also encourage local congregations to follow this guidance. They further instruct that if there is to be any deviation from the guidance, a formal and documented risk assessment shall be undertaken providing clear reasons as to why it is appropriate to deviate and outlining the steps taken to mitigate any identified risks.

Act XXXI - Act anent Protecting Vulnerable Adults Policy
(No 31 of Class II)

Edinburgh, 21st May 2008

The General Assembly note the legislative developments in relation to the protection of vulnerable adults and echo the Board’s commitment to providing a safe and caring environment for all vulnerable people brought into contact with the Church. They instruct the Board to bring forward to the October 2008 Commission of Assembly a draft Protecting Vulnerable Adults Policy along the lines of the principles set out in the Board’s Report. They empower the said Commission of Assembly to take up a Report from the Board on this matter with a view to adopting the Policy.

Act XXXII - Act removing Age Restriction in Members of Board of Trustees
(No 32 of Class II)

Edinburgh, 21st May 2008

The General Assembly enact that there shall be no restriction on individuals over the age of 70 serving as a Trustee. They amend Act II, 1979 by removing from paragraph 2 the words “provided always that Trustees appointed after the close of 1979 General Assembly be required to retire on attaining the age of 70 years.”

Act XXXIII - Act anent Membership of Board of Trustees
(No 33 of Class II)

Edinburgh, 21st May 2008

1. The General Assembly appoint the Principal Clerk of Assembly as a member *ex officio* of the Board of Trustees.
2. The General Assembly amend Act XXIII, 2007 by removing from section 1 (in relation to “Membership”) the sentence “Each Presbytery shall have at least one representative on the Board” and replacing it with “Board members shall be appointed in order that at least one Board member comes from within the bounds of each Presbytery in Scotland. If a Board member should move outside the bounds of the Presbytery from which he was appointed as a representative, he shall continue to serve on the Board, and its sub-committees where relevant, for the remainder of his term of office. On the occasion of subsequent vacancies in Board membership, the Nominations Committee shall act to adjust the Presbyterial balance.”
3. The General Assembly amend Act XXIII, 2007, by replacing section 2.5 with the following, “The termination of appointment of any member of the Board of Trustees or its Sub-Committees by death, resignation, or discipline, shall be reported as soon as possible after the event to the Nominations Committee by the Board of Trustees. Upon notification the Nominations Committee shall proceed to appoint a replacement who shall serve until the ensuing General Assembly at which the Committee shall report on the same.
4. The General Assembly further amend Act XXIII, 2007, by adding to the final sentences in the sections on Membership in paragraphs 2.1, 2.2 and 2.3 the words “for a period of four years.” They instruct the Nominations Committee to make arrangements to ensure that initial appointments provide for a phased programme of retirement from service.

Act XXXIV - Act anent Assessor Presbyteries for Synods
(No 34 of Class II)

Edinburgh, 21st May 2008

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 XXXV - Act anent Corroboration of Evidence
(No 35 of Class II)

Edinburgh, 21st May 2008

The General Assembly ordain that Church Courts, in all instances requiring them to consider corroboration of evidence against an accused, shall insist, as a minimum, that there be two witnesses to each accusation against a person, or two corroborating items of evidence, or one witness and one item of corroborative evidence, in accordance with the standard set by Deuteronomy 19:15 and 1 Timothy 5:19.

**Act XXXVI - Act Renewing Church Extension Status for the
Congregation of Cobham**
(No 36 of Class II)

Edinburgh, 21st May 2008

The General Assembly grant to the congregation of Cobham renewal of Church Extension status under the ministry of Rev. D. Miller for a further five years from the date of the rising of this General Assembly in accordance with Act XXVII, Class II, 1989.

**Act XXXVII - Act Renewing Church Extension Status for the
Congregation of St Andrews**
(No 37 of Class II)

Edinburgh, 21st May 2008

The General Assembly noting the recommendation of the Church Extension and Redevelopment Committee, grant to the congregation of St Andrews renewal of Church Extension status under the ministry of Rev. A. I. Macleod for a further five years from the date of the rising of this General Assembly in accordance with Act XXVII, Class II, 1989.

**Act XXXVIII - Act amending Terms of Appointment of Rev. F. H. MacKenzie in
the Work of Service to Overseas Students**
(No 38 of Class II)

Edinburgh, 21st May 2008

The General Assembly, approving the recommendation of the Church Extension and Redevelopment Committee that the Rev. F. H. MacKenzie be enabled to share more fully in the teaching ministry of the St Vincent Street – Milton congregation than is possible under existing legislation, declare that Mr MacKenzie, while acting as Colleague to the minister of St Vincent Street - Milton, Glasgow with responsibility for outreach to overseas students and/or the resident international community, may in addition, at the minister's request, from time to time exercise a ministry of preaching and teaching within the congregation. They amend Act VII, 1997, and Act XXIV, 1997, accordingly.

**Act XXXIX - Act authorising the Appointment of an Additional Worker for the
Asian Outreach Project**
(No 39 of Class II)

Edinburgh, 21st May 2008

The General Assembly authorise the appointment of an additional Worker for the Glasgow Asian Outreach Project with additional duties under the International Missions Board in accordance with the following terms:

1. The person appointed shall be a Minister or Probationer of the Free Church of Scotland.
2. He shall be ordained/inducted by the Presbytery of Glasgow and Argyll as Colleague to the minister of the congregation of Govanhill. He shall have responsibility (1) only for outreach to the resident international community in the city of Glasgow; (2) and such lecturing and involvement in church planting duties as the International Missions Board may assign to him. For the former purpose he will have membership of the Kirk Session of Govanhill. As far as is possible he shall give an equal amount of his time to both aspects of his work over a twelve-month period.
3. Induction shall include admission to a seat in Presbytery and the charge will rank as a charge for representation of the Presbytery in the General Assembly.
4. The minister appointed shall be paid at the rate of the current stipend in equal proportions from the Budgets of the Home Missions Board and the International Missions Board (hereinafter referred to as 'The Boards').
5. The minister appointed shall receive appropriate expenses to be paid equally by the Boards.

6. The minister appointed shall be provided with suitable accommodation at the joint expense of the Boards.
7. The minister shall report in writing by 31st December annually and at other times in person, as appropriate, on the Asian Outreach aspect of his work to the Presbytery and through the Presbytery to the Home Missions Board by 14th February following. He shall report to the International Missions Board with respect to that aspect of his work as they may require.
8. The appointment shall be for a period of five years from the date of induction and may be renewed by authority of the General Assembly upon joint recommendation of the Boards. If the appointment is not renewed at the end of any five-year period, the Presbytery shall inform the Principal Clerk of Assembly so that his name may be included in the Register of Ministers without Charge and the Boards will pay him at the rate of the then current Stipend and provide him with accommodation for a period of six months from the date of expiry of the appointment or until his induction to another charge, whichever is sooner.
9. During the first five year term of an appointment a call may not be addressed to the minister appointed to the work without the approval of the Boards.
10. If for any reason an appointment terminates before the end of a five year period, the Boards must seek the approval of the General Assembly for a new appointment to be made.

Act XL - Act renewing Redevelopment Status for the Congregation of Paisley
(No 40 of Class II)

Edinburgh, 21st May 2008

The General Assembly grant to the congregation of Paisley renewal of Redevelopment status in terms of Act XXXIV, 1988 as amended by Act XIV, 1992, and Act XIV 1993.

**Act XLI - Act uniting the Congregation of Tongue and Farr with the
Congregation of Strathy and Halladale**
(No 41 of Class II)

Edinburgh, 21st May 2008

The General Assembly unite the congregation of Tongue and Farr with the congregation of Strathy and Halladale under one Kirk Session and three Finance Committees, the charge to be known as Tongue, Farr, Strathy and Halladale. They repeal Act XXVII, 1975, Act VII, 1982, and Act VII, 1983.

**Act XLII - Act Reappointing Rev. W. M. Mackay as a General Assessor to the
Presbytery of Glasgow and Argyll**

(No 42 of Class II)

Edinburgh, 21st May 2008

The General Assembly Mr William M. Mackay, retired, Edinburgh, to be a General Assessor to the Presbytery of Glasgow and Argyll, the term of appointment to be until the General Assembly of 2009.

Act XLIII - Act appointing the Study Panel
(No 43 of Class II)

Edinburgh, 22nd May 2008

Edinburgh, 23rd May 2008

1. The General Assembly ordain that a Study Panel of six members, including the Professors of Systematic Theology and Practical Theology in the Free Church College, be appointed to examine, in the first instance, the implications of the Public Questions Committee's report on Marriage and Divorce, to formulate guidelines for ministers in view of Biblical teaching and the present legal situation and to report to a future Assembly. The General Assembly further ordain that the members and the Convener be re-appointed by the Assembly each year as long as is necessary and that the Panel study any other subjects that may be referred to it by this or a future Assembly.

2. The General Assembly appoint the following members of the Study Panel: Rev. Principal Donald Macleod, Rev. Professor D. M. MacDonald, Rev. A. J. MacDonald, Rev. D. C. Meredith, Rev. K. Stewart and Rev. D. G. MacDonald.

Act XLIV - Act anent Reproduction of Public Questions Committee Reports
(No 44 of Class II)

Edinburgh, 22nd May 2008

The General Assembly direct that appropriate themed sections of Public Questions Reports, suitably modified, be reproduced separately in attractive formats and be made widely available throughout the denomination both for this and subsequent Assemblies.

Act XLV - Act approving the Appointment of an Assistant Minister to Smithton-Culloden and Nairn Free Church

(No 45 of Class II)

Edinburgh, 22nd May 2008

The General Assembly waiving the requirements of Act XIX, 2007, that Petitions for the appointment of Assistant Ministers be submitted to the General Assembly through the

Sustentation and Ministry Committee in view of the particular circumstances of this case, approve the appointment of an assistant minister to the consolidated charge of Smithton-Culloden and Nairn in terms of the aforesaid Act.

Act XLVI - Act Anent Probationary Placements
(No 46 of Class II)

Edinburgh, 22nd May 2008

The General Assembly, having considered it desirable that all Probationers complete a one year Probationary Placement, enact as follows:

1 The conditions set out for Probationary Placements shall be applied to all students commencing their studies for the ministry of the Free Church as from September 2008.

2 When a student is licensed by Presbytery he shall be required to complete a one year Probationary Placement before he can take up a congregational charge. The Board of Ministry will meet with students in January of the year in which they are due to complete their studies. In consultation with the student(s) a date will be agreed for the Placement to begin, which will be after the anticipated date of Trials for Licence. The Board of Ministry may, at its discretion, delay setting a date of Placement if it is of the opinion there are justifiable reasons for doing so.

3 The Board of Ministry shall inform the Principal Clerk of the men who will be undergoing Probationary Placements, and of the dates when the Placement will begin and end. The Principal Clerk shall distinguish in the Register of Probationers between those men who are undergoing Probationary Placements and those who have satisfied the requirements of the General Assembly and are eligible for call. No vacant congregation may initiate the procedure for electing a Probationer until nine months of his period of Placement has been completed. The period of nine months will be calculated from the date the Placement begins. The Principal Clerk shall notify Presbyteries when Probationers have completed nine months of their Placement. A Probationer on Placement cannot be inducted to a charge, or take up an appointment by a Committee or Board of the Church, until he has served his one year Placement.

4 Upon appointment to a Probationary Placement a Probationer shall be under the jurisdiction of the Presbytery within whose bounds he serves his period of Placement. He shall not have a seat in the Presbytery. After the date and location of the Placement has been agreed, the student must then inform the Clerk of the Presbytery and the Clerk of the Kirk Session to which he belongs of the decision, and request that after he has been licensed his oversight and membership be transferred to the Presbytery and congregation in which he will serve his Placement. In all cases a Probationer on Placement shall be under the direct supervision of the Minister of the charge. In all cases Probationers in a Probationary Placement shall be expected to attend all meetings of the Kirk Session, Presbytery, Synod and General Assembly during their period of service, without prejudice to the rights of these Courts to exclude such as not members thereof from private sessions.

5 The Minister of the congregation shall make arrangements for a Probationer on Placement to carry out the normal duties of the ministry of the Word, pastoral visitation and conduct funeral services under the direction of the Minister of the congregation, in accordance with the laws of the Church. Probationers may not solemnise marriage until such time as the Church may authorise the same.

6 The Probationer shall agree not to conduct public worship outwith the congregation without the consent of the Minister. After six calendar months a Probationer on Placement shall be allowed to take up invitations to preach with a view to a call in vacant congregations, up to a maximum of two Sabbaths per calendar month, always in consultation with the Minister. In addition, the Probationer shall not engage in any other employment (whether paid or unpaid) without the prior written consent of the Board of Ministry.

7 The Board of Ministry shall inform all congregations through intimation to Presbyteries of potential Probationers at the commencement of their final year of studies. Furthermore, the Board shall inform all Ministers of congregations which have indicated in advance the willingness of their congregation to accept a Probationer on Placement, subject to the requirements set out below. Application shall then be made by all interested parties to the Board of Ministry before the end of the December prior to the student completing his studies. The Board shall then decide, in consultation with the Probationer(s) involved, where the period of Placement shall be served. Interested congregations will then be informed and asked if they concur with the decision. In the event of a congregation not being satisfied with the decision they must inform the Board immediately, who will take steps to arrange an alternative Placement.

8 In the event of there being more students than there are applications the Board of Ministry shall exercise the right to stipulate which students may be exempted from the requirements of a Probationary Placement.

9 Probationary Placements may not be carried out in vacant congregations. Congregations remitting less than 130% of stipend may not apply to have a Probationer on Placement. It will be the responsibility of the congregation to provide accommodation for the Probationer on Placement. It shall be acceptable, as the Board of Ministry may determine, for a Probationer to carry out his duties of Placement from accommodation already occupied by him, whether rented or owned by him, if it is within reasonable working distance of the congregation.

10 Probationers on Placement shall be paid the stipend which all Ministers of the Free Church of Scotland receive as fixed from time to time by the General Assembly. Such remuneration shall be paid in the usual manner through the Central Payroll. Income Tax and National Insurance contributions shall be deducted as appropriate from the said remuneration. The Probationer on Placement shall become entitled to the same pension arrangement as is current at the time for Ministers.

11 The cost of travel and related motoring costs involved in the carrying out of a Probationer's duties within the congregation while on Placement shall be met by the Deacons' Court at such rates as they may determine or be required by Church legislation at any time. The Deacons' Court shall make a written agreement with a Probationer prior to him taking up his Placement regarding payments, whether partial or in full, to be made

by the said Court towards the costs of fuel, phone or other costs relating to ministry. Deacons' Courts shall be responsible for the full payment of Council Tax in all cases. The cost of rental, and removal costs where incurred shall be met by the Board of Ministry. All such costs shall be approved in advance by the Board of Ministry.

12 Probationers on Placement shall be entitled to 42 days paid holiday. Holiday leave shall be arranged in consultation with the Minister of the congregation whose consent shall always be required.

13 In the event of illness the Probationer shall comply with the procedures set out in Act IV, 2001 (Sick Leave Arrangements) *mutatis mutandis*, a copy of which shall be provided to him.

14 In the event of a Probationer being in breach of his terms and conditions of appointment, the Minister and Kirk Session shall in the first instance endeavour to resolve matters and shall, in particular, give to the Probationer on Placement a reasonable period in which to remedy any cause of dissatisfaction. If such resolution does not prove possible, the Kirk Session shall refer the matter to the Presbytery who shall be entitled to terminate the appointment upon just cause being shown, the rights of all parties to appeal to the higher Courts of the Church always being preserved. Upon the Presbytery's termination of appointment the Probationer shall be entitled to the sum of two months remuneration, subject to a maximum stipend paid of twelve months.

15 In the event that a Probationer on Placement has a grievance he shall in the first instance endeavour to resolve the matter with the Minister. If thereafter the Probationer remains dissatisfied he shall refer the matter to the Board of Ministry who will endeavour to help him resolve any difficulties. If he still remains dissatisfied he shall have the right to petition the Presbytery thereanent, the rights of all parties to appeal to the higher Courts of the Church always being preserved. If the arrangements become unworkable the Board of Ministry reserves the right to end the Placement and make alternative arrangements as they deem necessary.

16 In the event that the congregation becomes vacant after the Probationer begins his Placement the Board of Ministry will endeavour to make alternative arrangements for the Probationer to complete his Placement with another congregation. If such arrangements are not forthcoming the Board will exercise its right to terminate the appointment at no disadvantage to the Probationer on Placement.

**Act XLVII - Act anent Report to the General Assembly for the
Principal of the College**
(No 47 of Class II)

Edinburgh, 22nd May 2008

The General Assembly repeal Act XXXI, 2004. They instruct the Board to include in their Report to future General Assemblies, a Report from the Principal of the College and look forward with anticipation to the resumption of this Report.

Act XLVIII - Act revising Act XXIV, 2007
(No 48 of Class II)

Edinburgh, 22nd May 2008

The General Assembly resolve that Act XXIV, 2007 be amended to read:

1. The General Assembly enact that the work of the Assembly between their meetings shall be prosecuted by the following committees and boards. Membership of committees and boards in all cases of *ex officio* appointments shall be confined to ministers holding a seat in a Presbytery of the Church or to *bona fide* acting elders of the Church. In all other cases of *ex officio* involvement in the work of Committees and Boards those appointed shall be regarded as consultants to the relevant Committee or Board.

1.1 Board of Ministry to receive and process applications from candidates for the ministry; to set training programmes for successful applicants in consultation with the College Board and to monitor subsequent progress; to oversee the Student Finance Scheme in consultation with the Personnel Committee and the Finance Sub-Committee of the Board of Trustees.

Membership: Eight members (five ministers and three elders) appointed by the General Assembly on the recommendation of the Nominations Committee for a four year term, with the addition of two members *ex officio* from the College Senate appointed annually by them. The total membership will comprise five ministers and three elders. The Chairman shall be appointed from the membership of the Board by the General Assembly on the recommendation of the Nominations Committee for a four-year term, renewable for one further term of four years. The Board shall have powers to appoint a Vice-chairman, an executive and sub-committees from its own membership. The quorum shall be three members of the Board.

1.2 Personnel Committee to assume oversight of all matters relating to the working conditions of ministers (including stipend) and other staff members; to develop contracts of service for staff where required and, working with other committees and boards to take responsibility for recruitment, training and development (for non-ministerial staff); to oversee pension arrangements; to work with Presbyteries in seeking to further equip ministers in areas such as leadership and management skills; to provide a forum for development of meaningful pastoral support mechanisms.

Membership: Six members in total, appointed by the General Assembly on the recommendation of the Nominations Committee for a four year term. The total membership will comprise three ministers and three elders. The Convener shall be appointed from the membership of the Committee by the General Assembly on the recommendation of the Nominations Committee for a four-year term, renewable for one further term of four years. The Committee shall have powers to appoint a Vice-convener, an executive and sub-committees from its own membership. The quorum shall be three members of the Committee.

1.3 Home Missions Board to discharge the present functions performed by the Church Extension and Redevelopment Committee; to authorise the filling of congregational vacancies; to assess, in consultation with the Finance Sub-Committee of the Board of Trustees, applications from congregations seeking Special Arrangements; to promote unions or linking of non-viable congregations; to discharge the other functions performed by the Sustentation and Ministry Committee insofar as these are not allocated to other committees or boards within the revised committee structure; to assume responsibility for the Youth Work of the Church, with the exception of the production of 'Free' magazine but including the work of the Youth Camps; to undertake the Social Responsibility functions presently discharged by the Public Questions Committee and to administer the funds held for this purpose.

Membership: Eight members in total, appointed by the General Assembly on the recommendation of the Nominations Committee for a four year term. The total membership will comprise four ministers and four elders. The Chairman shall be appointed from the membership of the Board by the General Assembly on the recommendation of the Nominations Committee for a four-year term, renewable for one further term of four years. The Board shall have powers to appoint a Vice-chairman, an executive and sub-committees from its own membership. The quorum shall be three members of the Board.

The Board shall assess the potential requirement for a full-time secretarial resource in light of its workload.

1.4 International Missions Board to discharge the functions of the International Missions Board as presently constituted. The Board shall consult with the Personnel Committee on all matters relating to conditions of service, including remuneration and payment of expenses for missionaries and other personnel under the immediate oversight of the Board.

Membership: Eight members (four ministers and four elders) appointed by the General Assembly on the recommendation of the Nominations Committee for a four year term, with the addition *ex officio* of the Editor of *From the Frontiers*. The total membership will comprise four ministers and four elders. The Chairman shall be appointed from the membership of the Board by the General Assembly on the recommendation of the Nominations Committee for a four-year term, renewable for one further term of four years. The Board shall have powers to appoint a Vice-chairman, an executive and sub-committees from its own membership. The quorum shall be three members of the Board.

1.5 Communications Committee to discharge the functions of the Communications Committee as presently constituted; to oversee *The Monthly Record*, and *Free*; to manage and develop the Church's website(s); to discharge the present functions performed by the Public Questions Committee in relation to questions of morality, religion and doctrine including the preparation of resources on such questions to better equip the membership of the Church as they grapple with such matters in daily life.

Membership: Eight members (four ministers and four elders) appointed by the General Assembly on the recommendation of the Nominations Committee for a four year term, which membership shall include a representative from each of the Home

Missions Board and the International Missions Board nominated by the said Boards, with the addition of the following *ex officio*; the Editor of *The Monthly Record*, the Editor of *Free*, and the Media Officer if eligible in terms of 1.1. The total membership will comprise four ministers and four elders, which shall include a representative from each of the Home Missions Board and the International Missions Board appointed by the said Boards. The Convener shall be appointed from the membership of the Committee by the General Assembly on the recommendation of the Nominations Committee for a four-year term, renewable for one further term of four years. The Committee shall have powers to appoint a Vice-convener, an executive and Sub-Committees from its own membership. The quorum shall be three members of the Committee.

1.6 College Board to discharge the functions of the College Board as presently constituted; to consult with the Personnel Committee on matters relating to the remuneration and working conditions of Professors; 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).

Membership: Twelve members in total, comprising the Principal of the College *ex officio*; two additional members of the Senate appointed by the Senate; the Chairman of the Board of Ministry *ex officio*; the President of the Students' Representative Council of the College *ex officio*; three additional ministers and three additional elders appointed by the General Assembly on the recommendation of the Nominations Committee for a four-year term, the elders to have suitable qualifications or experience in education, preferably tertiary education, or in the administration or promotion of education. The Chairman, who shall be a member of the Board but not a member of the College Senate, shall be appointed by the General Assembly on the recommendation of the Nominations Committee for a four-year term, renewable for one further term of four years. The Board shall have powers to appoint a Vice-chairman, an executive and sub-committees from its own membership. The quorum shall be three members of the Board.

The College Secretary shall act as Secretary to the College Board.

1.7 Ecumenical Relations Committee to discharge the functions of the Ecumenical Relations Committee as presently constituted.

Membership: Eight members in total, appointed by the General Assembly on the recommendation of the Nominations Committee for a four year term, comprising the Moderator and previous Moderator of the General Assembly, the Chairman or Vice-Chairman of the Home Missions Board and of the International Missions Board as appointed by the said Boards, the Principal Clerk of Assembly, and two additional members, at least one of whom should be an elder, appointed by the General Assembly on the recommendation of the Nominations Committee for a four-year term. The Committee shall have powers to appoint a Vice-convener, an executive and sub-committees from its own membership. The quorum shall be three members of the Committee.

1.8 Psalmody Committee to discharge the functions of the Psalmody Committee as presently constituted.

Membership: Six members in total, appointed by the General Assembly on the recommendation of the Nominations Committee for a four-year term. The Convener shall be appointed from the membership of the Committee by the General Assembly on the recommendation of the Nominations Committee for a four-year term, renewable for one further term of four years. The Committee shall have powers to appoint a Vice-convener, an executive and sub-committees from its own membership. The quorum shall be three members of the Committee.

1.9 Assembly Arrangements Committee to discharge the functions of the Assembly Arrangements Committee as set out in Act XV, 2004, comprising the Principal Clerk of Assembly, the Assistant Clerk of Assembly, the Moderator and past Moderator of the Assembly, with the addition of one minister and one elder appointed by the General Assembly on the recommendation of the Nominations Committee for a four year term. The Moderator-designate shall become a member of the committee following the announcement of his acceptance of nomination. The Moderator of the General Assembly will be the Chairman. In the case of a Moderator whose usual residence is outwith the United Kingdom the Committee shall be chaired by the Moderator of the previous Assembly. The Committee shall have powers to appoint a Vice-Convener, an executive and sub-committees from its own membership. The quorum shall be three members of the Committee.

2. The General Assembly hereby appoint a **Nominations Committee** to receive nominations from Presbyteries for vacancies on committees and boards when they occur, and to make recommendations from these submissions to the General Assembly. With the exceptions of the Assembly Arrangements Committee, the College Board, the International Missions Board, the Personnel Committee, and the Psalmody Committee, or unless otherwise provided for in this Act, the Nominations Committee shall ensure that each Presbytery is represented on a Committee or Board. The Committee when seeking nominations from Presbyteries shall outline for their information the skills and expertise expected of nominees for each vacancy. Presbyteries shall nominate candidates from within their own bounds. However, if a Presbytery is unable to identify a suitable candidate from within its own bounds, the Nominations Committee shall arrange to fill such a vacancy from elsewhere. Appointments made in these cases shall exist for the duration of the term of service specified, unless terminated by death, resignation, translation to another Presbytery or discipline. The Nominations Committee shall instruct Presbyteries to ensure that nominees are available, willing and able to serve *before* submitting their names. In addition, the Nominations Committee shall seek evidence from Presbyteries of the suitability of nominees to fill vacancies.

Unless otherwise provided for in this Act, the Nominations Committee shall, in consultation with committees and boards, appoint clerks and secretaries in accordance with Act III, 2001.

The Nominations Committee shall make arrangements to ensure that initial appointments of committee and board members provide for a phased programme of retirement from service.

Membership: The Principal Clerk of Assembly as Convener; the Clerk of each home Presbytery, the Chairman of the Board of Trustees and the Moderator of the General Assembly. The quorum shall be three members of the Committee.

In accordance with Act XXIV, 2003, paragraph 5, the Nominations Committee shall not normally nominate any minister to membership of an Assembly Committee or Board during the first three years of his ministry. Where under exceptional circumstances a minister is nominated for such an appointment during the first three years of his ministry, the Nominations Committee shall record the reasons in their minutes, and the circumstances shall be reported to the General Assembly.

In all cases, a person serving a full term on any Committee or Board specified in this Act, shall not be eligible for nomination to any Committee or Board until at least one year has elapsed from the date at which the full term of appointment ended.

3. The termination of appointment of any member of a committee or board by death, resignation, translation to another Presbytery, or discipline, shall be reported as soon as possible after the event to the Nominations Committee by the committee or board affected. Upon notification the Nominations Committee shall proceed to appoint a replacement who shall serve until the ensuing General Assembly at which the Committee shall report on the same.

4. Uninterrupted absence from meetings by any member of a Committee or Board during the period from the General Assembly to 31st December in any calendar year, without good reason given by him and sustained by the relevant Committee or Board, shall be considered a resignation of his membership of that Committee or Board, who shall inform the Nominations Committee accordingly before 31st January of the ensuing year. Upon notification the Nominations Committee shall proceed to appoint a replacement who shall serve until the ensuing General Assembly at which the Committee shall report on the same.

5. The General Assembly instruct the Board of Trustees to develop Memoranda of Procedures for each committee and board appointed by this Act. This shall include the detailed remit of the committee or board, duties and powers of Conveners and Clerks, a timetable of meetings and an outline of proceedings of meetings. These Memoranda are to be made available to the committees and boards at their first meeting after May 2008. It shall subsequently be the responsibility of each board and committee through its secretary or clerk to ensure that its Memorandum of Procedure is reviewed annually.

6. The Nominations Committee shall meet in October annually to consider impending vacancies to Committees and Boards due at the ensuing General Assembly. After this meeting, and not later than 31st October, the Committee shall notify Presbyteries, indicating the vacancies which require nomination from within their bounds, as well as the skills required for these positions and inviting them to submit names of suitably qualified personnel by 31st December. In January the Clerk to the Nominations Committee shall collate the returns from Presbyteries and any other parties consulted and shall prepare these for the Committee in summary form. Not later than 15th March the Committee shall meet to formulate its Report to the ensuing General Assembly giving due consideration to these submissions and any other matters affecting Committee and Board appointments.

7. The General Assembly ordain that, with the exception of the Nominations, Board of Trustees, Assembly Arrangements, and Psalmody Committee, each Committee and Board referred to in Act XXIV, 2007, shall hold three statutory meetings per annum.

Except for the International Missions Board and the College Board these meetings shall be held on the first Wednesday of March and October or Tuesday immediately preceeding and on a date in June as each Committee and Board shall find suitable for themselves, with the liberty to arrange additional meetings as required. The International Missions Board and the College Board shall hold their statutory and other meetings as they shall find suitable but seeking to avoid dates on which other Committees and Boards are due to meet.

8. Act XXIV, 2007, is hereby repealed.

Act XLIX - Act discharging the Special Committee on Worship and establishing a Consultative Process on the Worship, Discipline and Unity of the Church
(No 49 of Class II)

Edinburgh, 23rd May 2008

The General Assembly recognising

1. that there appears to have developed in the Church a divergence of opinion on the question of the parameters of scriptural worship under the terms of the Regulative Principle;
2. that, as the Special Committee itself recognises, that significant numbers of officer-bearers of the Church express uncertainty regarding the issue of worship, and that it is unlikely that clarity on their positions could be reached by them in the immediate future;
3. that there are possible constitutional and legal implications in the changes proposed in the Report of the Special Committee on worship which do not appear to have been investigated;
4. that the status of the subscription of office-bearers who subscribed the present vows and Formula of the Church should the Church change its understanding of its position or introduce permissive legislation has not been investigated;
5. that there needs to be an investigation of the implications of the Presbyterian principle of uniformity of worship;
6. that the potential for division in the Church of even permissive legislation on the issue has been recognized both by the Committee itself and the clear majority of presbyteries;
7. that should the Church decide to change its legislative understanding of the present position on worship, it would require a period of preparation of our people for the implications of such change if the Church were to prevent the drifting away or decreased commitment of those of our people who may not agree with such change;

3. And the General Assembly noting

1. that no clear answer was given to the fundamental question as to whether Scripture permits the use of instrumental music in public worship;
2. that a considerable number of ministers and elders either believe that liberty to use instrumental music should be granted or that the Bible does not provide sufficient information to pronounce definitively one way or the other, whereas others believe that the present position of the Church is scriptural; and
3. that this results in a situations whereby it appears that a considerable number of office-bearers are unable in good conscience to uphold their ordination vows, and that where the Church has been unable to provide a clear scriptural answer, this is detrimental to the worship, discipline and unity of the Church;

resolve that

1. The General Assembly thanks the Special Committee on Worship and discharges it from their remit.
2. The General Assembly instruct the Board of Trustees to consult with all Presbyteries of the church on the worship, discipline and unity of the church with a view to bringing proposals to the 2009 General Assembly, the meeting (or meetings) to include not more than three members from each Presbytery. The General Assembly advise all Presbyteries to consult with the Kirk Sessions within their bounds as part of this consultative process.

L - Act appointing the Commission of Assembly
(No 50 of Class II)

Edinburgh, 23rd May, 2008

The General Assembly did, and hereby do, nominate and appoint a Commission consisting of all members of Assembly with the addition of Rev. Duncan M. Macleod, 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 by them, or which shall be referred to them, by, or in virtue of, and 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 due 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 a scheme of governance for Colegio San Andres, to take up and dispose of a report from the Board of Trustees anent a policy for the protection of vulnerable adult, to take up and dispose of a report from the Board of Trustees anent a strategy three-year plan, and to receive any references and appeals that shall be made to them from Synods in matters of doctrine, and ripen such affairs for the 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.

LI - Act appointing next General Assembly
(No 51 of Class II)

Edinburgh, 23rd May 2008

The General Assembly appoint the next General Assembly to meet in Edinburgh on Monday 18 May 2009 at 6 o'clock in the evening.

ACTS OF THE COMMISSION OF ASSEMBLY

I - Act anent Pension Scheme

Edinburgh, 3rd October 2007

The Commission of Assembly authorise the Board of Trustees, as part of a package of measures designed to allow closure of the Free Church of Scotland Pension Scheme, to grant a standard security over some of the assets of the Church in favour of the Free Church of Scotland Pension Scheme.

II - Act anent Expenditure of Budget

Edinburgh, 3rd October 2007

1 The Commission of Assembly note the anticipated shortfall in income compared to expenditure budgets for 2008, and support the conclusion that this situation is unsustainable.

2 The Commission of Assembly instruct budget holders to make the savings specified in the table below. The Commission of Assembly instruct that where circumstances prevent these specific savings from being made, budget holders must identify alternative cost saving measures of at least the same financial value. No items of spend may be reinstated to budgets without removal of other items amounting to at least the same value.

Budget Holder	Budgetary Item	Potential Budget Saving
Pensions	Reduce payments following closure of scheme	£300,000
International Missions Board	Costs in India to be met from the disposal of a property in India during 2008.	£ 25,000
Church Extension	2nd Asian Outreach worker from Aug 08	£ 5,333
	2nd Asian Outreach worker from Aug 08	£ 5,333
TOTAL		£335,666

3 The Commission of Assembly instruct the Board of Trustees to utilise the reserve funds of committees to meet the expenditure items detailed in the table below.

Budget Holder	Budgetary Item	Potential Budget Saving
Training of the Ministry	Overspend to be met from reserves	£4,367
International Missions	Use of reserves to cover excess	

Budget Holder	Budgetary Item	Potential Budget Saving
Board	expenditure over the limit of 12%	£25,000
	Use of legacy money for Asian Ministry	£27,000
	Jewish Mission to be met from reserves	£10,000
Public Questions	Social Responsibility Fund	£10,000
TOTAL		£76,367

4 The Commission of Assembly approves the inclusion of a stipend level of £18,500 in the Budget for 2008. With a view to the Budget for 2009, it instructs the Sustentation & Ministry Committee to identify means of increasing income or reducing overall costs in order that this increased stipend level can be adequately financed.

5 The Commission of Assembly instruct the Board of Trustees, to monitor the budgets of committees and where budgets are being exceeded seek to have the committee find alternative funding sources or to seek approval from the Board of Trustees for permission to overspend their budget.

6 The Commission of Assembly support the Board of Trustees in its attempts to identify opportunities for project-led funding and instruct the Board to consult with the other Standing Committees of Assembly to agree on suitable projects.

III - Act anent Sale of Properties

Edinburgh, 3rd October 2007

1. The Commission of Assembly receive the petition of the Deacons' Court of Dornoch Free Church and grant its crave. They authorise the sale of the manse building at 2 Rowan Crescent, Dornoch, the transaction to be carried out under the supervision of the Church's Law Agent, and direct that proceeds of sale be held by the Board of Trustees on behalf of the congregation and that these funds be made available to the congregation for the acquirement of an alternative house, or the modification of the existing hall building, to provide a more appropriate manse. They further direct that any surplus funds be applied to the funds of the congregation for the purpose of maintenance and enhancement of the existing church buildings.

2. The Commission of Assembly receive the petition of the Deacons' Court of Govanhill Free Church and grant its crave. They authorise the sale of the manse at 587 Clarkston Road, Glasgow, the transaction to be carried out under the supervision of the Church's Law Agent, and direct that proceeds of sale be held by the Board of Trustees on behalf of the congregation and that these funds be made available to the congregation for the acquirement of a replacement manse nearer the church building. They further direct that any surplus funds be applied to the funds of the congregation for the purpose of maintenance and improvement of the existing church buildings.

IV - Act anent Sale of Portree Manse and other purposes

Edinburgh, 5th March 2008

The Commission of Assembly receive the Petition of the Deacons' Court of Portree Free Church and grant its crave. They authorise the sale of the Manse at Staffin Road and the transfer of Title of the Church and Hall to Portree Free Church Continuing, the Presbytery of the bounds to be fully informed of the final details of the proposed sale and transfer of Title, the transaction to be carried out through the Free Church's Law Agent, and any proceeds lodged with Board of Trustees on behalf of the congregation, the interest in the meantime to be added to the capital.

V - Act uniting the Congregation of Smithton-Culloden with the Congregation of Nairn, Croy and Ardersier

Edinburgh, 5th March 2008

The Commission of Assembly unite the congregation of Smithton-Culloden with the congregation of Nairn, Croy and Ardersier, under one Kirk Session and one Deacons' Court, under the present ministry of Rev. David C. Meredith, with effect from 31st March 2008. They appoint that each section of the congregation be referred to locally as Smithton-Culloden and Nairn respectively.

VI - Act uniting the Deacons' Courts/Finance Committees of the Congregation of Kilmuir, Stenscholl and Snizort

Edinburgh, 5th March 2008

The Commission of Assembly receive the Petition and grant its crave. They amend Act II of the Commission of Assembly, October 2001, and declare that there is one Deacons' Court/Finance Committee in the congregation of Kilmuir, Stenscholl and Snizort.

VII - Act anent Annual Congregational Meetings during 2008

Edinburgh, 5th March 2008

The Commission of Assembly waive the requirement of Act XIII, 2007, (Congregational Constitutions, § 19) and authorise Annual Congregational Meetings to be held preferably not later than 30th April 2008 in order to give congregations additional time to finalise their Annual Accounts in accordance with the Regulations issued by the Charities Regulator.

**DRAFT ACT SENT DOWN TO PRESBYTERIES UNDER
THE BARRIER ACT**

Act anent Sustentation Fund

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

Congregations

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.

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.

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.

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.

Presbyteries

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.

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.

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.

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 2.3 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 given permission to call a minister (whether with or without restriction) fails to remit the percentage of the Equal Dividend as promised on admission to the Platform then the Board shall draw the attention of the Congregation and 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.

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.

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.

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.

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.

6.2.4 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.

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.

8 The General Assembly instruct that these proposals be sent to Presbyteries in the form of an Overture under the Barrier Act.

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THE PRINCIPAL
ACTS
OF THE
GENERAL ASSEMBLY OF THE FREE CHURCH OF SCOTLAND
MAY MMIX

CLASS I - ACTS WHICH HAVE PASSED THE BARRIER ACT

Act I – Act anent the Sustentation Fund
(No 1 of Class I)

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 given permission to call a minister (whether with or without restriction) fails to remit the percentage of the Equal Dividend as promised on admission to the Platform then the Board shall draw the attention of the Congregation and 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 full-time 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.

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

Act II – Act appointing a Working Party to examine proposals relating to Future General Assemblies.

(No 1 of Class II)

Edinburgh, 18th May 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 III - Act authorising the Youth Sub-Committee of the Home Missions Board to report directly to the General Assembly and suspending Standing Order V.3.3. accordingly
(No 2 of Class II)

Edinburgh, 18th May 2009

The General Assembly direct that the Convener of the Sub-Committee on Youth of the Home Missions Board be allowed to present the section on Youth in the Report of the Home Missions Board, the conditions of Standing Order V.4.3 to apply. The General Assembly direct that this rule be made a Standing Order for future Assemblies while the remit for Youth is allocated to a Sub-Committee of the Home Missions Board.

Act IV – Act anent Membership of the Home Missions Board
(No 3 of Class II)

Edinburgh, 18th May 2009

The General Assembly, noting that a reference to an increase in the membership of the Home Missions Board had inadvertently been omitted from the details of Act XLVIII, 2008, and from the corresponding record of Assembly proceedings, hereby amend the paragraph in the said Act specifying the membership of the Board to read “twelve members in total” instead of “eight members in total.” The General Assembly homologate the procedure of the Board in operating with twelve members over the past year.

**Act V – Act anent Appointment of Youth Facilitator to the
Presbytery of Skye and Wester Ross**
(No 4 of Class 2)

Edinburgh, 19th May 2009

The General Assembly direct the Presbytery of Skye and Wester Ross to initiate discussions with the Home Missions Board so that their application for the renewal of the appointment of a Youth Facilitator be re-processed along the lines of current legislation.

Act VI – Act anent Elders’ Certificates
(No 5 of Class 2)

Edinburgh, 19th May 2009

The General Assembly instruct Presbyteries to monitor the receipt of certificates from Kirk Sessions so that timely reminders may be issued where certificates are not in place.

Act VII - Act anent the Loyal and Dutiful Address to Her Majesty the Queen
(No 6 of Class II)

Edinburgh, 19th May 2009

TO THE QUEEN’S MOST EXCELLENT MAJESTY

The Loyal and Dutiful Address of the General Assembly
of the Free Church of Scotland 2009

May it please Your Majesty

We, the Ministers and Elders of the Free Church of Scotland met in General Assembly the 19th day of May 2009, respectfully offer Your Majesty the expression of our continual wholehearted allegiance 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.

We continue to commend Your Majesty's Person, His Royal Highness Prince Philip and the Royal Family, to the care, direction and blessing of Almighty God. We give thanks to God that He continues to bestow upon Your Majesty the needed health and strength that sustains Your Majesty in fulfilling so graciously the many responsibilities that devolve upon Your Majesty's office.

The prayer of Your loyal subjects of the Free Church of Scotland is that Your Majesty may continue to enjoy God's richest blessings for these arduous duties.

We, Your Majesty's most loyal subjects, are deeply gratified that Your Majesty continues to uphold the sanctity of truth in Your keeping of sacred vows solemnly undertaken, and by example inculcating upon Your subjects the propriety of a wholesome family life, at a time when those virtues are daily eroded by a normless and Godless permissiveness.

We also pray continually for Your Majesty's Ministers and Government at Westminster and the Scottish Parliament in Edinburgh that they may have God-given wisdom in the present financial crisis that is affecting our nation and many other nations of the world.

We constantly remember Your Majesty's armed forces especially where they are confronted with danger each day in Afghanistan and Iraq. We share in Your Majesty's grief and the grief of families at the loss of many of the forces. We are thankful that Your Majesty's Armed forces are being withdrawn from Iraq having served that country well.

Above all we pray that the favour of God, which is better than life, shall ever rest upon Your Majesty's Person and upon every member of the Royal House to the end that the Royal family may enjoy the everlasting felicity of the redeemed people of God.

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

**Act VIII – Act uniting the congregation of Dowanvale Free Church, Glasgow,
with the congregation of Paisley Free Church**
(No 7 of Class II)

Edinburgh, 19th May 2009

The General Assembly unite the congregation of Dowanvale Free Church, Glasgow, with the congregation of Paisley Free Church under the present ministry of Rev Kenneth Stewart and the under the oversight of one Kirk Session and one Deacons Court with the name of Dowanvale Free Church of Scotland. They further repeal Act XL, 2008.

Act IX – Act anent Stipend and Related Salaries
(No 8 of Class 2)

Edinburgh, 19th May 2009

Edinburgh, 20th May 2009

1. The General Assembly declare a stipend of £19,000 from 1st April 2009, 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 authorise the Board in consultation with the Board of Trustees to reconsider and increase this figure later in the year if finances make such a step possible.
2. The General Assembly instruct the Board of Trustees to review the financial position of the Church in October 2009 with a view to assessing whether or not funds can be made available to finance a further increase of stipend to a level of £19,250.

Act X – Act anent Consultation with Presbyteries
(No 9 of Class II)

Edinburgh, 19th May 2009

The General Assembly amend Act XXIV, 1989, to read:

The General Assembly considering that the Home Missions Board should be informed of proposals before Presbyteries affecting charges within their bounds so that a good working relationship may be maintained between Presbyteries and the Board enact that:

1. The Board or their Executive shall jointly hold discussions with each Presbytery least once every five years regarding proposals connected with the number and type of charges within their bounds, and particularly regarding situations which might lead to petition for redevelopment or church extension status.
2. Each Presbytery shall prepare an outline of its proposals to form the basis for such discussions;

3. Whenever a presbytery by readjusting congregational bounds can release manpower resources presently employed, then that Presbytery may urge a prior claim to use within its bounds the resources so made available, and the Board shall take this into account when considering applications for redevelopment and church extension status etc.

4. The General Assembly authorise the Board to consult with Presbyteries with regard to their strategic planning more often if desired

**Act XI - Act renewing the Appointment of an Assistant Minister to
Rosskeen Free Church**
(No 10 of Class II)

Edinburgh, 19th May 2009

The General Assembly, noting the recommendation of the Home Missions Board, renew permission for the congregation of Rosskeen to appoint an Assistant Minister in accordance with the terms of Act IX, 2007, such permission to lapse at the General Assembly of 2011.

**Act XII – Act anent appointment of an Assistant Minister to the united charge of
Dowanvale Free Church, Glasgow**
(No 11 of Class II)

Edinburgh, 19th May 2009

The General Assembly, noting the recommendation of the Home Missions Board, approve the appointment of an assistant minister to the consolidated charge of Dowanvale Free Church in accordance with the terms of Act IX, 2007, such permission to lapse at the General Assembly of 2011.

**Act XIII – Act anent Ministerial Arrangements for the congregation of
Lochgilphead and Lochfyneside Free Church and other purposes.**
(No 12 of Class II)

Edinburgh, 19th May 2009

The General Assembly, noting the recommendation of the Home Missions Board, continue the congregation of Lochgilphead and Lochfyneside on the Equal Dividend Platform under Special Arrangements on condition that they remit a sum equivalent to 85% of the stipend, the arrangement to be restricted to two years and to be reviewed by the General Assembly of 2011. They instruct the Home Missions Board, in consultation with the Presbytery of Glasgow and Argyll, to give further consideration

to the most appropriate ministerial arrangements for Argyll and report to the General Assembly not later than the General Assembly of 2011.

Act XIV – Act placing the Congregation of Kirkcaldy, Kinglassie and Glenrothes on the Equal Dividend Platform and removing the restriction to the ministry of Rev. Neil MacMillan
(No 13 of Class II)

Edinburgh, 19th May 2009

The General Assembly note that the congregation of Kirkcaldy, Kinglassie and Glenrothes has been placed on the Equal Dividend Platform and declare that Rev. Neil MacMillan's induction to the charge is now free of time-restriction in terms of Act XVIII, 1998, § 3.6.

Act XV – Act anent Appointment of a Pastoral Assistant to St Peter's Free Church, Dundee
(No 14 of Class II)

Edinburgh, 19th May 2009

The General Assembly authorise the Home Missions Board, subject to consultation with the Board of Trustees and the Presbytery of Edinburgh and Perth, to contribute to the funding of a pastoral assistant to St Peter's, Dundee (which post will include working with the outreach/church planting work at St Cyrus/Montrose), on condition that the Board are in receipt of a full project proposal detailing the need for a pastoral assistant, what his role and responsibilities will be, to whom he will report and how he will be funded. The Home Missions Board's contribution will be on a declining scale over three years in favour of the Board as follows: year 1 – 70% / 30%; year 2 – 60 % / 40%; year 3 – 50% / 50%. This funding arrangement is to apply up to a total maximum project cost of £30,000 per annum including accommodation.

Act XVI – Act anent Local Gospel Partnerships with other Evangelical Confessional Churches
(No 15 of Class II)

Edinburgh, 19th May 2009

The General Assembly instruct the Home Missions Board to explore the possibility of congregations entering into local gospel partnerships with other evangelical confessional churches, particularly in instances where the long-term viability of a settled ministry is in question, to consider what new legislation might be required, and to report back to the next General Assembly.

Act XVII – Act anent Volunteer Work Parties
(No 16 of Class II)

Edinburgh, 19th May, 2009

The General Assembly approve the proposed Scheme for volunteer work parties to undertake building repairs in congregations which are unable to carry them out themselves because of lack of resources and commend the Scheme to the support of the Church. They authorise the allocation of an appropriate sum not greater than £1,000 per annum from the Church and Manse Building Fund for this purpose, local congregations to meet the cost of materials required.

**Act XVIII - Act granting Exceptional Redevelopment status to
Elgin and Forres Free Church**
(No 17 of Class II)

Edinburgh, 19th May 2009

The General Assembly, noting the recommendation of the Home Missions Board, grant Exceptional Redevelopment Status for the congregation of Elgin and Forres. They authorise the Home Missions Board to maintain a ministerial appointment there for a further five years in terms of Act XXXIV, 1988, Section 5.3.1

Act XIX – Act anent adequate support for Redevelopment Charges
(No 18 of Class II)

Edinburgh, 19th May 2009

The General Assembly direct presbyteries within whose bounds redevelopment charges are located to ensure that adequate support is promised and given to these congregations so that the purpose of redevelopment charges may be properly fulfilled.

**Act XX – Act renewing the appointment of Rev. Finlay H. MacKenzie to the
work of Service to Overseas Students**
(No 19 of Class II)

Edinburgh, 19th May 2009

The General Assembly reappoint Rev. Finlay H. MacKenzie to the work of Service to Overseas Students for a further five years, to be reviewed by the General Assembly of 2014.

Act XXI – Act anent appointment of Development Officer
(No 20 of Class II)

Edinburgh, 19th May 2009

The General Assembly approve the appointment of Rev. Neil M. MacMillan as Development Officer under the adjusted arrangements made by the Home Missions Board. They direct the Board to make a permanent appointment of a Development Officer according to conditions to be formulated in consultation with the Board of Trustees and report to next General Assembly.

Act XXII – Act anent the Evangelism Support Work-Party
(No 21 of Class II)

Edinburgh, 19th May 2009

The General Assembly thank the members of the Evangelism Support Sub-Committee for the help and support given to various congregations engaged in evangelistic outreach. They redesignate the Sub-Committee the Evangelism Support Work-Party and amend Act XXVII, 2007, accordingly.

Act XXIII – Act approving the Fundraising Policy of the Home Missions Board
(No 22 of Class II)

Edinburgh, 19th May 2009

The General Assembly note the following Fundraising Policy approved by the Home Missions Board and instruct the Board to proceed in accordance with its terms. They instruct the Board to continue discussions with the International Missions Board and Communications Committee in order to enhance the Church's communication and fundraising capabilities.

Home Missions Board: Fundraising Policy

Introduction

The Free Church of Scotland is committed to the doctrines and principles of the Word of God and it carries out its work and ministry in obedience to the great commission to 'go and make disciples of all nations'. The Home Missions Board was first appointed by the 2008 General Assembly for the oversight and administration of the ministry of the Free Church of Scotland within the United Kingdom.

Activities

The Board has a wide remit ranging from the filling of congregational vacancies to the administration of the social responsibility ministry of the Church. The different areas of the Board's activities are listed below:

- **Asian Outreach** – ministry to Asian communities at present focussed in Glasgow.
- **Church Extension** – the planting of congregations in areas where, usually as a result of mission outreach of an existing congregation of the Church, a nucleus of a new congregation emerges which shows promise of development, and where it is felt such a development can be realised only if full-time pastoral care is given to the new congregation.
- **Church & Manse Building Fund** – assisting congregations (typically smaller congregations) in the upkeep of congregational property through the provision of loan and grant funding.
- **Redevelopment** – the revitalisation of work in congregations which have declined and which have potential for growth.
- **Service to Overseas Students** – missionary work among overseas students and the residential international community throughout Scotland.
- **Social Responsibility** – administering funds set aside for support of social responsibility projects, e.g., residential homes, rehabilitation programmes, and housing support.
- **Sustentation** – overseeing the financial aspects of regular ministerial appointments.
- **Youth Work** – including Youth Camps, Sunday Schools, and Youth Work in general.

Use of Resources

In order to fulfil its wide remit the Board faces the challenge of balancing the needs of the people with the limited financial and human resources available. The Board enters upon this challenge acknowledging that it is the Lord who calls men to the gospel ministry, and recognising that it is the Lord who opens people's hearts to the grace of the gospel. The Board is conscious that Christian liberality is a spiritual exercise; 'if we have grace we will give', and our giving reflects the 'genuineness of our love' (2Cor.8:7-8). All of the Board's activities are carried out in prayerful dependence on God, who alone is 'Lord of the harvest' (Luke 10:2).

The Purpose of the Policy

The 2008 General Assembly approved the implementation of a new financial remittances system for congregations. The new system introduces the concept of project-led funding and associated fundraising to the remit of the Board. The Board's responsibility to fundraise will commence with the introduction of the new system in January 2010. The cost of ministry in financially viable congregations will be met from the Ministry Levy collected from such congregations. The Board's fundraising activities will cover the following areas: (i) to support the cost of ministry in financially marginal congregations; (ii) to support the cost of ministry in financially assisted congregations (where such ministries are approved in consultation with the local Presbytery); (iii) to meet the costs of the additional ministries under its remit; and (iv) to meet the costs of new projects which fall within the Board's remit.

The Board will undertake to raise funds annually to support ministries in the three categories mentioned above as follows: 30% of the budgeted costs in the year

commencing January 2010; 40% of the budgeted costs in the year commencing January 2011; and 50% of the budgeted costs in the year commencing January 2012. Thereafter it is anticipated that the Board will raise at least 50% of the annual budgeted costs of supporting ministry in the aforesaid categories. The purpose of this Policy is to assist the Board in its fundraising activities.

Elements of the Policy

The funding achieved from the Board's fundraising activities will fall into one of two categories: unrestricted funds and restricted funds. The Board will allocate restricted funds in accordance with the wishes of the donor. The Board will use its discretion to allocate unrestricted funds for the furtherance of its activities as required.

Fundraising Activities

The Board will give consideration to its annual fundraising activities in any one year at the time of considering its Budget for that year. This would normally take place at the meeting of the Board in June of the previous year. The Board will at this stage (i) identify the amount of the budgeted costs which must be covered by its fundraising activities; (ii) identify the projects within its remit which are considered to be viable fundraising options; (iii) appoint a Committee with the responsibility to carry out and oversee the Board's fundraising activities. The Board may exercise its power to co-opt suitably qualified individuals outwith its membership as advisers and may also appoint a fund-raiser to help with the fundraising activities throughout the year.

The following list is illustrative of some of the ways in which the Board will carry out its fundraising activities:

- The Board will arrange meetings with Presbyteries, Deacons Courts and congregations, in order to disseminate information about the identified projects, and in order to appeal for financial support for these projects.
- The Board will prepare leaflets to promote its projects and to appeal for support from individual contributors. The leaflets will be distributed to individual contributors through existing communication channels, such as Church Magazines, via congregations, and also through mail drops to existing contributors.
- The Board will use the Church's Website to make information about its ministries and its fundraising activities available and accessible to individuals and groups within and outwith the Free Church of Scotland.
- The Board may also, where appropriate, pursue support for its projects from grant-awarding Trusts, Christian charities, etc.

Codes of Fundraising Practice

The HMB will adopt the Institute of Fundraising Codes of Fundraising Practice that are relevant to the Church.

These codes include:

- Fundraising Code of Conduct
- Fundraising from Grant Making Trusts
- Acceptance and Refusal of Donations
- Data Protection
- Charities Working with Businesses.

The codes stipulate the areas that are mandatory by law, and also indicate courses of action recommended as best practice.

Full details of all the Codes of Fundraising Practice can be found on the Institute of Fundraising website: www.institute-of-fundraising.org.uk under “Best Practice” and “Information/About Fundraising”.

Minimising exposure to risk

The Board will minimise the risk to which the Church and the funds raised are exposed by:

- Ensuring that the activities of the Board are carried out in accordance with General Assembly legislation;
- Ensuring that funds are not directed to projects which the Church cannot afford;
- Ensuring that new projects, or the extension of existing projects which have entered their review period, are not progressed without considering the current financial situation of the Church in consultation with the Board of Trustees and its Finance Committee;
- Ensuring that in the case of all new projects, income and expenditure budgets are prepared for the lifetime of the project;
- Ensuring that when new project budgets rely on substantial external finance, such money is secure;
- Ensuring that financial activities and performance are monitored against budgets from year to year.

Financial Considerations

Annual budgeting reviews will make appropriate provision for the Board to manage all existing projects. The Board will ensure that new projects are reviewed annually and that, where fundraising efforts have failed to provide the necessary support for the new project, appropriate action is taken to terminate the project. Care will be taken to fully cost applications for new work so that any such projects are not jeopardised by possible under-funding.

Review Period of Policy

This Policy will be subject to annual review and approval by the Home Missions Board of the Free Church of Scotland at its first meeting subsequent to the meeting of General Assembly.

Act XXIII – Act anent arrangements for Centrally-Aided Congregations
(No 22 of Class II)

Edinburgh, 19th May 2009

The General Assembly continue the remit to the Home Missions Board to bring forward draft legislation to the 2009 General Assembly in relation to arrangements for centrally supported congregations and instruct the Board to bring such legislation to the 2010 General Assembly.

Act XXIV – Act anent Youth Work Training Material
(No 23 of Class II)

Edinburgh, 19th May 2009

The General Assembly instruct the Home Missions Board to engage in a comprehensive survey of suitable Youth Work related training and report their findings to the General Assembly of 2010 with recommendations.

Act XXV – Act anent Committee on the Potential Role of Deacons
(No 24 of Class II)

Edinburgh, 22nd May 2009

The General Assembly continue the Committee on the Potential Role of Deacons for one further year and instruct the Committee to bring a report to the next General Assembly. They appoint Mr Norman Cumming to be a member of the Committee in the place of Rev. James Maciver, resigned, and empower the Committee to appoint their own Convener. They amend Act XXXIX, 2007, accordingly.

Act XXVI – Act anent Draft Budget Schedules for Committees and Boards
(No 25 of Class II)

Edinburgh, 20th May 2009

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 2010 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 XXVII - Act creating the Reformed Educational Association San Andres
and approving its Constitution**

(No 26 of Class II)

Edinburgh, 20th May 2009

The General Assembly approve the creation of a Reformed Educational Association San Andres (the Association) and the constitution for such a body as contained in the Annex to this Act. They understand that this constitution is subject to minor amendment to comply with all aspects of Peruvian law as it receives its final translation into Spanish. The General Assembly also approve the transfer of the school to the Association subject to the Board taking appropriate legal and regulatory advice with regard to the transfer of the assets and liabilities of the school, the timing of such transfer to be determined by the Board following consultation with the International Missions Board.

**REFORMED EDUCATIONAL ASSOCIATION SAN ANDRES:
CONSTITUTION**

TITLE ONE: Name, Duration and Location

ARTICLE ONE In the city of Lima, on the _____ day of the month of _____ in the year _____, the non-profit making Civil Association called: REFORMED EDUCATIONAL ASSOCIATION SAN ANDRES (“the Association”), also identified by its initials AERSA (Asociacion Educativa Reformada San Andres) was established. It is to be of an undefined duration with its location in the city of Lima and the option of opening other locations in different parts of the Republic of Peru or abroad with the previous agreement of the Association in General Meeting. At its inception, the Association shall concern itself with the Colegio San Andres (formerly Anglo Peruano) in Lima (“the Colegio”) and the following Articles refer particularly to the oversight and governance thereof. If additional locations are to be added to the Association, any changes to this Constitution deemed to be required as a result shall be made in line with the provisions of Article 29 below.

TITLE TWO: Aims

ARTICLE TWO The Association has as its aims:

- a. To offer education with a clear Christian perspective at all levels by means of non- profit-making independent religious educational institutions.
- b. To promote the development of education through seminars, conferences, publications and other means.
- c. To guard the academic prestige of the educational institutions it promotes and the maintenance of its clearly biblical ideological position (reflected in the doctrinal basis of the Association as set out below).
- d. To maintain and further cordial relationships, including the establishment of mutually beneficial agreements with the founding body of the Colegio, the Free Church of Scotland and its representatives in Peru, The Nominees of the Board of Trustees.

- e. To endeavour to work for the glory of God, submitting to His authority and therefore to that of the Holy Scriptures of the Old and New Testaments, adhering to the principles of the religious Reformation of the 16th century, as expressed in its doctrinal basis.
- f. To fulfil these aims without any desire for profit.

TITLE THREE: Doctrinal Basis of the Association

ARTICLE THREE The Association is a confessional cultural entity, carries out its aims under the guidance of the Holy Scriptures and holds that the Old and New Testament Scriptures constitute the divinely inspired Word of God. The Word of God is the supreme law in everything concerning faith and doctrine, as well as in everything relating to life and conduct.

TITLE FOUR: Assets

ARTICLE FOUR The property of the Association consists of:

- a. The property in which the Colegio operates, situated at Av. Petit Thouars 179, 144, 141, 145, Pasaje Hernan Velarde 152; 164,174 and 132 (Santa Beatriz, Lima), whose area is _____ and whose extent and dimensions appear in the xxxxxxxxxx number xxxxxxxxx of the Public Register of the City of Lima.
- b. All furnishings and fittings of the property listed in section a.
- c. Any other moveable and immoveable property purchased by or given to the Association following its formation.

TITLE FIVE: Governance

ARTICLE FIVE The Association has the following levels of governance:

- a. The Association acting in General Meeting
- b. The Governing Board of the Association
- c. The Head Teacher of the Colegio as Chief Executive Officer of the Association

The efficient operation of the Association and its success in achieving its aims require each level of governance to function in its own sphere of responsibility whilst working together harmoniously.

TITLE SIX: The Association acting in General Meeting

ARTICLE SIX The supreme body of the Association is the Association itself acting in General Meeting (whether extraordinary or the annual general meeting) (“the General Meeting”). Any matters not specifically delegated to the Governing Board or to the Head Teacher shall be reserved to the Association acting in General Meeting.

ARTICLE SEVEN The Association acting in General Meeting is responsible to:

- a. Fulfil the aims of the association.
- b. Maintain and guard the doctrinal basis of the association.
- c. Oversee, maintain and manage the estate and other assets of the association.
- d. Consult with the Governing Board on its strategic vision for the association.
- e. Maintain the financial viability of the association.
- f. Appoint (as provided for in Article Twelve) some of the persons who form part of the Governing Board.
- g. Receive and ratify or reject new members of the Association on the recommendation of the Governing Board.
- h. Receive and comment upon annual accounts of the Governing Board.
- i. Receive and comment upon the annual report from the Governing Board.
- j. Ratify or reject amendments to the constitution as presented by the Governing Board.
- k. Dissolve the association under the provision of articles thirty two to thirty four.
- l. Liquidate the assets of the association in accordance with articles thirty five to thirty eight.
- m. Enact and publish rules of order for the efficient transmission of its business.

ARTICLE EIGHT The Association will hold the General Meeting each year which will be titled the Annual General Meeting. The conduct of this meeting will be governed by the following considerations:

- a. The Annual General Meeting shall be convened by the Chair of the Governing Board. In the absence of the Chair, the Vice-Chair, in the first instance, or another member of the Governing Board may convene the meeting.
- b. There shall be no more than 15 months between each Annual General Meeting.
- c. Any General Meeting other than the Annual General Meeting shall be called an Extraordinary General Meeting.
- d. The Governing Board may call General Meetings and, on receipt of the requisition of not less than one tenth of the members of the Association, shall be bound to call an Extraordinary General Meeting. This meeting must be called within 15 days of receiving a requisition stating the objects of the meeting and signed by all the requisitionists. This request must be deposited with the Chair of the Governing Board.
- e. The Chair of the Governing Board shall also have the power to call an Extraordinary General Meeting.
- f. An Annual General Meeting and any Extraordinary General Meeting shall be called by at least 30 calendar days' notice. A General Meeting may be called by shorter notice if it is so agreed by all the members of the Association entitled to attend and vote thereat. The notice shall specify the time and place of the meeting and the general nature of the business to be transacted and, in the case of an Annual General Meeting, shall specify the meeting as such.

ARTICLE NINE Conduct of business at the Association acting in General Meeting

- a. No business shall be transacted at any General Meeting unless a quorum is present. Two thirds of the active members of the Association whether present

- in person or connected electronically or represented by a proxy or a duly authorised representative of a corporation, shall be a quorum.
- b. If such a quorum is not present within half an hour from the time appointed for the General Meeting, the General Meeting shall be dissolved.
 - c. If a general meeting is dissolved because of a lack of quorum, another meeting must be scheduled within 60 days.
 - d. Decisions approved and adopted by a majority vote of those present and entitled to vote at the General Meeting will be valid.

TITLE SEVEN: The Governing Board of the Association

ARTICLE TEN The Governing Board is the registered and recognised corporate expression and legal persona of the Colegio. The Governing Board is responsible to:

- a. Fulfil the aims of the association.
- b. Maintain and guard the doctrinal basis of the association.**
- c. Receive the voluntary contributions of persons, legal entities and others, and also inheritances and legacies in its, the Governing Board's favour, and transfers of moveable and immoveable properties and titles and securities which it may acquire freely or with obligations.**
- d. Administer such acquired assets in the furtherance of the aims of the Association.**
- e. Receive and approve audited annual accounts from the Colegio's Administrator and pass these accounts on to the Association in General Meeting.**
- f. Provide an annual report to the Association in General Meeting.**
- g. Embark upon any Capital or other projects conducive to the furtherance of the foregoing aims.**
- h. Provide a strategic vision for the development of the Colegio, and to set and review the broad framework within which the Head Teacher should run the Colegio.**
- i. Appoint the Head Teacher.**
- j. Ensure the provision of good quality Christian education by:**
 - Supporting and advising the Head Teacher
 - Monitoring and evaluating the effectiveness of the school in conjunction with the Head Teacher
 - Ratifying (with modification if necessary) whole-school policies submitted by the Head Teacher.
- k. Appoint members of the Senior Management Team in conjunction with and with the agreement of the Head Teacher.
- l. Set the annual level of fees and charges and the Colegio budget in conjunction with and with the agreement of the Head Teacher, and in conjunction with the Administrator
- m. Ensure that the Colegio is always able to meet its financial liabilities and to fulfil all its fiscal responsibilities. To this end, the Governing Board has the power to borrow money upon such terms as it thinks fit and to grant any mortgage, charge or standard security over the assets of the Association.
- n. Review the performance of the Head Teacher, holding the Head accountable for student discipline, the good order of the school and its**

academic status and achievements and if it deems appropriate, to censure discipline or dismiss the Head Teacher, subject to restrictions in law.

- o. Determine and publicise its rules and procedures within which it will operate in the above grievance and discipline issues.**
- p. Act as final appellate within the Colegio's agreed grievance and discipline policy subject to current Peruvian legislation.**
- q. Delegate to the Head Teacher, in consultation with the Senior Management Team, the powers to shape the curriculum, decide on the hours of teaching and all academic decisions not involving the need for additional resources.
- r. Act consonantly with the aims of the Association in any relevant Colegio governance matters not covered by the above specific responsibilities and will report accordingly to the Association in General Meeting.

All members of the Governing Board shall be bound by these regulations and any supplementary regulations produced by the Governing Board and shall ensure that the decisions of the Governing Board are carried out in agreement with the Constitution.

ARTICLE ELEVEN

Conduct of business of the Governing Board

- a. The quorum for meetings of the Governing Board shall be the half plus one of its members. Telephone, conference call and video linkages shall be construed as being present.
- b. Decisions will be taken by a simple majority of those present.
- c. Subject to the specific provisions of this Constitution and any modifications thereto passed by the Association in General Meeting, the Governing Board may regulate its proceedings as it thinks fit.
- d. The Governing Board shall be entitled to draw up rules and regulations for applying this Constitution in the best way. Such rules and regulations shall have no effect unless and until they are presented before and ratified by the Association in General Meeting.
- e. Decisions approved and adopted by a majority vote of those present and entitled to vote at the General Meeting will be valid.
- f. On an issue where a member may perceive that he/she may have a conflict of interest, he/she should declare such and abstain from both any discussion and vote.
- g. The Governing Board shall hold not less than two meetings per annum and 30 *calendar* days' notice of a meeting shall be required to be sent to all members of the Governing Board.
- h. There shall be not more than six months between the dates of each meeting of the Governing Board.
- i. Notice of all meetings of the Governing Board shall be, in the event that no representative of The Free Church of Scotland is then a member of the Governing Board, sent to its nominees, The Free Church of Scotland Board of Trustees Nominees.

ARTICLE TWELVE

The Governing Board is the executive body of the Association and shall comprise a minimum of eight and a maximum of twelve persons:

- a. Four members of the Association appointed by the Association.

- b. Two members of the Association appointed by the Governing Board itself.
- c. The Head Teacher *ex officio*.
- d. A parent representative elected by a duly convened General Assembly of the parents of the school.
- e. The immediate past Head Teacher is not eligible for election to the Governing Board.
- f. The Association in General Meeting shall be entitled to appoint members apart from the four separately designated above.
- g. The Association in General Meeting shall be entitled to remove member(s) from the Governing Board under the provision of Article Twenty Five.
- h. The resignation of any member shall be communicated with reasons in writing to the Chair of the Governing Board.

Notwithstanding the provisions of this Article, the fact that from time to time the number of members of the Governing Board falls below eight persons shall not affect the validity of any acts done by, or proceedings of, the Governing Board, provided that the requirements of Article 11 above regarding quorum are complied with.

ARTICLE THIRTEEN The Term of Office for members of the Governing Board is as follows:

- a. Apart from the parent representative they shall hold office for a term of four years, being immediately eligible for re-election for one further term by the Association in General Meeting.
- b. The parent representative, so long as still the parent of attending child, shall hold office for a term of two years, being immediately available for re-election as above if eligibility criterion still holds.

ARTICLE FOURTEEN Appointment of the Chair of the Governing Board:

- a. The Governing Board shall appoint one of its members to act as Chair of the Governing Board and may at any meeting of the Governing Board remove him/her from that office and appoint another member of the Governing Board as Chair.
- b. The Chair of the Governing Board shall hold office for four years from the date of appointment.
- c. None of the following shall be eligible as Chair of the Governing Board – any salaried employee of the Board, the immediate past Head Teacher, or the parent representative.
- d. Any decision to appoint or remove the Chair shall require to be approved by two thirds of the members of the Governing Board present at the meeting.
- e. Except in issues relating to confidence in the Chair, the Chair shall have both a deliberative and a casting vote in matters of a tie.
- f. The Chair will cease to hold office either at his/her own request or the expiry of 60 days written notice.

ARTICLE FIFTEEN The Chair of the Governing Board is to:

- a. Implement the aims of the Association.
- b. Be the legal representative of the Association and the Governing Board before all persons or legal bodies public or private, having the authority of the

Association and of the Governing Board before all kinds of institutions, civil, religious, administrative, military, political and judicial authorities.

- c. Sign with the Administrator all payments or credit documents, and also act jointly with the Administrator to open such bank accounts and withdraw funds from such accounts as are necessary for the efficient operation of the normal running of the Colegio itself.
- d. Be the personal acknowledger of the contributions, inheritances, legacies, transfer of moveable or immoveable properties, and the titles and securities as enumerated in Article Sixteen (c.).
- e. Give regular and efficient application and oversight to the responsibilities of the Governing Board and to these of the Association, giving attention also to the liaison function between the two.
- f. Work closely with the Head Teacher in his/her strategic functions.

ARTICLE SIXTEEN The Appointment of the Vice Chair

- a. The Governing Board shall appoint from within its membership, subject to the restrictions in Article 14(c), a Vice-Chair who will replace the Chair during any absence, or during any period when the Chair is no longer in office, and references to the Chair in this Constitution shall be construed accordingly.
- b. The Vice-Chair so appointed will represent the Chair and carry out the Chair's duties as stipulated in these regulations and shall have cheque signatory authority to cover for the Chair's absence or indisposition.

ARTICLE SEVENTEEN The Colegio shall supply all necessary secretariat and treasury facilities to the Association and the Governing Board including the following:

- a. The maintenance of a register of each member's name, occupation, address, date of admission, and dates of any office held in the Association or Governing Board;
- b. The taking of minutes of meetings and the recording of decisions taken;
- c. The safe custody of documents;
- d. The recording of contributions or donations of whatever kind;
- e. The maintenance of an annually updated assets register; and
- f. The recording of all income and expenditure in relation to Governing Board funds and activities.

ARTICLE EIGHTEEN The Colegio Administrator shall, as Head of Finance:

- a. Attend all Board Meetings, but not as a member and with no vote;
- b. Advise, as appropriate, the Head Teacher and the Governing Board on all financial aspects of the Colegio;
- c. Provide audited annual accounts of the Association to the Governing Board.

TITLE EIGHT: Membership of the Association

ARTICLE NINETEEN This Association is composed of three types of members:

- a. Active
- b. Ex-officio
- c. Co-operating members

ARTICLE TWENTY The active members of the Association shall be:

- a. Any persons or legal body (through its representatives) whom the Governing Board desires to invite to be members on the basis of their sympathy with the aims and the work of the Association
- b. Employees of the Free Church of Scotland who are resident in South America, with the exception of those serving as teachers at the Colegio, and limited to a maximum of three.
- c. The immediate past Head Teacher, after a gap of four years, is eligible to be appointed to the Association.

The Association shall have a minimum of twelve and a maximum of fifteen active members at any one time. Notwithstanding this provision, the fact that from time to time the number of active members of the Association falls below twelve shall not affect the validity of any acts done by, or proceedings of, the Association, provided that the requirements of Article 9 above regarding quorum are complied with.

ARTICLE TWENTY ONE Ex-officio members may speak and may vote at General Meetings but cannot hold office in the initial or any future Governing Board(s). These members are:

- a. The Chair and Secretary of the International Missions Board of the Free Church of Scotland, the founding body of the Colegio (formerly Anglo Peruano) or their designated representatives.
- b. The Head Teacher(s) of any educational establishment(s) which operate under the Association's overview.

ARTICLE TWENTY TWO Co-operating members are persons or representatives of bodies who wish to support the Association financially or otherwise and whose application for membership is accepted by the Governing Board. They may speak and may vote at General Meetings but cannot be elected to hold office in the Governing Board. There shall always be fewer co-operating members than active members.

ARTICLE TWENTY THREE All members are acknowledged and admitted as such when their application for admission, presented to and approved by the Governing Board, is ratified by the Association in General Meeting. The Governing Board must have decided unanimously on an application before the application for membership may be put before the Association in General Meeting for ratification. The rejection of an application does not have to be justified by the Governing Board.

ARTICLE TWENTY FOUR The resignation of any member shall be communicated with reasons in writing to the Chair of the Governing Board

ARTICLE TWENTY FIVE The Governing Board shall have the power to expel any member who, in the judgment of the Governing Board:

- a. Acts contrary to the Constitution; or
- b. Commits actions hostile to the Association or in conflict with its spirit and aims; or
- c. Without serious acceptable reason misses three consecutive meetings of the Association, or of the Governing Board

Any decision to expel a member of the Governing Board shall require to be approved by two thirds of the members of the Governing Board present at the meeting.

ARTICLE TWENTY SIX Any person expelled from the Governing Board:

- a. Shall hand over all documents in his/her possession relating to the business and affairs of the Association, in whatever medium they are stored.
- b. Will be informed of the reasons for their expulsion and these reasons will be communicated to the following Annual General Meeting.
- c. Shall be entitled to appeal to the Association in General Meeting and must give written notice to the Governing Board of his/her intention to appeal within 28 days of being notified of the decision of the Governing Board to expel him/her.

TITLE NINE: Of the Rights and Duties of Members

ARTICLE TWENTY SEVEN The rights of members, depending on their type of membership are:

- a. To take part in activities held by the Association.
- b. To be elected to form part of or to appoint a representative to participate in the Governing Board or future Governing Boards.
- c. To be elected as a representative of the Association by means of special appointment by the Governing Board to commissions or other bodies.
- d. Any member has the right to challenge in law any decision which violates Peruvian Law. Any such challenge shall be lodged with the Civil Judge of the district of the Association's address within 60 days of the date of the decision taken.

ARTICLE TWENTY EIGHT The duties of members are:

- a. To be faithful to the principles, aims and doctrinal basis of the Association.
- b. To co-operate disinterestedly in carrying out its aims.
- c. To fulfil the provisions of the Constitution, and any internal rules in force from time to time.

TITLE TEN: The Modification of the Constitution

ARTICLE TWENTY NINE This Constitution may be amended by the Association in General Meeting.

- a. The amendments proposed to be made to the Constitution shall be circulated among the members at the same time as notice of the General Meeting is given so that it may be debated in the aforesaid General Meeting.

- b. Amendments to the constitution (with the exception of those articles mentioned in Article 30) must receive two thirds of the votes of members present at the Association in General Meeting.

ARTICLE THIRTY Articles 3, 28, 29, 30, 32, 33 & 35 of the Constitution can only be amended by a unanimous vote of members present at the Association in General Meeting.

ARTICLE THIRTY ONE In everything that is not foreseen in the Constitution, there will be applied the regulations established in the Peruvian Political Constitution, the Civil Code and other laws on the subject which are applicable.

TITLE ELEVEN: Dissolution and Liquidation of the Association

ARTICLE THIRTY TWO In case of dissolution of the Association, the patrimony of the Association will be transferred to the Free Church of Scotland or its successors (either in Peru or in Scotland) by means of the Free Church of Scotland Board of Trustees Nominees (or its successors); or failing which to an indigenous local legal entity with similar and sympathetic aims to the Association.

ARTICLE THIRTY THREE None of the members, nor all of them together, has any right to the patrimony of the Association.

ARTICLE THIRTY FOUR To dissolve the Association, an Extraordinary General Meeting must be called for that purpose, at which quorum of two thirds of the members must be present. The resolution to dissolve the Association must be taken by the vote of more than half of the members present.

ARTICLE THIRTY FIVE The destination of assets resulting from liquidation proceedings will be as described in Article 32. In no circumstance will they be distributed to members of the Association.

ARTICLE THIRTY SIX The beginning of liquidation proceedings will terminate the execution of duties by the Governing Board. The Liquidation Commission will assume the role of governance and will be the representative of the dissolved Association, and will be the legal persona of the Association and Governing Board during the process of liquidation.

ARTICLE THIRTY SEVEN The duties of the Liquidation Commission will be:

- a. To be responsible for the assets of the Association;
- b. To conclude ongoing business and to initiate any necessary business required in the process of liquidation.
- c. To pay the Association's debts;
- d. To sell the assets and pay creditors;
- e. To assign any balance to the ends described in Article 32;
- f. To remove the Associations entry in the Public Register.

ARTICLE THIRTY EIGHT The process outlined in Articles 35, 36 and 37, will be the responsibility of the Governing Board if a General Meeting of the Association does not authorise the appointment of a Liquidation Commission.

TITLE TWELVE: Final Dispositions

Any matter not covered in these regulations will be decided by the Governing Board or by the Association subject to the requirements of the Civil Code, with particular reference to those governing Associations.

TRANSITORY DISPOSITIONS

1. In keeping with Article 20, there must be at least 12 active members in the Association. The Association can appoint co-operating members at its discretion. The initial General Meeting of the Association requires the attendance of more than half of the membership.

2. Within [90] days of the Constitution becoming 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). Such conveyance being subject always to the other provisions of the Constitution and, in particular, those under Title Eleven.

3. Appointment of the initial membership of the Association and Governing Board, apart from elected members, shall be made by the Free Church of Scotland in Commission of Assembly upon recommendations from the International Missions Board which shall consult with the Head Teacher of the Colegio.

4. With reference to Article 13 of the Constitution, and in particular, in relation to the initial terms of office of its members, the Governing Board shall determine, as appropriate, a pattern of succession to ensure that a staged replacement of members occurs without too great a loss of expertise at any one election diet.

Act XXVIII - Act anent arrangements for Ministers affected by Questions of Financial Sustainability
(No 27 of Class II)

Edinburgh, 20th May 2009

1. The General Assembly instruct Presbyteries, through their Pastoral Committees, to take responsibility for ensuring that regular consultation is engaged in with ministers affected by questions of financial sustainability. They further instruct that such consultation shall include examination of the ministerial gifts and full exploration of options matching these gifts including those identified in the report included as Appendix Three of the Board's Report. In fulfilling this remit, Presbyteries shall seek the help and advice of the Panel of Pastoral Advice, the Home Missions Board and the International Missions Board as appropriate.

2. The General Assembly instruct the Home Missions Board to give due consideration to the provision of financial assistance to ministers loosed from their pastoral charge where the ministry has been declared to be financially unsustainable taking account of the likelihood that such ministers will need to vacate their manse.

3. The General Assembly instruct the Personnel Committee to bring forward draft legislation to the 2010 General Assembly in relation to circumstances in which a minister loosed from his pastoral tie where the ministry has been declared to be financially unsustainable might, by petition to the General Assembly, be granted a seat on Presbytery

Act XXIX – Act anent Options for Part-time Ministry
(No 28 of Class II)

Edinburgh, 20th May 2009

The General Assembly instruct the Home Missions Board to explore options for part-time ministry in situations where full-time ministry is deemed to be financially unsustainable.

Act XXX – Act anent Review of Procedure for the Calling of a Minister
(No 29 of Class II)

Edinburgh, 20th May 2009

The General Assembly instruct the Home Missions Board to review the regulations and procedure for the calling of a minister with a view to assessing whether or not it would be appropriate to allow ministers to express an interest in vacancies.

Act XXXI – Act amending Act V, Commission of Assembly, January 2007
(No 30 of Class II)

Edinburgh, 20th May 2009

The General Assembly note the issues arising from the Model Trust Deed with respect to granting of security over congregational properties. They also note the advice of the Church's Law Agents and based on this advice authorise congregational trustees to grant standard securities over congregational properties to the Board of Trustees. Such authorisation shall be subject to congregational approval having been granted. For the avoidance of doubt, they amend Clause 26 of the congregational constitutions approved under Act V, Commission of Assembly, January 2007, by the addition of the following words: 'except in cases where loans are provided by the Board of Trustees'.

Act XXXII – Act appointing a Day of Humiliation and Prayer
(No 31 of Class II)

Edinburgh, 20th May 2009

Edinburgh, 22nd May 2009

The General Assembly recognising the state of the Church and of the nation, appoint a Day of Humiliation and Prayer throughout the Church, to be held at the end of October 2009. They instruct Kirk Sessions to make arrangements for its observance in their respective congregations on Wednesday 28th October 2009 or nearest suitable date.

**Act XXXIII – Act anent Immunities and Indemnities for Members of Church
Courts and Committees, etc.**
(No 32 of Class II)

Edinburgh, 20th May 2009

1. The General Assembly recognising the desirability of making express the immunities and indemnities to which members of General Assemblies and its Commissions, members of General Assembly committees and boards and, in particular, the Trustees serving at any time and from time to time on the Board of Trustees are entitled, and which have hitherto been implicit only, hereby enact as follows:-

(1) In the professed execution of the duties, trusts and powers conferred on the Board of Trustees by the General Assembly, no Trustee shall be personally liable for any loss or damage which may at any time arise or be occasioned by the failure or depreciation in value of the property, funds or securities in which the Board of Trustees may in good faith invest the whole or any part of the funds under their charge, or in which any such funds were found to be invested when the Board of Trustees entered upon the possession and management of the funds previously invested in the name of or for behoof of the General Trustees, nor for insolvency of debtors, nor for the acts, omissions, neglect or default of fellow Trustees or of any bankers, solicitors, factors or other agents employed by them, nor for any losses that might be incurred as a result of any legal action taken or defended by the Board of Trustees on behalf of the Church or any of its congregations, nor for any other loss or damage arising by reason of any other matter or thing excepting always wilful and individual fraud or criminal wrongdoing on the part of any Trustee who is sought to be made so liable.

(2) The General Assembly from the funds of the Church shall indemnify and keep indemnified the Trustees serving at any time and from time to time on the Board of Trustees against any and all personal loss by way of damages, legal expenses or otherwise arising in any claim, proceedings or other process at the instance of any party whether in respect of alleged fault, breach of contract, breach of trust or

otherwise relating to the discharge by the Trustees of the duties, trusts and powers conferred on them by the General Assembly, provided always that in the matter concerned such discharge shall have been in good faith. No such indemnities shall be granted in respect of any personal loss suffered by any Trustee by reason of that Trustee's wilful and individual fraud or criminal wrongdoing.

(3) Members of General Assemblies, Commissions of Assembly, committees and boards (including members of any sub-committees of such committees and boards) of the General Assembly with delegated responsibility for the discharge of specific investment or other management functions, as also any employee or officer of the Church acting in an administrative capacity on the instructions of the General Assembly or the Board of Trustees or any committees (including sub-committees of such committees) of the General Assembly or the Board of Trustees, shall be entitled to the same immunities and indemnities, *mutatis mutandis*, as are extended to Trustees in terms of numbered paragraphs (1) and (2) above.

The General Assembly repeal Act XIV, 2000.

Act XXXIV – Act anent Compliance with UK Border Agency
(No 33 of Class II)

Edinburgh, 20th May 2009

The General Assembly instruct the Board of Trustees to take such steps as are necessary to ensure compliance with the UK Border Agency's new points-based immigration system for employment of migrant workers.

Act XXXV – Act anent Housing Support Fund
(No 34 of Class II)

Edinburgh, 20th May 2009

The General Assembly support the approach of the Board of Trustees in relation to the management of the Church's portfolio of flats in Edinburgh as contained in Section (G) 1 of their Report. They instruct the Board to consult with the Board of Ministry and the College Board with a view to considering the establishment of a Housing Support Fund which would be available to students in the Free Church College who are not allocated a Free Church flat. They further instruct that, if such a fund is established, the Board should develop a set of conditions and procedures for its operation.

**Act XXXVI – Act anent Manse Titles and Constitutions for Cobham and
London City congregations**
(No 35 of Class II)

Edinburgh, 20th May 2009

1. The General Assembly note the concerns raised over the titles to the manse properties of London City Presbyterian Church and Cobham Free Church. They instruct the Board of Trustees to investigate this matter and bring forward proposals for a more satisfactory arrangement and empower the Commission of Assembly to take up and finally dispose of a Report from the Board on this matter.
2. The General Assembly note the need for London City Presbyterian Church and Cobham Free Church to register with the Charity Commission for England and Wales. They instruct the Board to prepare a suitable constitution for the congregations based on that already approved for congregations in Scotland. They empower the Commission of Assembly to take up and finally dispose of a Report from the Board on this matter.

Act XXXVII – Act amending Act III, 2001
(No 36 of Class II)

Edinburgh, 20th May 2009

The General Assembly amend Act III, Class II, 2001, to the extent that:

- 1 All references throughout the Act to “the Finance, Law and Advisory Committee” be changed to read “the Board of Trustees”;
- 2 Paragraph 2 be amended to read “All Honorary Clerks, who are not employees of the Free Church Offices or of the Free Church College, shall be appointed for a term of six years, with a review to be conducted by the Board of Trustees after each period of three years, and renewable without interruption if approved at the time of renewal by the Board of Trustees. This shall always be subject to no complaint being received by the Board of Trustees and sustained after appropriate investigation”;
- 3 Paragraph 7 be deleted with subsequent paragraphs renumbered.

Act XXXVIII – Act restricting Presbytery meetings in Committee Weeks
(No 37 of Class II)

Edinburgh, 20th May 2009

The General Assembly ordain that it shall not be competent for Presbyteries to meet during Monday to Thursday of those weeks in March and October when the Commission of Assembly is appointed to meet or the week in June appointed for Assembly committees except for urgent business.

Act XXXIX – Act anent use of Technology in the Conduct of Church Business
(No 38 of Class II)

Edinburgh, 20th May 2009

The General Assembly note the advantages to be obtained in the appropriate use of modern technology in the conduct of the business of the Church and the increasing practice whereby such technology is used in the Church's courts and committees through conference calls and video link etc.

The General Assembly, considering that good order requires that such practices be carried out with the authority and under guidelines laid down by the General Assembly, instruct the Board of Trustees to formulate proposals for the procedures to be permitted and operated in such cases and report to next General Assembly.

Act XL – Act anent Sale of Properties and Release of Funds
(No 39 of Class II)

Edinburgh, 20th May 2009

1. The General Assembly receive the petition from the Deacons' Court of Fort William and Kilmonivaig Free Church and grant its crave. They renew permission to dispose of the site and buildings at Gairloch in accordance with the terms of Act XVII, 2004.

2. The General Assembly receive the petition from the Finance Committee of Wick and Keiss Free Church and grant its crave. They grant authority to sell the church building and manse at Wick, the proceeds of the sale to be lodged with the Board of Trustees in behoof of the congregation and made available for the procurement of a more suitable church building and manse, the transaction to be carried out under supervision of the Church's Law Agent. They direct that any residual balance shall be held on behalf of the congregation and shall be made available for congregational purposes upon application to the Board of Trustees.

3. The General Assembly receive the petition from the Finance Committee of Tongue Free Church and grant its crave. They grant authority to sell the Skerray Manse, the transaction to be carried out under supervision of the Church's Law Agent. They direct that the proceeds of the sale be lodged with the Board of Trustees and shall be made available to the congregation of Tongue, Farr, Strathy and Halladale for the repair and improvement of remaining property and for other congregational purposes upon application to the Board of Trustees.

4. The General Assembly receive the petition from the Finance Committee of Strathy and Halladale Free Church and grant its crave. They renew authority to sell the Halladale Church building, the transaction to be carried out under supervision of the Church's Law Agent. They direct that the proceeds of the sale be lodged with the

Board of Trustees and shall be made available to the congregation of Tongue, Farr, Strathy and Halladale for the repair and improvement of remaining property and for congregational purposes upon application to the Board of Trustees.

5. The General Assembly receive the petition from the Finance Committee of Bonar Bridge Free Church and grant its crave. They authorise the sale of the manse in Migdale, the transaction to be carried out under the supervision of the Church's Law Agent. They direct that the proceeds of the sale be lodged with the Board of Trustees, with interest added, and that the access to these funds for congregational purposes be at the discretion of the Finance Committee of Bonar Bridge and made available upon application to the Board of Trustees.

6. The General Assembly receive the petition from the Finance Committee of Olig, Watten and Bower Free Church and grant its crave. They grant authority to sell the Watten church building, the transaction to be carried out under supervision of the Church's Law Agent. They direct that the proceeds of the sale be lodged with the Board of Trustees to be held on behalf of the congregation of Olig, Watten and Bower and that these funds shall be available for congregational purposes upon application to the Board of Trustees.

7. The General Assembly receive the petition from the Finance Committee of Olig, Watten and Bower Free Church and grant its crave. They amend Act V, 1981, Act V, 1983 and Act III, 1980 to the extent of granting the congregation unrestricted access to the capital for repairs and improvements to the congregation's properties, these funds to be available for these purposes upon application to the Board of Trustees.

8. The General Assembly receive the petition from the Finance Committee of Kiltarlity and Kirkhill Free Church and grant its crave, waiving an irregularity in the extracts provided. They amend Act XVII, 2004, § 1, and Act III, Commission of Assembly, March 2002, to the extent of granting the congregation access to the whole funds held, if required, for the upgrading and improvement of the church building at Kiltarlity. They direct that any balance be applied to the purchase of a manse or other property for resident supply or congregational workers.

9. The General Assembly receive the petition from the Deacons' Court of Coll Free Church and grant its crave. They grant authority to sell the plot of land near the former manse in Coll, 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 and shall be made available to the Presbytery of Glasgow and Argyll, upon application to the Board of Trustees, to maintain gospel ordinances within the bounds of the Presbytery.

10. The General Assembly receive the petition from the Deacons' Court of Coll Free Church and grant its crave. They grant authority to sell the church building on Coll, 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 and shall be made available to the Presbytery of Glasgow and Argyll, upon application to the Board of Trustees, to maintain gospel ordinances within the bounds of the Presbytery.

11. The General Assembly receive the petition from the Deacons' Court of St. Vincent Street-Milton Free Church and grant its crave. They amend Act XVI, 2001, § 8, to the extent of granting the Deacons' Court access to the funds held by the Board of Trustees for general congregational purposes, the funding of congregational pastoral workers and an administrator, and the renovation of the undercroft areas of the St. Vincent St. building and the "church flat" for classroom and office space, such funds to be made available upon application to the Board of Trustees.

12. The General Assembly receive the petition from the Deacons' Court of Kilwinning and Saltcoats Free Church and grant its crave. They grant authority to sell the manse at Kilwinning, the transaction to be carried out under the supervision of the Church's Law Agents. They direct that the proceedings of the sale be invested on behalf of Kilwinning and Saltcoats Free Church and that the income be made available to the Deacons' Court of Kilwinning and Saltcoats Free Church for congregational purposes.

Act XLI – Act anent Synods
(No 40 of Class II)

Edinburgh, 20th May 2009

1. The General Assembly confirm that Synods form a constituent part of the Courts of the Church along with Kirk Sessions, Presbyteries and the General Assembly.
2. The General Assembly acknowledge that ordinary meetings of the home Synods in the present circumstances of the Church deal with routine business which could otherwise be directed to the General Assembly without prejudice or loss. In addition the volume of such business is small and does not itself justify the time and expense of attendance at these meetings.
3. Consequently the General Assembly declare that annual statutory meetings of all Synods, with the exception of the Synod of North America, be suspended as from this Assembly. The General Assembly direct that for each Synod a Moderator designate be nominated annually by each Presbytery of the bounds in rota, the Clerk of Synod to correspond with the Presbytery whose turn it is to provide a Moderator not later than 31st December each year. Should the Moderator designate become ineligible after appointment the Clerk of Synod shall contact the relevant Presbytery so that a replacement may be nominated thus ensuring that a Moderator designate is always in place, the same procedure to be carried out prior to 31st December 2009 should the Moderator of the 2009 Synod be no longer eligible.
4. The General Assembly further declare that it shall be required of Synods that they meet to deal with business which may not be held over without prejudice, such as Complaints or Appeals, upon information from the Synod Clerk, such meetings to be called by the Moderator of the most recent meeting of Synod if still eligible and if such business arises prior to 31st December 2009, after which date such meetings shall be called by the Moderator designate as nominated in accordance with paragraph 3 above.

5. The General Assembly direct that should matters left over from the most recent statutory meetings of Synods be other than can be remitted to the Assembly or its Commission, or require to be taken up and disposed of by Synod as distinct from that specified in paragraph 6 below, the Moderator of the most recent Synod, or failing which the Moderator designate as nominated in accordance with paragraph 3 above, shall call a meeting of Synod to take up such business upon advice from the Synod Clerk, in order that it may be disposed of accordingly.

6. The General Assembly instruct Presbyteries to forward items routinely dealt with annually by Synods, such as the inspection of Presbytery records and reports of quinquennial visitation, to the General Assembly until further notice, such reports and records to be directed in the first instance to the Principal Clerk of Assembly.

7. The General Assembly direct that in instances requiring disbursement of grants or bursaries from Synod Funds which would routinely come before Synod, unless arrangements have already been made by Synods, the Moderators and Clerks of constituent Presbyteries, with the Moderator designate of Synod, shall act as a Committee of Synod and shall be empowered to authorise such payments as they deem appropriate in accordance with the terms laid down, such payments to be duly recorded and reported to the General Assembly annually through the report of the Board of Trustees. The Moderator designate shall be Convener of the said committee.

8. The General Assembly further direct that in the event of a vacancy occurring in the office of Clerk or Treasurer of Synod the said Committee shall appoint a replacement in each case who shall take up his duties immediately upon appointment. The Committee shall also determine annually the remuneration to be paid to the Synod Clerk or Treasurer in accordance with any terms already laid down and in proportion to the business transacted.

9. The General Assembly declare that the Synod of North America be exempted from the requirements specified in paragraphs 3-8 above.

10. 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 XLII – Act uniting the congregation of Uig (Bernera) Free Church with the
congregation of Callanish Free Church**
(No 41 of Class II)

Edinburgh, 20th May 2009

The General Assembly receive the Petition of the Presbytery of the Western Isles and grant its crave. They ordain that:

1. The congregation of Uig, Bernera be united to the congregation of Callanish under one Kirk Session and one Deacons' Court;
2. The name of the united charge be Callanish Free Church;
3. The requirement for the submission of a Sustentation Fund Schedule from both congregations be waived due to the fact that the congregation at Uig, Bernera has not functioned as a congregation since 2003.

Act XLIII – Act anent Training for Auxiliary Workers
(No 42 of Class II)

Edinburgh, 21st May 2009

The General Assembly note with concern that over the last few years several applicants for the ministry, with solid support from their Kirk Sessions and Presbyteries for their applications, have withdrawn their applications in order to take up auxiliary worker posts with individual congregations, thus precluding their wider usefulness in the ministry of the Church. The General Assembly accordingly authorise the Home Missions Board to investigate the training required for auxiliary workers whose duties include teaching, and the relationship between such posts and the ministerial discipline of the Church, in consultation with the Board of Trustees and report to next General Assembly.

Act XLIV - Act anent Chair of Apologetics and Practical Theology in the Free Church College
(No 43 of Class II)

Edinburgh, 21st May 2009

The General Assembly note the reasons given by the College Board for not moving immediately to the appointment of a full-time Professor of Practical Theology, and direct that no appointment be made before the General Assembly of 2012. They authorise the Professor of Systematic Theology, to be responsible for the organisation of the practical theology modules of the course, including inviting part-time lecturers to be involved in delivering these modules as appropriate, in terms of Act XXV, 2000.

Act XLV – Act anent Filling of College Chairs
(No 44 of Class II)

Edinburgh, 21st May 2009

The General Assembly hereby amend Act XX, 1998, to read:

The General Assembly approve the following regulations for the filling of College Chairs with immediate effect.

(a) All those appointed to College Chairs must be either ministers or probationers of the Free Church of Scotland or a Church with which the Free Church of Scotland has mutual eligibility. A minister appointed to a Chair will be inducted by the local Presbytery. A probationer appointed to a Chair will be ordained and inducted.

(b) A professor who is due to retire or who intends to retire or resign shall intimate this fact to the College Board not later than 31st December prior to the General Assembly from which the retiral or resignation will take effect.

(c) When a professor receives a Call to a pastoral charge, and the Presbytery of Edinburgh and Perth, recognising that it is beyond their competence to loose a professor from his charge, refer the matter to the General Assembly, the Presbytery shall immediately inform the College Board of this fact.

(d) The College Board will review the vacancy in the College with a view to determining whether, in light of the Church's financial situation and manpower, it is advisable to move immediately to a full-time appointment, or whether it might be advantageous to appoint part-time lecturers to cover the syllabus, in consultation with the Senate. At no time shall the number of full-time Professors in the College be less than three.

(e) The College Board will inform all presbyteries of any imminent or possible vacancy at the College, together with the result of its review of the vacancy, not later than 31st January prior to the Assembly at which an appointment is to be made.

(f) If the Board's review results in a proposal to defer appointment of a full-time Professor at the Free Church College, the College Board shall bring a Supplementary Report to the Commission of Assembly for its approval of such proposal. If the Commission of Assembly grants permission to the College Board to proceed with its report to the General Assembly, Presbyteries shall be informed that no nomination is required.

(g) In the event that the Board intends to proceed to a full-time appointment, each presbytery has the right to nominate two candidates to fill the vacancy. These nominations must be intimated to the College Board by 31st March prior to the Assembly at which an appointment is to be made.

(h) The College Board, having received the returns from presbyteries, will invite all nominees to submit curricula vitae and to confirm their willingness to accept the appointment if elected.

(i) The Board will invite for interview all nominees who have indicated their willingness to accept the appointment.

(j) The Board will collate the returns from presbyteries, the curricula vitae and the indications of availability and submit them to the General Assembly in a Supplementary Report.

(k) The Board, having ascertained the availability of candidates, reviewed the returns from presbyteries and interviewed candidates, will propose in its Supplementary Report one nominee for the vacant Chair.

(l) Any member of the General Assembly will have the right to propose an alternative name from the list of those nominated by presbyteries and interviewed by the College Board.

**Act XLVI – Act uniting the congregation of Fearn Free Church with the
congregation of Tain and Edderton Free Church**
(No 45 of Class II)

Edinburgh, 21st May 2009

The General Assembly ordain that:

1. The congregation of Fearn be united with the congregation of Tain and Edderton with one Kirk Session and one Deacons' Court, from a date not later than 1st September 2009;
2. The minister of the united charge be Rev. Ronald Morrison, Tain and Edderton Free Church;
3. The name of the united charge be Tain and Fearn Free Church;
4. In normal circumstances separate morning services be held in both congregations, with joint evening services to be held in Tain.

Act XLVII – Act anent the ministerial status of Rev. David Ford
(No 46 of Class II)

Edinburgh, 21st May 2009

The General Assembly, noting that the name of Rev. David Ford, who is serving the Church in South America, has been retained on the Roll of Resigned and Retired Ministers, and waiving the requirements of Act XIII, 1990, para 9, do hereby instruct that his name be transferred from the said Roll to the List of Serving Missionaries under the oversight of the International Missions Board.

**Act XLVIII – Act reappointing Rev. W. M. Mackay as a General Assessor to the
Presbytery of Glasgow and Argyll**

(No 47 of Class II)

Edinburgh, 21st May 2009

The General Assembly appoint Rev. William M. Mackay, retired, Edinburgh, to be a General Assessor to the Presbytery of Glasgow and Argyll, the term of the appointment to be until the next General Assembly.

Act XLIX – Act anent Membership of the College Board

(No 48 of Class II)

Edinburgh, 22nd May 2009

The General Assembly, noting that Act XXIV, Paragraph 1.6 contained an error in that the total membership of the College Board is stated as twelve whereas the sum of the individual members is eleven, amend the said paragraph to read as follows: “*Membership*: twelve members in total, comprising the Principal of the College *ex officio*; two additional members of the Senate appointed by the Senate; the Chairman and Vice-Chairman of the Board of Ministry *ex officio*; the President of the Students’ Representative Council of the College *ex officio*; three additional ministers and three additional elders appointed by the General Assembly on the recommendation of the Nominations Committee for a four-year term, the elders to have suitable qualifications or experience in education, preferably tertiary education, or in the administration or promotion of education.”

Act L – Act anent Membership of the International Missions Board

(No 49 of Class II)

Edinburgh, 22nd May 2009

The General Assembly amend Act XLVIII, 2008, paragraph 1.4, “Membership” to read as follows, “Twelve members (six ministers and six elders) appointed by the General Assembly on the recommendation of the Nominations Committee for a four-year term, renewable for one further term of four years, with the addition of the Editor of From the Frontiers *ex officio*. The total membership will comprise six ministers and six elders. The Chairman shall be appointed by the General Assembly on the recommendation of the Nominations Committee for a four-year term, renewable for one further term of four years. The Board shall have the powers to appoint a Vice-Chairman, an Executive and Sub-Committees from its own membership. The quorum shall be three members of the Board.

Act LI – Act anent Membership of the Study Panel

(Act 50 of Class II)

Edinburgh, 22nd May 2009

The General Assembly appoint Rev. Nigel Anderson and Rev. Andrew M. Fraser to be members of the Study Panel in place of Rev. Principal Donald Macleod and Rev. David C. Meredith, resigned.

**Act LII – Act anent Membership of the Committee to review
Disciplinary Procedures**
(No 51 of Class II)

Edinburgh, 22nd May 2009

The General Assembly appoint Rev. Gordon Mair to be a member of the Committee to review Disciplinary Procedures in place of Dr Ian Maciver, resigned.

Act LIII - Act anent signing of Committee and Board Records
(No 52 of Class II)

Edinburgh, 22nd May 2009

The General Assembly direct that all minutes of Boards and Committees be signed by the Clerk as well as the Chairman or Convener.

Act LIV – Act appointing the Commission of Assembly
(No 53 of Class 2)

Edinburgh, 22nd May 2009

The General Assembly did, and hereby do, nominate and appoint a Commission consisting of all members of Assembly with the addition of Rev. Derek Lamont, 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 2010 budgets, to receive and, if appropriate, to approve the 2008 Accounts of the Church, to take up and dispose of a report from the Board of Trustees anent a Constitution for London City Presbyterian Church and Cobham Free Church congregations, 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 LV – Act appointing the General Assembly of 2010
(No 54 of Class II)

Edinburgh, 22nd May 2009

The General Assembly appoint the next General Assembly to meet in Edinburgh on Monday 17th May 2010 at 6 o'clock in the evening.

ACTS OF COMMISSION OF ASSEMBLY

Act I - Act anent Expenditure Budget for 2009

Edinburgh, 1st October 2008

- 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 and instruct budget holders to operate within the constraints of these budgets.

Act II - Act anent Implementation of Policy for Vulnerable Adults

Edinburgh, 1st October 2008

- 1 The Commission of Assembly receive the Report of the Board of Trustees and thank the Board and its Compliance and Risk Management Sub-Committee for their work.
- 2 The Commission of Assembly thank Mr Colin MacDonald for his work in researching and producing a Protecting Vulnerable Adults Policy for the Church.
- 3 The Commission of Assembly adopt the Policy included as an Appendix to this Act and instruct the Board to communicate this to all central committees and boards and to all Presbyteries and congregations.
- 4 The Commission of Assembly instruct all Kirk Sessions to adopt and implement the Policy and to record such adoption and implementation in Kirk Session minutes. They instruct Presbyteries to monitor implementation of the policy, including the appointment of Adults At Risk Co-ordinators, during their annual inspection of records and during Quinquennial Visitations and to report any failures to comply to the Chief Administrative Officer.
- 5 The Commission of Assembly instruct the Board to provide support to congregations in the implementation of the Policy.

Appendix

Protecting Vulnerable Adults

Policy and Guidelines of the Free Church of Scotland, 15 North Bank Street, Edinburgh, EH1 2LS

*1st Edition
September 2008*

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The Free Church Offices, 15 North Bank Street, The Mound, EDINBURGH EH1 2LS.

The Free Church of Scotland is a registered Scottish Charity - no: SC012925

Note 1: The terms 'Free Church of Scotland' and 'Free Church' are used interchangeably, and are to be construed as referring to the same organisation.

Note 2: The term 'Vulnerable Adults' in England is roughly equivalent in Scotland to 'Adults at Risk' [*The Police Act 1997 (Criminal Records) (Scotland) Regulations 2006, SSI No. 96 Section 10*] and under the Protection of Vulnerable Groups (Scotland) Act 2007 legislation a similar group will be called 'Protected Adults'.

The term 'vulnerable adult' is used in this document in a general sense whilst the term 'Adult at Risk' is used in the more specific sense of SSI 96 – see App. 2.

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Chapter 1

POLICY

1.1 Mission Statement

The Free Church of Scotland recognises all are created in God's image and are to be valued, respected and afforded nurture and protection.

In particular the Free Church of Scotland is committed to protecting vulnerable adults and ensuring their well-being; it acknowledges that they can be the victims of abuse, neglect and discrimination of a physical, sexual, emotional, psychological, financial or material nature, and seeks to provide a safe and caring environment for them;

The Free Church of Scotland recognises vulnerable adults have a right to privacy, the protection of the law, to be able to choose how they lead their lives, to be treated with dignity and respect, and all regardless of their ethnic origin, gender, sexuality, impairment or disability, age and religious and cultural background.

It is the responsibility of each individual who acts on behalf of the Free Church of Scotland to help prevent these forms of abuse and neglect of vulnerable adults and to report any such abuse that is discovered or suspected to the relevant authorities;

The Free Church of Scotland recognises that it is unacceptable for those in a position of trust to engage in any behaviour which might contribute to any form of abuse;

The Free Church of Scotland undertakes to adopt safe recruitment procedures, and to provide supervision and training for all those working with Adults at Risk within the Free Church of Scotland;

The Free Church of Scotland undertakes to support those who have been affected by abuse in the Church;

The Free Church of Scotland undertakes to maintain good links with the statutory authorities and other relevant organisations.

1.2 Policy Statement

1. The Free Church of Scotland undertakes to:
2. meet the requirements of the Disability Discrimination Act 1995, Adult Support and Protection (Scotland) Act 2007 and all other relevant legislation, and to be welcoming and inclusive;
3. adopt a policy on safeguarding the welfare of vulnerable adults;
4. plan the work of the organisation so as to minimise situations where the abuse of vulnerable adults may occur;
5. introduce a system whereby an independent person (the Adult at Risk Co-ordinator - AARC) oversees on behalf of the Kirk Session Adults at Risk issues in the Congregation;
6. apply agreed procedures, aimed at protecting Adults at Risk, to all paid staff and volunteers;
7. provide all paid staff and volunteers with clear roles;
8. gain at least one reference from a person who has experience of the applicant's work, if any, with Adults at Risk and who can give a character reference;
9. explore in an interview before appointment all applicants' experience of working with or having contact with Adults at Risk;
10. find out whether an applicant has any convictions for criminal offences against Adults at Risk;
11. make paid and voluntary appointments conditional on the successful completion of a probationary period;
12. issue guidelines on how to deal with allegations of abuse, and the disclosure or discovery of abuse;
13. train paid staff and volunteers, their line managers or supervisors and policy makers in the protection of Adults at Risk;

14. review this Policy and Guidelines document regularly (see Appendix 3), to communicate them to every person in the Church involved in work with vulnerable adults, and to oversee their implementation.

Note: Clauses 7, 8 and 10 do not apply to the selection and appointment of individuals to the offices of Minister, Elder or Deacon as such appointments are subject to a separate process. However, it is important that clause 9 is adhered to in all cases.

Chapter 2

OVERSIGHT OF THE POLICY

2.1 General

The General Assembly of the Free Church of Scotland has the general oversight of the Policy which is issued by its authority. The General Assembly delegates this oversight on an on-going basis to the Compliance, Audit and Risk Management Committee of the Board of Trustees, but the responsibility for the administration of the Policy in individual Congregations rests with the Kirk Session.

2.2 The Kirk Session

The Kirk Session's duties are to:

- implement fully the *Policy and Guidelines* in each Congregation.
- appoint an Adult at Risk Co-ordinator (AARC), and where possible a Depute, to act on behalf of the Kirk Session and to help ensure that *Policy and Guidelines* are implemented at a practical level (for form for registering Co-ordinators, see App. 4.1, 2). The same person can be appointed to the post of AARC and Child Protection Co-ordinator, although it is expected that in larger congregations the posts would be separate;
- facilitate and promote safe working practices by encouraging 'workers' to examine their personal practice and as a team to identify possible areas of risk and seek creative solutions to these;
- ensure that all voluntary and paid 'workers' are recruited via the procedures set out in the relevant articles of the *Policy and Guidelines*;
- ensure that the names of all 'workers' in this area are recorded in a congregational register, and that it is kept up to date;
- ensure that procedures are followed and records maintained to the satisfaction of the Presbytery. This will involve providing evidence of the implementation of the *Policy and Guidelines* for Quinquennial checks;
- encourage voluntary and paid 'workers' and the Congregational Co-ordinators to participate in relevant training;
- be available to people in the Congregation who may wish to express concerns relating to persons or procedures;
- ensure that when incidents of abuse are reported the Free Church's reporting procedure is effectively implemented;
- liaise with groups who wish to use congregational premises to ensure compliance with the *Policy and Guidelines*.

2.3 The Adults at Risk Co-ordinator

The Co-ordinator's role focuses on the following areas:-

- generally to **oversee** and **monitor** the **implementation** of the Church's Protecting Vulnerable Adults Policy in the Congregation on behalf of the Kirk Session;
- to obtain, promote and disseminate **information** on risk management and on the protection of Adults at Risk ;
- to advise and promote **training** for all who are engaged directly or indirectly in work with Adults at Risk;
- to facilitate **vetting procedures** required for those who work with Adults at Risk;
- to **keep** accurate records and **maintain a register** of all 'workers' on behalf of the Kirk Session;
- to **record** and keep accurate accounts of incidents and allegations;
- where an allegation or disclosure occurs to **report** to Social Work and/or the Police, and forward a **report** to the Free Church Offices within 48 hours; there the report will be securely logged;
- to **liaise** with professionals from the relevant agencies;
- to **be available** to leaders and concerned adults within the Congregation who may wish to express views relating to persons or procedures;
- to **liaise** with those responsible for lets and hires of congregation facilities ensuring all comply with our Protecting Vulnerable Adults *Policy and Guidelines*.

Chapter 3

RECRUITMENT

3.1 General

At the time of drafting this PVA Policy there is still no legal requirement to apply for an Enhanced Disclosure for work with Adults at Risk, but there is no doubt that best practice indicates that we go through a 'recruitment' procedure similar to that for Child Protection.

3.1.1 The term 'Vulnerable Adults' in England is roughly equivalent in Scotland to 'Adults at Risk' [*The Police Act 1997 (Criminal Records) (Scotland) Regulations 2006, SSI No. 96 Section 10*] and under *the Protection of Vulnerable Groups (Scotland) Act 2007* legislation a similar group will be called 'Protected Adults'.

3.1.2 SSI 96 section 10 defines who 'Adults at Risk' are by virtue of their condition **and** the type of 'service' they receive; however there is still debate as to whether the term 'social care service' (para. 6) will include some services the Church may provide. (See Appendix 1).

3.1.3 More importantly, there is the statement in SSI 96 Schedule 10, paragraph 2: '*This regulation applies to a position if it is a kind which enables a person in the course of his or her **duties** to **have contact with** an adult at risk*'.

3.1.4 This Policy assumes:

- '*duties*' implies that the person has been appointed by the Church (Presbytery/Kirk Session/Deacons' Court) to a position which allows him/her to engage at a **significant** level in this type of work on its behalf; **and**
- 'contact' is **significant** contact, ie. non-incident. [See App.4.1]

3.1.5 It is strongly recommended that Kirk Sessions make informed decisions regarding whether Ministers, Elders and Deacons **already in post** who regularly have significant contact with 'Adults at Risk' on a one-to-one basis go through the 'recruitment' process, including applying for an AAR Enhanced Disclosure Certificate, outlined in the rest of this chapter.

3.2 Job Descriptions

It is strongly recommended that the 'worker' is given a written statement describing the work that is expected of him/her, and that s/he signs to say s/he agrees with the statement of work to be undertaken and has read the Policy. (See App 4.3)

3.3 Job Application

Note that Ministers, Elders and Deacons are not applying for their posts as Ministers, Elders and Deacons but for the particular area of work relating to 'Adults at Risk'.

The confidential Application Form asks for some personal details such as names, date of birth (optional), address history, any relevant experience, and referees. (See App 4.4)

3.4 Self-Declaration

This confidential form asks whether the person has ever been charged with or convicted of a criminal offence; and whether s/he has been the subject of allegations made regarding Adults at Risk and should be completed in full by all 'workers'. (See App 4.5)

3.5 Interview

Note that Ministers, Elders and Deacons are not applying for their posts as Ministers, Elders and Deacons but for particular area of work relating to 'Adults at Risk'. The Kirk Session or a small committee of the Kirk Session which may include the AARC should consider the content of the above forms, including **references** (see App. 4.6), and interview the prospective 'worker' to determine his/her suitability for the work to be undertaken. It should be a 2-way process, so that the applicant is clear as to the duties and responsibilities expected of him/her, and the support available.

3.6 Disclosure

If all the above is satisfactory the 'worker' is asked to complete an Enhanced Disclosure in the category AAR as Minister, Elder, Deacon, member of Pastoral Team or similar. Guidance for completing a Disclosure Application form is to be found in Appendix 4.7.

3.7 Support, Supervision and Training of 'Workers'

The Free Church will ensure all those working with Adults at Risk will be appointed, trained, supported and supervised in accordance with the principles set out in the relevant government guidelines.

3.8 Supervision of Activities with Adults at Risk

Each congregation of the Free Church will provide on request details of supervision arrangements for work with Adults at Risk.

Chapter 4

ABUSE AND REPORTING

4.1 TYPES AND FORMS OF ABUSE

Much of this section is adapted from the relevant chapter in the Scottish Episcopal Church's Vulnerable Adults Policy, and is reproduced with their permission, kindly granted.

Many people have heard of child abuse, but the abuse of vulnerable adults does not receive as much media attention. However, adult abuse does take place in varying degrees and it is widespread. Abuse can, and does, take many forms. Some adults at risk are subjected to multiple forms of abuse, others to one. Some are subject to single incidents, and others 'serial abuse'. The following descriptions are the most common.

4.1.1 PHYSICAL ABUSE - the deliberate infliction of pain, physical harm or injury, for example:

- hitting, slapping, punching, pushing, kicking, hair-pulling
- misuse or withholding medication
- misuse of restraint
- use of inappropriate sanctions.

Indicators include:

- bruising
- a history of unexplained falls and/or minor injuries
- fractures not consistent with falls or explanations of the injury
- finger marks
- burns not consistent with possible explanations
- excessive consumption of alcohol, which is unusual for the person.

There can be rare circumstances where some restraint is necessary to ensure the safety of the vulnerable adult. A relative being cared for at home might be locked in while the carer goes out for a short time, to prevent the relative from wandering, for instance.

4.1.2 SEXUAL ABUSE - any act with a sexual content carried out to which a vulnerable adult has not given consent, or could not consent, or was pressurised into consenting to and may include:

- rape or sexual assault
- sexual intercourse
- fondling or inappropriate touching
- sexual innuendoes
- offensive or suggestive language
- sexual activity or viewing sexually explicit materials.

Indicators include:

- unexplained behaviour change - becoming aggressive, withdrawn, moody
- unwillingness to be with a particular person
- difficulties in walking
- indicators that will only be apparent to medical, nursing or someone entrusted with personal care.

4.1.3 PSYCHOLOGICAL AND EMOTIONAL ABUSE - any pattern of behaviour by another person that results in the psychological harm to a vulnerable adult and may include:

- threats of harm or abandonment, insults, ridicule, bullying, humiliation, blaming
- enforced isolation, deprivation of contact, lack of privacy or choice
- denial of dignity, controlling, intimidation, coercion, harassment
- verbal abuse
- withdrawal from services or supportive networks.

Indicators include:

- strain within the relationship
- indications that the abuser acts differently with another person present than when alone with

the vulnerable adult

- an air of silence when the alleged abuser is present
- a general lack of consideration for the needs of the vulnerable adult
- refusal to allow the vulnerable adult an opinion of their own
- denial of privacy in relation to care, feelings or other aspects of life
- denial of access to services or support especially where the vulnerable adult is in need of assistance which they will consequently not receive
- denial of freedom of movement, for example locking the person in a room or tying them to a chair
- alterations in the psychological state, possible withdrawal or fear.

4.1.4 FINANCIAL OR MATERIAL ABUSE - the misappropriation of the funds, theft or misuse of property of a vulnerable adult and may include:

- misuse of finances
- theft or fraudulent use of money
- theft of property
- embezzlement
- pressure in connection with wills or property or inheritance or financial transactions
- misuse of misappropriation of property, possessions or benefits.

Indicators include:

- situations where, despite having a personal income/pension, the adult is without money soon after its receipt, particularly where that person is not able to spend money without assistance
- unexplained shortage of money despite a seemingly adequate income
- unexplained withdrawals from savings accounts
- unexplained disappearance of financial documents, for example building society books and bank statements and pension book.

We need to be aware that a symptom of a person's increasing confusion or dementia may be an allegation of misuse of property or misuse of finances and may not be financial abuse. Such allegations should not be dismissed, but should be investigated having regard to the possibility that it may not be true.

4.1.5 NEGLECT AND ACTS OF OMISSION - may be deliberate or by default where the abuser is not able to provide the care needed and may not recognise the need for that care to be given. The carer may also be neglecting her/himself.

Indicators include:

- persistent hunger, loss of weight, constant fatigue or listlessness
- poor hygiene, inappropriate dress
- consistent lack of supervision for long periods, especially during activities which hold danger for the individual
- denial of religious or cultural needs
- physical problems and medical needs that are not addressed
- failure to provide access to appropriate health, social care or educational services
- withholding the necessities of life, such as medication, adequate nutrition and heating.

4.1.6 DISCRIMINATORY ABUSE - can occur in many ways and frequently will include a combination of forms of abuse. What differentiates it from the other categories is that the abuse is motivated by a prejudice and discrimination against the individual because he or she is perceived to belong to a specific group or groups. These may be:

- age, gender, sexual orientation, disability
- religion, cultural background, race.

Abuse may include:

- bullying, humiliation, harassment, slurs or similar treatment.

4.1.7 INSTITUTIONAL ABUSE/ABUSIVE REGIMES - Institutions may develop practices that may intentionally or unintentionally cause the abuse of service users/residents/patients. It is abuse that has become commonplace in a service or institutional setting and which restricts the freedom of service users, harms them or denies them human rights. This includes:

- under provision or under funding of care
- management of cleanliness and issues such as incontinence and personal hygiene
- ignoring people's beliefs
- expecting them to conform to the majority
- disregarding special diets
- providing a minimum 'standard' service and disregarding the individual needs of a person
- running the service for the benefit of the staff rather than the service users.

In residential and nursing homes and hospitals indicators may include:

- lack of flexibility and choice for residents in waking/bed times
- lack of opportunity to obtain drinks and snacks
- lack of choice of meals
- lack of appropriate bedding and/or heating
- lack of personal possessions
- lack of procedures in financial management, medical requirements and other matters pertaining to the person's care
- lack of privacy in personal care, such as toileting, bathing, dressing, editing mail, restricting visits
- derogatory remarks
- public discussion of matters private to residents
- restraint of residents which cannot be justified
- lack of action to deal with abuse
- odours arising from poor management of incontinence
- unwillingness to consider the requests of relatives or nominated representatives or advocates in regard to the person's needs.

In supported and sheltered housing indicators may include:

- staff using master keys without due cause
- staff entering flats/rooms without permission or not waiting for reply after knocking
- breaches of residents' confidentiality
- restrictive practices in the use of communal facilities.

More than one of these types of abuse may occur at one time though only one may present itself initially.

4.1.8 SPIRITUAL ABUSE - forcing people to accept religious ideas or values including the misuse of authority or leadership, leading to discipline, oppressive teaching, obtrusive healing or deliverance ministries, and extreme pastoral interference in personal matters which may reduce individual choice and responsibility.

Vulnerable adults may be more susceptible to suggestion.

Care is required when interpreting their wishes on spiritual matters.

4.1.9 CIRCUMSTANCES, SETTINGS AND ENVIRONMENTS where abuse is most likely to occur:

WHERE?

- The person's own home
- Another person's home

- A residential care home or nursing home or other institutional setting
- A day centre, community centre or other non-residential group setting, such as groups meeting on Church premises
- On any form of transport
- Whilst on holiday
- Supported housing schemes
- Whilst out and about in the street, in a public area or when in a social, church or work environment

WHO MIGHT ABUSE? Abusers may be individuals, groups or organisations:

Individual Abusers:

Potentially anyone could be an abuser of an adult. Abuse will sometimes be deliberate, but it may also be an unintended consequence of ignorance or lack of awareness or alternatively arise from frustration or lack of support. The following is a check-list of some of the possible people who may abuse:

- medical, care or nursing staff in care homes, nursing homes, hospitals, general practice, day centres, supported housing services or people from domiciliary support services
- health care workers in a health care setting, in the person's home or a care setting
- social workers
- relatives of the vulnerable person including husband, wife, partner, son, daughter, etc. This will sometimes include a relative who is the main carer.
- church members, whether voluntary (undertaking tasks on behalf of the church with a vulnerable person) or professional (a minister or other paid church worker)
- visitors to a vulnerable person, neighbours, lawyers
- people who are themselves vulnerable or are users of a care service
- complete strangers who seek out vulnerable people for the purposes of abusing them
- confidence tricksters and salespeople who prey on vulnerable people in their own homes.

Abuse by groups and organisations

Abuse can and does occur because of the failure of groups or organisations providing support or services to vulnerable adults. This may be a direct failure to provide an appropriate service or an indirect failure because it has failed to train, support, supervise or monitor those providing the service on their behalf.

Other circumstances where abuse might occur:

- relationships where there is domestic violence
- situations of fear where the vulnerable person may be afraid of the perpetrator of the abuse or may be afraid of threats of other acts from the perpetrator
- situations where there is use or abuse of alcohol, drugs or other substances
- during counselling the bereaved/distressed.

Relatives who are main carers will often experience stress, distress, frustration and lack of respite from the caring role. This may lead to the unintended abuse of the person for whom they are providing care. Relatives who are main carers may be subject to abuse by the person for whom they are providing care. This abuse is often endured for long periods, is unreported and unnoticed.

4.2 ACTION TO TAKE

4.2.1 General

- **Under no circumstances should a worker carry out his/her own investigation into an allegation or suspicion of abuse.**
- The first priority should always be to ensure the safety and protection of the vulnerable adult and if medical attention is required this should be sought immediately. If the person is in

immediate danger or has sustained a serious injury contact the emergency services, informing them of the circumstances.

- You can contact CCPAS or the Social Work Adults at Risk Team for advice;

CCPAS, PO Box 133, Swanley, Kent, BR8 7UQ, tel: 0845 120 4550

The Social Work Adults at Risk Team

tel no: 9.00am to 5.00pm,
and out of office hours.

Alternatively contact the Police, tel. no.....

- The Free Church through its Kirk Sessions and relevant Committees will support the AARC and Depute in their roles, and accept that any information they may have in their possession will be shared in a strictly confidential and limited way on a need-to-know basis.
- Any information gained about an adult at risk should be handled with sensitivity and should not be disclosed to others except on a 'need-to-know' basis. It will be necessary to provide relevant information to the person to whom you are responsible for your work and in particular to give details of any concerns about an adult especially if you think the person may be a victim of abuse. The person who discloses the alleged abuse should be made aware of this. The wishes of the person who may be experiencing abuse will be respected, unless there is a responsibility to override them.
- An individual's wishes cannot undermine an organisation's legal duty to act. This would need to be explained.
- Where a person does not have the mental capacity to decide how to protect her/himself from abuse an independent advocate should be sought to represent their interests during protection procedures.
- Any intervention in a person's life, including that for immediate protection and its result, should match the wishes, where known, of that person as closely as possible.
- Information shared between organisations for the purposes of protecting an adult at risk will be done according to an information sharing protocol.

4.2.2 Suspicions of Abuse

- Discuss any concerns with the individual themselves giving due regard to their autonomy, privacy and rights to lead an independent life.
- If you suspect that some form of abuse is or has taken place you should speak to the 'AARC' (Adults At Risk Co-ordinator). Advice can be obtained from CCPAS, Social Work or the Police who will advise how to proceed.

4.2.3 Allegations or Disclosure of Abuse

- Allegations or disclosures must be reported as soon as possible to the 'AARC' (Adults At Risk Co-ordinator) who is nominated by the Free Church to act on its behalf to deal with the allegation, disclosure or suspicion of neglect or abuse, including referring the matter on to the statutory authorities.
- In the absence of the AARC, or if the allegation or disclosure in any way involves the AARC then the report should be made to the Depute. If they implicate both the AARC and the Depute, then the report should be made directly to the Social Work Adults at Risk Team.
- Suspicions, allegations or disclosures must not be discussed with anyone other than those nominated above. However, as the Kirk Session has overall responsibility for the operation of the Policy, the Session Clerk and Minister should be informed of the fact that the statutory

authorities have been notified [that an allegation/disclosure has been made]. If the allegation/disclosure involves either of them the other should be informed of the fact, but not the detail at this stage.

- A written record of the concerns, allegations or disclosure should be made and kept in a secure place until called for by the appropriate agencies. The note should include the words which are used, recording the time, date and location that the disclosure was made and the time, date and location and nature of the alleged abuse. This should be done as soon as possible after the disclosure is made.
- Whilst allegations or suspicions of abuse will normally be reported to the AARC, the absence of the AARC or Depute should not delay referral to the Social Work Department or Police.
- It is of course the right of any individual as a citizen to make a direct referral to the statutory agencies or seek advice from CCPAS, although the Free Church hopes that all associated with the Free Church will use the above procedure. If, however, the individual with the concern feels that the AARC has not responded appropriately, or where they have a disagreement with the AARC as to the appropriateness of a referral they should contact the outside agency directly.
- As mentioned above, if the vulnerable adult is in immediate danger or has sustained a serious injury the emergency services should be contacted immediately, informing them of the circumstances.

Appendix 1 – Definition of “Adults at Risk” (AAR) - The Police Act 1997 (Criminal Records) (Scotland) Regulations 2006 SSI No. 96

Section 10 – Enhanced Criminal Record Certificates – suitability for positions

- (2) This regulation applies to a position if it is a kind which enables a person in the course of his or her duties to **have contact with** an adult at risk.
- (3) In paragraph (2) **“adults at risk”** means a person aged 18 or over who in consequence of a condition of a type listed in paragraph (4) has a disability of the type listed in paragraph (5) and who is receiving services of a type listed in paragraph (6).
- (4) **The types of condition** referred to in paragraph (3) are –
 - (a) a learning or physical disability;
 - (b) a physical or mental illness, chronic or otherwise, including an addiction to alcohol or drugs; or
 - (c) a reduction in physical or mental capacity.
- (5) **The types of disability** referred to in paragraph (3) are –
 - (a) a dependency upon others in the performance of, or a requirement for assistance in the performance of, basic physical functions;
 - (b) severe impairment in the ability of a person to protect themselves from assault, abuse or neglect.
- (6) **The types of service** referred to in paragraph (3) are –
 - (a) care-home services;
 - (b) personal care or nursing or support to live independently at home;
 - (c) any services provided by an independent hospital, independent clinic, independent medical agency or health body;
 - (d) social care services; or
 - (e) any services provided in an establishment catering for a person with learning difficulties.
- (7) In this regulation “care-home services”, “independent clinic”, “independent hospital”, “independent medical agency” and “health body” have the same meanings as in the Regulation of Care (Scotland) Act 2001 (a).

To give some help to Kirk Sessions the following guidance is given:

As stated in the main Policy at chapter 3.1.4 referring to point (2) above:

1. 'Duties' implies that the person has been appointed by the Church (Presbytery/Kirk Session/Deacons' Court) to a position which allows him/her to engage at a **significant** level in AAR work on its behalf; **and**
2. 'contact' is **significant** contact, ie. non-incidentual.

The present thinking is that the following types of work would **not** fall within the scope of chapter 3:

- Church people as friends visiting the elderly in their homes;
- Church people visiting a Care Home as a group, for example, to conduct worship;
- Elders speaking to an 'adult at risk' in the pew;

and that the following types of work **would** generally fall within the scope of this chapter:

- Visiting on behalf of the Church to provide some form of 'service' at home for an 'Adult at Risk' such as advice and support whether of a spiritual or practical nature; for example, regular pastoral visiting, financial advice, regular help with cooking, washing, shopping, errands and gardening, etc.;
- Providing clubs, lunches, teas, classes, advice and support, etc. in the Church specifically for 'Adults at Risk' including those seeking help in overcoming addictions;
- Visiting a Care Home to act as Volunteer Helpers (with library, games, entertainment, etc.), or to conduct a Christianity Explored course, primarily for residents who would be deemed to be 'Adults at Risk'.

Of course the above begs the question – how do we know someone is an 'adult at risk'? As usual the advice is to err on the side of caution and apply for an AAR Enhanced Disclosure if there is any likelihood of having significant contact with an 'adult at risk'.

However, remember, for example, that not all elderly people in our congregations are 'adults at risk' as defined in Section 10 above.

Appendix 2 - Protecting Vulnerable Adults Policy Summary Statement (To be displayed in a prominent place)

Name of Free Church Congregation:

The following statement was agreed by the Kirk Session on

- The Free Church Congregation of is committed to protecting vulnerable adults and ensuring their well-being.
- We recognise that we all have a responsibility to help prevent the physical, sexual, psychological, financial and discriminatory abuse and neglect of vulnerable adults and to report any such abuse that we discover or suspect.
- We recognise the personal dignity and rights of vulnerable adults and will ensure all our policies and procedures will reflect this.
- We undertake to exercise proper care in the appointment and selection of those who will work with vulnerable adults/Adults at Risk.

We are committed to:

- following statutory and specialist guidelines in relation to protecting vulnerable adults and will ensure that as a Church all those working with Adults at Risk will work within the agreed procedure of our Protecting Vulnerable Adults Policy and Guidelines;
- implementing the requirements of the Disability Discrimination Acts 1995 and 2005 and all other relevant legislation;
- supporting, resourcing and training those who undertake this work;
- ensuring that we are keeping up-to-date with national and local developments relating to protecting adults;

We recognise:

- Social Work and/or the Police has lead responsibility for investigating all allegations or suspicions of abuse;
- where an allegation suggests that a criminal offence may have been committed then the Police will be contacted as a matter of urgency;

We will review this statement annually.

If you have any concerns for a vulnerable adult then speak to one of the following who have been approved as Adult at Risk Co-ordinators for this place of worship:

..... AAR Co-ordinator

..... Depute AAR Co-ordinator

A copy of the Free Church Protecting Vulnerable Adults Policy can be obtained from either of the above.

Signed by Session Clerk Date

Appendix 3 - Review

.....**REVIEW**

This policy will be reviewed next on (date)

Signed: Date:

Print name: Position held:

This policy will be reviewed next on (date)

Signed: Date:

Print name: Position held:

This policy will be reviewed next on (date)

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This policy will be reviewed next on (date)

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This policy will be reviewed next on (date)

Signed: Date:

Print name: Position held:

This policy will be reviewed next on (date)

Signed: Date:

Print name: Position held:

Act III - Act anent Strategy

Edinburgh, 1st October 2008

1. The Commission of Assembly receive and adopt the report on Strategy from the Board of Trustees.
2. Bearing in mind the Board of Trustees' acknowledgment of the spiritual dimensions of the problems that the Church is facing, the Commission of Assembly calls upon the ministers and office-bearers of the Church, collectively and individually, in their respective Presbyteries, Kirk Sessions and Deacons Courts, and in the light of their responsibilities, to commence a process of assessment of their achievements and failings in the work of the Kingdom of Christ, to give thanks for what the Lord has enabled them to do, to seek forgiveness for sins and failings, and to seek his guidance for the way ahead.
3. The Commission of Assembly endorse proposals to align the work of the General Assembly more closely to the needs of the church and urge the Assembly Arrangements Committee to recognise the strong demand that exists for the changes proposed by the Strategy Sub Committee in its recent presentation to the Church's office bearers. In doing so the Commission of Assembly remind the Assembly Arrangements Committee to be alert to the need to ensure that the General Assembly retains adequate powers to review decisions.

4. The Commission of Assembly direct the Board of Ministry to work in conjunction with the College Board and Senate to bring forward proposals to the General Assembly of 2009 for modules on Church Planting, Leadership and Evangelism.
5. The Commission of Assembly instruct the Home Missions Board and Strategy Sub-Committee of the Board of Trustees to consult with the Presbytery of Glasgow and Argyll in order to further develop its strategic plan, with the Home Missions Board to report on progress to the 2009 General Assembly.
6. The Commission of Assembly instruct the Home Missions Board and Strategy Sub-Committee of the Board of Trustees to consult with the Northern Presbytery in order to further develop its strategic plan, with the Home Missions Board to report on progress to the 2010 General Assembly.
7. The Commission of Assembly advise and encourage the various Presbyteries of the Church to consult with one another in cases where they face similar challenges in their strategic development and forward planning.
8. The Commission of Assembly direct all Deacons' Courts to be active in showing mercy to those within their local community who are in need of practical assistance.
9. The Commission of Assembly direct Presbyteries to identify those Christian agencies engaged in diaconal ministry to needy people within the bounds of their Presbytery and to initiate or develop links between suitable diaconal ministries and congregations belonging to the Presbytery and to report their progress in this matter to the Board of Trustees by February 2010 in order that the Board may report to the General Assembly of 2010.
10. The Commission of Assembly recognise a worrying level of frustration amongst ministers and elders with the way in which Presbyteries carry out their work. They instruct Presbyteries to consult with the Strategy Sub Committee of the Board of Trustees on its findings in this area and following this to conduct a thorough review of their manner of working in order to become more effective in the exercise of their constitutional responsibilities as the radical courts of the Church and especially in their pastoral care of ministers, development of future leaders and strategic use of resources, and to report diligence in this matter to the Board of Trustees by February 2010 in order that the Board may report to the General Assembly of 2010.
11. The Commission of Assembly instruct the Board of Trustees to implement a process that will identify congregations that have substantial assets, financially or in terms of property, but lack opportunities for ministry and witness due to depopulation or other adverse circumstances, with a view to enabling such congregations to use their resources to the benefit of congregations with few such assets but greater opportunities for development and growth. The Commission of Assembly direct the Board of Trustees to begin work on this process following the General Assembly of 2009 with an initial report to be made to the General Assembly of 2010.

12. The Commission of Assembly instruct the Home Missions Board to review the pilot scheme for hub congregations and to report on this to the General Assembly of 2009 with recommendations as to the best future development of the concept.

13. The Commission of Assembly direct the Home Missions Board to identify new opportunities for church planting and to explore which models of church planting can best be adapted to the needs of the denomination. The Commission of Assembly strongly recommend that at least one new church plant be in place before the General Assembly of 2010.

14. The Commission of Assembly instruct 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.

15. The Commission of Assembly exhort Kirk Sessions to seek opportunities for their congregations to work more closely with other like minded congregations in their locality with a view to the promotion of Christian unity, stronger gospel witness, better use of resources and mutual encouragement and with respect for each other's position, and to report on progress on this matter to their Presbytery by June 2011.

16. The Commission of Assembly instruct the Home Missions Board to work with Presbyteries to continue to identify congregations which have reached such a weakened condition that action must be taken to revitalise, reorganise, link, unite or close the congregation.

17. The Commission of Assembly instruct the Board of Trustees to review as necessary the implementation of the three year plan. The Commission of Assembly further instruct the Board of Trustees to continue to develop strategic priorities for the denomination for the longer term period as far as 2020.

Act IV - Act anent Legal Action on behalf of Partick Free Church

Edinburgh, 1st October 2008

1. The Commission of Assembly receive and adopt the report. They note with approval the decision of the Board of Trustees to support legal action for Declarator on the part of the Congregational Trustees of Partick Free Church.

2. The Commission of Assembly, recognising that the Model Trust Deed confers upon the Moderator and Clerk of the General Assembly, "full power, and sufficient status, and right and interest, to pursue, or defend, any action or actions, in whatever Court, or Courts of Law or Justice, for the enforcement, maintenance, or protection, of the rights, interests, or privileges of the said body, or united body of Christians, or General Assembly thereof, in, or in any way connected with, the subjects hereby disposed", authorise the Moderator and Clerk of the last General Assembly, namely

Rev. Kenneth M. Ferguson and Rev. James Maciver, to pursue legal action for Declarator in respect of all property held in the name of trustees for Partick Free Church under the provisions of the Model Trust Deed.

Act V - Act anent Sale of former Knockbain Free Church

Edinburgh, 1st October 2008

The Commission of Assembly receive the petition of the Deacons' Court of Knockbain Free Church and grant its crave. They authorise the sale of the church building at Bogallan, Knockbain, and direct that the proceeds of the sale be invested on behalf of the congregation with the Board of Trustees with the income from the investment added to the capital sum; that the interest and capital be made available upon application for congregational purposes and that the transaction be carried out under the supervision of the Church's Law Agents.

Act VI - Act terminating sentence of Suspension on former Ministers

Edinburgh, 3rd December 2008

1. The Commission of Assembly, by virtue of the powers vested in them by Act L, Class II, 2008, resolve and declare that the sentences of suspensions *sine die* imposed by the Commission of Assembly on 20th January 2000 upon Rev. H. M. Ferrier, Rev. H. J. T. Woods, Rev. A. I. M. Maciver, Rev. David P. Murray, Rev. Donald M. Macdonald, Rev. Graeme Craig, Rev. Malcolm Maclean, Rev. John MacLeod (then at Tarbat), Rev. Allan Murray, Rev. James I. Gracie, Rev. J. A. Gillies, Rev. W. Macleod, Rev. Donald N. MacLeod, Rev. John MacLeod (then at Duthil-Dores), Rev. B. H. Baxter, Rev. John J. Murray, Rev. John W. Keddie, Rev. Murdo A. N. Macleod, Rev. M. J. Roberts, Rev. John Morrison, Rev. Kenneth Macdonald; the sentence of suspension *sine die* imposed by the Presbytery of Ross upon Rev. James Frew and Rev. Daniel Mackinnon on 14th February 2000; the sentence of suspension *sine die* imposed by the Presbytery of Glasgow upon Rev. William B. Scott on 29th February 2000; the sentence of suspension *sine die* imposed by the Commission of Assembly on 24th June 1999 upon Rev. M. J. Roberts; and the sentence of suspension as stated in the finding of the Commission of Assembly on 24th June 1999 imposed upon Rev. John J. Harding, are all hereby terminated as of today's date, on the grounds that, (a) the Free Church of Scotland recognise the Free Church (Continuing) as a denomination distinct from and separate from the Free Church of Scotland, as affirmed in the judgment of Lady Paton in the Court of Session in March 2005, and (b) that the above-named as understood to belong now to the said Free Church (Continuing) are *ipso facto* no longer subject to the jurisdiction of the Courts of the Free Church of Scotland. The Commission of Assembly further declare that any others who are or were ministers of the Free Church (Continuing) who were disciplined by courts of the Free Church of Scotland in consequence of and in relation to the separation of January 2000 or its aftermath, together with any other such officebearers, are now similarly held by the Free Church of Scotland in

consequence of this declaration to be of good standing in a Christian Church, unless under discipline from the said Church.

2. In clarification of the declaration stated in 1. above, which declaration is made without requiring an expression of repentance on the part of those sentenced, the Commission of Assembly assert that this declaration has been arrived at solely in recognition of the situation *de facto* as described in the Board's report and in 1. above, and therefore ought not to be interpreted as a departure by the Free Church of Scotland from the principle that evidence of repentance is due from parties under discipline prior to their being restored.

3. In addition, the Commission of Assembly, having the highest concern for the unity of Christ's visible church and the interests of the gospel, call upon all in the Free Church of Scotland to regard this declaration as an expression of this concern, as also a sincere overture of peace and reconciliation towards the Free Church Continuing.

4. The Commission are of the view that, where discretionary power clearly exists, to temper justice with mercy by choosing not to apply the strict detail of the law is not an injustice in the eyes of a merciful God, in keeping with the counsel given in the Scriptures to, "*so speak and so act as those who are to be judged under the law of liberty, for judgment is without mercy to one who has shown no mercy. Mercy triumphs over judgment*" (James 2 v. 12-13).

5. The Commission of Assembly direct the Deacons' Courts of the following congregations to initiate and engage in discussions with their counterparts in the Free Church (Continuing) over unresolved issues of property, funds, church records or any other assets, with a view to reaching a solution acceptable to both sides, thereby avoiding having to settle matters by legal action: Scalpay; North Uist, Berneray and Grimsay; Sleat and Strath; Bracadale; Portree; Kilmuir, Stenscholl and Snizort; Inverness: Greyfriars and Stratherrick; Glenelg, Arnisdale, Lochalsh and Glenshiel; Glasgow: Partick; Dumfries; Edinburgh St. Columba's; Tarbat; Glasgow: Shettleston; Glenurquhart and Fort Augustus (for Kilmorack and Strathglass); and Kiltarn. In all cases the Commission call upon each Deacons' Court to keep their congregation informed, as they see appropriate, regarding the progress of discussions.

6. In the event of a proposed solution being arrived at in discussions each Deacons' Court shall request their Kirk Session to call a congregational meeting for the consideration of the said proposed solution. In all cases where a solution has been approved of by the local congregational meeting the Clerk of the Deacons' Court shall forward a copy of the agreed solution to the Principal Clerk of Assembly, accompanied by an extract from the Kirk Session records attesting the decision of the congregational meeting. Upon receipt of the same the Principal Clerk shall make arrangements to process the locally approved solutions for reporting to the General Assembly or its Commission through the Board of Trustees.

7. The Commission of Assembly instruct the Board of Trustees to provide all necessary practical support to each Deacons' Court as they may require for discussion to begin or to be carried forward to conclusion. The Commission of Assembly also direct Presbyteries, particularly in the localities where no active Free Church of Scotland congregation currently exists, to ensure adequate support to all Free Church parties directly involved in discussions.

8. While recognising that attempts at reaching a settlement in the past locally and at a higher level have proved unsuccessful, nevertheless the Commission of Assembly hereby express their preference for this further attempt at settlement by dialogue rather than by legal action.

9. The Commission of Assembly hereby state that they will regard a refusal by any Free Church of Scotland congregation to initiate and engage in dialogue with the Free Church Continuing as a serious failure. Furthermore, the Commission of Assembly direct that the Board of Trustees do not give their support to alternative attempts at reaching a settlement until it has been established that this avenue of dialogue has been fully explored. The Commission of Assembly wish to make it clear that this stricture applies only to such refusal as mentioned above and shall not be extended to any failure to reach agreement after proper dialogue has begun.

10. The Commission of Assembly direct the ministers and interim moderators of all congregations directly involved in these matters to ensure that an accurate and detailed record is kept of all attempts to initiate dialogue, including instances of refusal by the Free Church Continuing to cooperate, as also of the progress of discussions until they are concluded. In all cases, whatever the outcome, these records of proceedings shall be forwarded to the Principal Clerk of Assembly as soon as matters are concluded so that he may inform the Legal Group accordingly.

11. The Commission of Assembly approve of the sentiments expressed by the Board of Trustees in their undertaking to present for favourable consideration to the Commission or the General Assembly all solutions worked out locally and found to be acceptable to the local Free Church congregation in each case, unless such solutions be found by the Board to be contrary to Scripture or the constitution of the church, or flagrantly in breach of Trust conditions. The Commission of Assembly sincerely hope that a similar assurance might be issued by the Free Church Continuing as an incentive towards a satisfactory outcome being achieved in each case.

12. The Commission of Assembly call upon all congregations involved in the discussions envisaged above to give careful consideration to the fact that division of assets need not be regarded as an unacceptable conclusion, especially in the light of the difficulties involved in seeking alternative procedures to discussion and brotherly conference.

13. In the event of the Free Church Continuing, in any locality or as a whole, to refuse to engage in these discussions, or should discussions fail to secure a settlement of disputed assets in any locality or as a whole, the Commission of Assembly authorise the Board of Trustees to take all appropriate steps towards the employment of other appropriate means to secure all the said assets in accordance with entitlement thereto.

**Act VII - Act anent Congregational Properties of St Peter's, Dundee,
and other purposes**

Edinburgh, 3rd December 2008

1 The Commission of Assembly receive the Report of the Board of Trustees and thank the Board.

2 The Commission of Assembly note the issues arising from the Model Trust Deed with respect to granting of security over congregational properties. They also note the advice of the Church's Law Agent and based on this advice authorise the congregational trustees in the Dundee – St Peter's congregation and in the Lochbroom congregation to grant a standard security over congregational properties in favour of the Board of Trustees.

Act VIII - Act anent Chair of Apologetics and Practical Theology in the Free Church College

Edinburgh, 4th March 2009

1. The Commission of Assembly receive the Petition of the College Board and grant its crave.

2. The Commission of Assembly grant the College Board permission to delay interviewing nominees for the Chair of Apologetics and Practical Theology until the General Assembly has come to a decision regarding the filling of the Chair. They also instruct the College Board to inform Presbyteries of this decision and to include in their Report to the next General Assembly proposals which will ensure that the Church suffers no prejudice in future with respect to the filling of College Chairs.

Act IX - Act anent Sale of Properties at Skeabost and Kilmuir

Edinburgh, 4th March 2009

The Commission of Assembly receive the Petition of the Deacons' Court of Kilmuir, Stenscholl and Snizort Free Church and grant its crave. They authorise the sale of the Church and Manse at Skeabost and the sale of the Manse at Kilmuir, the Presbytery of the bounds being fully informed of all the details of the proposed sale and the related agreements, any transaction to be carried out through the Church's Law Agent, and that proceeds be lodged with the General Trustees on behalf of the Congregation, to be released in order to fulfil the terms of the negotiated agreement, the repaying of part of the new Manse loan, and the remainder to be used to improve the Church buildings at Kilmuir and Uig.

DRAFT ACTS SENT DOWN TO PRESBYTERIES UNDER THE BARRIER ACTS

Act I - Draft Act anent the appointment of a Judicial Commission Overture to Presbyteries

The General Assembly pass the following proposals anent the appointment of a Judicial Commission to Presbyteries in the form of an Overture under the provisions of the Barrier Act:

Whereas, the General Assembly acknowledge that there is a significant risk of exposing the Church to criticism or legal action where the procedure presently in place allows a Church Court to act as investigator, prosecutor, jury and judge, having the same personnel involved in the initial investigation, the prosecution of the charges, the consideration of the evidence and the final verdict;

Whereas, the General Assembly consider that the small size of the Free Church gives rise to concerns and difficulties in the processing of cases, in particular that the objective, detached, and just procedure always required may not be achievable or clearly demonstrated;

Whereas, the General Assembly also acknowledge, in regard to the processing of accusations against Professors in the Free Church, that although a division of prosecution and judicial roles operates therein, nevertheless there are deficiencies in the present legislation. In particular, it does not specify what should happen should it be decided after precognitions that there is no case to answer; 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 ordain and enact as follows:

A. The Judicial Commission

1. Composition

1.1 The Judicial Commission (JC) 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 JC shall be comprised of 24 members, 2 ministers and 2 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 JC 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 JC as Chairman.

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

2. Powers

2.1 The JC 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 JC shall also have powers to issue formal citations to those accused and to all witnesses who may competently be cited. The JC 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 be 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 JC by Appeal or 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 JC 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 1, 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 JC, having received notification in terms of C.1.3 (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;

3. When all documents are present and in order the Presbytery or JC 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 JC 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 JC;

(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 JC, 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 JC 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 JC 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 JC 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 JC may deem to be not competent shall be dismissed. The Presbytery or JC 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 JC shall firstly consider the relevancy of the Libel, which shall involve examination as to:

- (1) Whether Proposition 1. (see C.1. 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 JC 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 C.1-3.4 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 JC 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 JC. If the decision of Presbytery or JC, 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 JC 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 JC 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 JC 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 JC 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 JC 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 JC may order them to be destroyed. The JC 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 JC 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 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 JC 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 JC 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 JC shall be liable to meet their own costs. Members of the JC shall be entitled to claim expenses incurred in attending sittings of the JC and meetings directly related to this in the same manner as claims by members of Committees and Boards of the Church.

**Act II - Draft Act anent the appointment of a plenary meeting of the
General Assembly**

Overture to Presbyteries

The General Assembly pass the following proposal anent the appointment of a plenary meeting of the General Assembly to Presbyteries in the form of an Overture under the provisions of the Barrier Act:

Whereas, the General Assembly approve the process outlined in the Board of Trustees' Report for fulfilment of its remit in relation to the worship, discipline and unity of the Church;

Wherefore, the General Assembly ordain that this matter be decided at a plenary meeting of the General Assembly in 2010 comprising all ministers with a seat in Presbytery and an equal number of elders, subject to approval of Presbyteries in accordance with Barrier Act procedure.

Extracted by James Maciver, Principal Clerk of Assembly
21st May 2008
