

II THE INTERNATIONAL PRESBYTERY ACT (ACT II 2016) (AS AMENDED BY ACT II 2017)

Edinburgh 21 May 2016, Session I

The General Assembly enact and ordain as follows:

1. For the purposes of this Act the following terms shall be deemed to have the meanings hereby assigned to them:
 - (1) “the Ministries Council” shall mean the General Assembly’s Ministries Council or any successor body assuming the responsibilities, functions and interests of that Council.
 - (2) “the Presbytery of International Charges” shall mean the Presbytery of the Church of Scotland covering all Charges of the Church of Scotland beyond the United Kingdom, the Isle of Man and the Channel Islands (excluding the Charges within the bounds of the Presbytery of Jerusalem); and “Presbytery” shall be construed accordingly. For the avoidance of doubt, the Presbytery will assume the assets and liabilities of the existing Presbytery of Europe.
 - (3) “Charge” shall mean any of the congregations specified in Schedule 1 hereto, as the list may from time to time be amended by the Presbytery, subject to the concurrence of the Ministries Council.
 - (4) “Partner Church” shall mean a denomination with which the Church of Scotland or any Charge in the Presbytery is connected, whether constitutionally or in fellowship only.
 - (5) “Kirk Session” shall mean a Court of the Church with spiritual oversight of a congregation of a Charge (and that notwithstanding that it may be known by another name and may function within the constitution of a Partner Church by such other name).
 - (6) “Financial Board” shall mean the body within a Charge having responsibility for its finances.
2. The Presbytery shall, except as otherwise provided for in this Act or in any other legislation of the Church, have the same powers and duties as Presbyteries in Scotland. Membership of the Presbytery shall be in accordance with Act III 2000. The Presbytery shall adopt the current policies, procedures, Standing Orders, Presbytery Plan and other documents regulating the business of the existing Presbytery of Europe.
3. Charges shall comply with the law, custom and practice of the Church as existing from time to time, save as follows: (1) where to do so would be in contravention of the laws, regulations and practice applying in the legal jurisdiction within which a Charge is located, in which event the Kirk Session may, acting reasonably, adopt an appropriate approach so as not to breach such local laws, regulations and practice, and (2) as specified in sections 4 to 7 of this Act.
4. In relation to the appointment of ministers to the Charges, the provisions of Schedule 2 hereto shall apply.
5. In relation to financial arrangements for the Charges, provisions shall be made by way of Regulations.
6. In relation to review of Charges by the Presbytery, the provisions of Schedule 3 hereto shall apply.

7. In relation to heritable properties used by the Charges, the provisions of Schedule 4 hereto shall apply.
8. Nothing in this Act shall affect the rights and position of existing ministers in the Presbytery.
9. Wherever any existing Church legislation is mentioned in this Act and such legislation is thereafter replaced or amended, the section(s) of this Act in question shall then be read as if reference to the replacement and/or amended legislation had been inserted.
10. This Act shall come into effect on 21 May 2016 and Act VIII 2007 (as amended) and Act II 2008 shall be repealed on that date.

**Schedule 1
Charges**

| COUNTRY | CITY | Church of Scotland |
|---------------------|---------------|--|
| Belgium | Brussels | St Andrew's Church |
| Bermuda | Warwick | Christ Church |
| France | Paris | The Scots Kirk |
| Gibraltar | Gibraltar | St Andrew's Church |
| Hungary | Budapest | St Columba's Church |
| Italy | Rome | St Andrew's Church |
| Malta | Valletta | St Andrew's Scots Church |
| Netherlands | Amsterdam | The English Reformed Church |
| | Rotterdam | Scots International Church |
| Portugal | Lisbon | St Andrew's Church |
| Spain | Fuengirola | Costa del Sol |
| Sri Lanka | Colombo | St Andrew's Scots Kirk |
| Switzerland | Geneva | Church of Scotland |
| | Lausanne | The Scots Kirk |
| Trinidad and Tobago | Port of Spain | Greyfriars St Ann's, Port of Spain, linked with Arouca and Sangre Grande |

**Schedule 2
Appointment of Ministers**

1. **Persons Eligible for Appointment**
 - 1.1 Those eligible for appointment to be ministers of the Charges shall be the categories of persons listed in section 18 of the Vacancy Procedure Act (Act VIII 2003) as being persons eligible to be nominated, elected and called as minister of parishes in the Church of Scotland, except as provided in the following paragraphs.
 - 1.2 When a minister of the Methodist Church is appointed to the charge of St Andrew's Scots Church, Malta, it is expressly provided that such minister shall be inducted by the Presbytery and the Methodist Church, shall retain status as a minister of the Methodist Conference and shall have full membership of the Presbytery with all the rights, privileges and duties associated therewith and, in particular, shall be authorised to moderate the Kirk Session of the charge. Ministerial discipline shall be in accordance with the procedures of the Methodist Church. On ceasing to be minister of

the charge he or she shall cease to be a member of the Presbytery and will no longer be eligible to moderate the Kirk Session and shall not retain any ministerial status within the Church of Scotland, nor be entitled to be registered on the Register of Ministry or to be issued with a Certificate of Eligibility.

- 1.3 In the event that the Presbytery establishes a new ecumenical partnership in an existing Charge, and the minister of a Partner Church is appointed, it is expressly provided that such a minister shall be inducted by the Presbytery and the other Church, shall retain status as a minister of the Partner Church and shall have full membership of the Presbytery with all the rights, privileges and duties associated therewith and, in particular, shall be authorised to moderate the Kirk Session of the Charge. Ministerial discipline shall be in accordance with the procedures of the Partner Church of the minister. On ceasing to be minister of the charge he or she shall cease to be a member of the Presbytery and will no longer be eligible to moderate the Kirk Session and shall not retain any ministerial status within the Church of Scotland, nor be entitled to be registered on the Register of Ministry or to be issued with a Certificate of Eligibility.

2. **New Ministerial Appointments**

In the case of a new ministerial appointment being made after the coming into effect of this Act, the following shall apply:-

- 2.1 The stipend shall be based on the national stipend scale for Scotland, adjusted for local conditions. The Presbytery shall, in consultation with the Kirk Session of the Charge in question and with the concurrence of the Ministries Council, decide on the stipend and on any other special terms and conditions applicable to the appointment as provided for in the Supplementary Stipend Review Procedure agreed between the Presbytery and the Ministries Council, which Procedure may be amended by the Presbytery from time to time but only with the consent of the Ministries Council. In the case of a Methodist minister appointed to Malta, the relevant Methodist Church of Great Britain stipend will apply, adjusted for local conditions.
- 2.2 The other terms and conditions of the minister's appointment shall be regulated by the Guidance for Ministers Taking Up or Demitting a Charge as agreed between the Presbytery and the Ministries Council, which Guidance may be amended by the Presbytery from time to time but only with the consent of the Ministries Council.
- 2.3 As regards the manse, the Presbytery shall proceed in terms of Act VIII 2003 and the Supplement to Manse Conditions and Guidelines agreed between the Presbytery and the Ministries Council, which Supplement may be amended by the Presbytery from time to time but only with the consent of the Ministries Council.

Schedule 3 Arrangements relating to the Review of Charges

1. It shall be the duty of the Presbytery to comply with the terms of Act VII 2003 and to keep the Charges under review. The Presbytery Planning Task Group of the Ministries Council shall have normal involvement in Presbytery planning, as would apply for any other Presbytery.
2. The allocation of Full-Time Equivalent ministries for the Presbytery shall be set from time to time by the General Assembly on the recommendation of the Ministries Council.

3. In the event of proceedings being initiated under Act I 1988, the Presbytery may in consultation with the Legal Questions Committee co-opt one or more members of the Committee of Inquiry from outwith the Presbytery.
4. On a vacancy arising for any reason in a Charge, the Presbytery shall apply the terms of Act VIII 2003 in so far as practicable in the local conditions.
5. If the Presbytery, with the concurrence of the Presbytery Planning Task Group, decides that a Charge cannot continue as previously constituted, all the forms of readjustment provided for by Act VII 2003 (as amended), as adapted to take account of local conditions, shall be competent. In the event of the readjustment decided upon requiring the termination by the Presbytery of the minister's tenure, the minister, subject to the disposal of any appeal in the event of the minister exercising his or her right of appeal to the Appeals Committee of the Commission of Assembly, shall on the date of termination be deemed to have demitted his or her charge. The minister shall in such circumstances be entitled to payment of expenses according to the Presbytery's Guidance for Ministers Taking Up or Demitting a Charge as agreed between the Presbytery and the Ministries Council, which Guidance may be amended by the Presbytery from time to time but only with the consent of the Ministries Council.
6. If the Presbytery decides, in consultation with the Ministries Council through the process of appraisal and adjustment, that circumstances exist which would justify the creation of a new Charge, the Presbytery in consultation aforesaid, shall proceed to take all steps necessary to constitute and establish the new Charge, including the provision of suitable buildings whether by sharing, renting or purchase, and the appointment of a minister.
7. The Ministries Council shall report any readjustment or the establishment of any new Charge to the next General Assembly and Schedule 1 hereof shall be amended accordingly.

Schedule 4

Arrangements for Heritable Properties

1. The heritable property pertaining to a Charge ("the property") shall be held by the Financial Board and the Trustees in whom title is vested for the use of and occupation by the Charge concerned. Where local law permits, it shall always be open to the Trustees to transfer the title to their property to the Church of Scotland Trust ("the Trust").
2. Matters relating to the day-to-day management of the property shall be dealt with by the Financial Board of the Charge. It shall be the duty of the Financial Board to maintain the fabric of the property 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 are from time to time deemed appropriate by the Financial Board.
3. Without the consent of the Presbytery and of the Trust, it shall not be lawful nor in the power of the Financial Board nor the Trustees in whom title is vested (if other than the Trust) to make any extensive alterations to the property, nor to sell, let (other than on agreements which do not grant security of tenure of more than one year), convey, exchange or otherwise dispose of and deal with the same nor to give and execute mortgages, charges, pledges or other securities over the property. For the purposes of this Act, "extensive alterations" shall have such meaning as shall from time to time be determined by the Presbytery and the Trust acting together.

4. Without the consent of the Presbytery and of the Trust, the Financial Board shall not purchase or take on lease for a period in excess of one year any additional heritable property and, except where all the funds for the purchase or to meet the obligations under the lease are being provided by members or other persons associated with the Charge or from the disposal of property, title to which is not vested in the Trust, title or right to the additional heritable property being acquired or leased shall where local law permits and the Trust agrees be taken in name of the Trust.
5. The Financial Board and the Trustees in whom title to the property is vested (if other than the Trust or *ex officio*s trustees who are office holders of the General Assembly of the Church of Scotland) shall each year submit a written report to the Presbytery concerning the property which shall include details of their management and maintenance thereof and summarise the details of the insurance cover in force with respect to the property. At the year-end the Presbytery shall report diligence to the Trust in respect of property vested in it. In reporting to the Trust the Presbytery is further encouraged, in relation to all property, but subject to such adaptations as may be appropriate to accommodate local laws, regulations and circumstances, to comply with the processes and procedures as set down by The Church of Scotland General Trustees from time to time as to annual inspections and returns in relation to heritable properties.