

The Church of Scotland
General Assembly
2016



REMITTS BOOKLET

CONTENTS

Registration of Ministries Overture	3
Extract from the Legal Questions Committee Report on the Registration of Ministries	19
Consultation on new draft Discipline Act	23
Instructions and Recommendations to Presbyteries, Kirk Sessions, Congregations and Individuals	24
Instructions to Councils and Committees	30

OVERTURE UNDER THE BARRIER ACT

REGISTRATION OF MINISTRIES OVERTURE

The General Assembly adopt the Overture the tenor whereof follows, and transmit the same to Presbyteries for their consideration under the Barrier Act, directing that returns be sent to the Principal Clerk not later than 31 December 2016.

The General Assembly, with consent of a majority of Presbyteries, hereby enact and ordain as follows:

Definitions

1. (a) "the Register" shall mean the Register of Ministry, created and maintained in terms of this Act.
- (b) "the Rules of Procedure" shall mean the Rules of Procedure applying to the Registration of Ministries Committee, as specified in Schedule 1 of this Act. The Legal Questions Committee shall have powers to approve subsequent amendments to the Rules of Procedure, subject to such amendments being reported to the following General Assembly.
- (c) the "Criteria for Assessment" shall mean the criteria used by the Registration of Ministries Committee when assessing applications related to the Registration of Ministry, as specified in Schedule 2 of this Act. The Legal Questions Committee shall have powers to approve subsequent amendments to the Criteria for Assessment, subject to such amendments being reported to the following General Assembly.
- (d) "the Registration of Ministries Committee" ("the Committee") shall mean a Committee appointed by the General Assembly as a Standing Committee, in terms of the Standing Orders of the General Assembly, which Committee shall be constituted as specified in the Rules of Procedure and shall have the task of dealing with various applications related to the Registration of Ministry.
- (e) "Minister of Word and Sacrament" shall be understood to include the following sub-categories:
 - (i) "Minister" shall mean an individual who has been ordained to ministry as defined in section 1(d) of the Selection and Training for Full-Time Ministry Act (Act X 2004).
 - (ii) "Ordained Local Minister" shall mean an individual who has been ordained to ministry as defined in the Ordained Local Ministry Act (Act IX 2011).
 - (iii) "Auxiliary Minister" shall mean an individual who has been ordained to ministry as defined in the Auxiliary Ministry Act (Act XIII 2003).
- (f) "Deacon" shall mean an individual who has been ordained to ministry as defined in the Deacons Act (Act VIII 2010).

The Register of Ministry

2. There shall be a Register of Ministry, which shall list all individuals who hold status as Ministers of Word and Sacrament, or as Deacons, within the Church of Scotland.
3. For each individual, the Register shall specify:
 - (i) the name, address and contact details of the individual,

- (ii) the Presbytery having jurisdiction over the individual,
- (iii) the ministry to which the individual has been ordained,
- (iv) the Category of registration for that individual, by specifying for that individual the Category **O**, **E**, **R**, **I**, **L**, or **S**, with the meaning stated below, and
- (v) the date from which that Category of registration applies.

Initial creation of the Register

4. The provisions contained in sections 5 and 6 shall apply to the initial creation of the Register, in the period following implementation of this Act.
5. Upon the implementation of this Act, each Presbytery shall proceed to compile its section of the Register in respect of individuals within its jurisdiction. Each Presbytery shall ensure that all Ministers of Word and Sacrament, and Deacons, within its jurisdiction shall be entered on the Register in a Category **O**, **E**, **R**, **I**, **L** or **S**, as appropriate to their type of ministry and circumstances, as specified below. Each Presbytery shall submit their section of the Register to the Ministries Council by 1 October 2017, with a view to the Ministries Council commencing maintenance of the Register from 1 January 2018.
6. The initial decision as to the Category in which each individual Minister of Word and Sacrament, or Deacon, should be entered shall lie with the relevant Presbytery. Any individual dissatisfied with that initial decision shall be entitled to query the Presbytery's decision with a view to having his or her categorisation amended to his or her satisfaction through discussion. In the event of any such individual remaining dissatisfied with the Category in which he or she has been entered, then he or she shall have the right of appeal to the Ministries Appeal Panel in terms of section 31 of this Act.

Maintenance of the Register

7. Once the Register has been initially compiled, the Ministries Council shall maintain the Register, with the assistance of Presbyteries.
8. Upon ordaining an individual, as a Minister of Word and Sacrament or as a Deacon, or upon admitting the holder of a Certificate of Eligibility awarded in accordance with the Admission and Readmission of Ministers Act (Act IX 2002) to membership of Presbytery, the Presbytery concerned shall send a relevant extract minute to the Ministries Council. On receipt of such an extract minute, the Ministries Council shall enter the individual on the Register of Ministry according to the Category specified by Presbytery, subject to the following provisos:
 - (i) A Minister of Word and Sacrament shall initially be entered in Category **O**, but if he or she is not appointed to a post which requires Category **O** registration, then his or her Category **O** registration shall lapse on the third anniversary of the date on which the relevant Exit Certificate, or Certificate of Eligibility, was first granted. Thereafter the said individual shall either be registered in Category **E** in accordance with section 22, or else shall be entitled to choose between Category **R** or Category **I** registration and shall inform Presbytery of his or her choice.
 - (ii) A Deacon shall initially be entered in Category **E** or in Category **R**.
Any individual dissatisfied with that initial decision shall be entitled to query the Presbytery's decision with a view to having his or her categorisation amended to his or her satisfaction through discussion. In the event of any such individual remaining dissatisfied with the Category in which he or she has been entered, then he or she shall have the right of appeal to the Ministries Appeal Panel in terms of section 31 of this Act.

9. Upon written request by an individual, the Ministries Council shall provide to that individual an extract of his or her entry on the Register.

Categories of registration for different types of ministry

10. All Ministers, as defined in section 1(d)(i) above, shall be entered on the Register in one of the following categories, with the following meanings:

Category	Meaning	Examples
O	Authorised to hold a pastoral charge and to perform the functions of ministry generally. For the avoidance of doubt, an individual who holds Category O registration is authorised to perform the functions of ministry in Category E or Category R.	Parish ministers; Interim ministers, transition ministers.
E	Authorised to perform the functions of ministry in connection with an employed ministry post, which is either defined within sections 11 – 13 of the Church Courts Act (Act III 2000), or has been agreed by the Presbytery of the bounds to be a post of equivalent nature in which the functions of ministry would be legitimately discharged. Also authorised to perform the functions of ministry on an occasional basis in other circumstances, but not to hold a pastoral charge.	Chaplains (including Regular Forces' Chaplains); Ministers with employment contracts, including Associate ministers.
R	Retaining status as a minister and authorised to perform the functions of ministry on an occasional basis.	This may include retired ministers whose Category O registration has lapsed and those who have retired in accordance with the Long-Term Illness of Ministers Act (Act XV 2002).
I	Inactive – retaining status as a minister but no longer authorised to perform the functions of ministry.	This may include an individual who declares to Presbytery that he/she no longer intends to perform the functions of ministry. It may also include a person so registered by Presbytery.

L	Authorised to perform the functions of ministry on a limited basis, as specified in a Legally Binding Agreement, in terms of section 27 of this Act.	
S	Suspended judicially in terms of the Discipline of Ministry Act (Act III 2001). For the avoidance of doubt, this does not include an individual who has been administratively suspended under Act III 2001.	

11. All Ordained Local Ministers and Auxiliary Ministers, as defined in sections 1(d)(ii) and 1(d)(iii) above, shall be entered on the Register in one of the following categories, with the following meanings:

Category	Meaning	Examples
O	Authorised to hold a designated appointment as an OLM, or as an Auxiliary Minister and to perform the functions of ministry generally. For the avoidance of doubt, an individual who holds Category O registration is authorised to perform the functions of ministry in Category R .	For an OLM this would be an appointment made in accordance with section 12(1) of Act IX 2011, and for an Auxiliary Minister this would be an appointment made in accordance with section 2(a) of Act XIII 2003.
R	Retaining status as a minister and authorised to perform the functions of ministry on an occasional basis.	
I	Inactive – retaining status as a minister but no longer authorised to perform the functions of ministry.	This may include an individual who declares to Presbytery that he/she no longer intends to perform the functions of ministry. It may also include a person so registered by Presbytery.
S	Suspended judicially in terms of the Discipline of Ministry Act (Act III 2001). For the avoidance of doubt, this does not include an individual who has been administratively suspended under Act III 2001.	

12. All Deacons, as defined in section 1(e) above, shall be entered on the Register in one of the following categories, with the following meanings:

Category	Meaning	Examples
E	Authorised to hold a recognised diaconal appointment or post and to perform the functions of the diaconate generally.	This will include any Deacon holding a recognised diaconal appointment in accordance with section 11 of Act VIII 2010.
R	Retaining status as a Deacon and authorised to perform the functions of the diaconate on an occasional basis.	
I	Inactive – retaining status as a Deacon but no longer authorised to perform the functions of the diaconate.	This may include an individual who declares to Presbytery that he/she no longer intends to perform the functions of the diaconate. It may also include a person so registered by Presbytery.
S	Suspended judicially in terms of the Discipline of Ministry Act (Act III 2001). For the avoidance of doubt, this does not include an individual who has been administratively suspended under Act III 2001.	

Functions of ministry

13. The functions of ministry referred to in sections 10 and 11 above shall be:
- (1) the conduct of public worship;
 - (2) the administration of the sacraments; and
 - (3) the solemnisation of marriage.

Functions of the diaconate

14. The functions of the diaconate referred to in section 12 above shall be:
- (1) the exercise of a ministry of an evangelistic, pastoral, educational or social nature, including the conduct of public worship as need arises; and
 - (2) the solemnisation of marriage, subject to the permission and supervision of the minister or Interim Moderator of the parish in which the marriage takes place. For the purposes of the conduct of marriages, section 19 of the Ministry Act (Act II 2000) (as amended) shall apply to Deacons.

Locum Tenens

15. Any Minister of Word and Sacrament, or Deacon, with an **O**, **E** or **R** registration shall be entitled to work as a locum tenens, subject to the following proviso: an Ordained Local Minister or Auxiliary Minister may only work as a paid locum tenens where he or she is already working in a designated Ordained Local Ministry, or Auxiliary Ministry, appointment and has already fulfilled the requirements of that appointment.

Forces' Chaplains

16. The Ministries Council, in consultation with the Committee on Chaplains to Her Majesty's Forces, shall arrange appropriate input to the annual conference for Forces' Chaplains, with a view to keeping Regular Chaplains up to date with ongoing developments in ministry and in relevant aspects of practice and procedure, and thereby facilitating applications for Category **O** registration from any such Chaplains upon leaving the Forces.

Specific provisions applying to Category O registration

17. At the date on which an individual ceases to hold an appointment requiring Category **O** registration, thereafter he or she may choose to retain his or her Category **O** registration for a period of up to three years, subject to the following exceptions which shall result in immediate re-categorisation:
 - (i) Where Categories **L** or **S** pertain.
 - (ii) Where an individual is added to the supplementary lists **G**, or **D** as outlined in section 32.
 - (iii) Where an individual is leaving a post for reasons of ill-health.
 - (iv) Where an individual is demitting his or her first charge within the first five years of ministry and the Presbytery is not satisfied that there are exceptional circumstances which justify this in accordance with section 4(2) of the Vacancy Procedure Act (Act VIII 2003).

In the event of such an individual not taking up a relevant appointment within that three year period, then his or her Category **O** registration shall lapse. Thereafter he or she shall either be registered in Category **E** in accordance with section 22, or else shall be entitled to choose between Category **R** or Category **I** registration and shall inform Presbytery of his or her choice.

18. At the date on which an individual has been newly granted Category **O** registration by the Registration of Ministries Committee, thereafter he or she shall remain qualified to seek a relevant appointment for a period of three years. In the event of an individual not taking up such an appointment within that time, then his or her Category **O** registration shall lapse. Thereafter he or she shall either be registered in Category **E** in accordance with section 22, or else shall be entitled to choose between Category **R** or Category **I** registration and shall inform Presbytery of their choice.

Annual Review of Categories of registration

19. There shall be a process of annual review of the Categories of registration then appearing on the Register for each individual, to determine whether any changes are necessary or appropriate, which process of annual review shall proceed as set out in this section 19. The first process of review shall commence in March 2018.
 - (1) Not later than 31 March each year, the Ministries Council shall send to each Presbytery Clerk an extract from the Register, listing all individuals within the jurisdiction of that Presbytery whose names appear on the Register and providing for each individual the existing registration information specified in section 3 of this Act.
 - (2) Not later than 30 April each year, the Presbytery Clerk shall write to:
 - (i) Any individual who still holds Category **O** registration, but without holding a relevant post, informing him/her of the date on which his/her Category **O** registration shall lapse in terms of section 18 above. If the relevant date is reached without the individual obtaining a Category **O** post, then the individual

- concerned shall then be entitled to choose between Category R or Category I registration and shall inform Presbytery of his or her choice.
- (ii) Any individual who still holds Category E registration, but without holding a relevant post, informing him or her that his or her Category E registration has lapsed. The individual concerned shall then be entitled to choose between Category R or Category I registration and shall inform Presbytery of his or her choice.
 - (iii) Any individual holding Category R registration enquiring whether or not they wish such registration to be renewed and requesting details of ministerial functions exercised during the preceding year. Upon receipt of such information, Presbytery shall determine whether to allocate Category R or Category I to that individual.
 - (iv) Any individual holding Category I registration and whose circumstances are not known to the Presbytery, asking him or her to inform Presbytery if during the previous twelve months he or she has left the communicant membership of the Church of Scotland. On receiving such notice, then the name of that individual shall be removed from the Register.

In each such case the Presbytery Clerk shall specify to the individual concerned that any relevant information must be submitted to Presbytery by 31 May.

- (3) After 31 May each year, each Presbytery shall assign each and every individual on its section of the Register to a Category of registration for the following year commencing 1 July, based upon the information supplied in terms of sub-section (2) above. For the avoidance of doubt, where Presbytery requests information but that is not forthcoming, Presbytery shall be entitled to allocate a Category of registration as it sees fit. An individual shall generally remain in the same Category of registration unless there has been a change of circumstances which makes another Category more appropriate. Presbytery shall submit the said section of the Register to the Ministries Council by 30 June.

Appeals arising from annual review process

- 20. Any individual who is dissatisfied with his or her Category of registration as annually allocated by Presbytery may appeal to the Ministries Appeal Panel in terms of section 31 of this Act.

Intermediate re-categorisation by Presbyteries or by the Ministries Council

- 21. Each of the Presbytery and the Ministries Council shall have the right to re-categorise any individual's entry on the Register immediately upon becoming aware of a change in his or her circumstances. If such re-categorisation is made by Presbytery it shall immediately advise (i) the individual and (ii) the Ministries Council. If such re-categorisation is made by the Ministries Council it shall immediately advise (i) the individual and (ii) the Presbytery. For the avoidance of doubt, (i) a re-categorisation may include removal of the individual from the Register, in which case sections 32 and 33 below may apply, and (ii) any Minister of Word and Sacrament or Deacon may also have his or her registration adjusted or removed at any time as a consequence of judicial process.
- 22. If a Minister or Deacon currently holding Category O, R or I registration takes up an employed post as defined in section 10 or section 12 of this Act, that individual shall be re-categorised as Category E except in the following circumstances:

- (i) if he or she is choosing to retain Category O registration under section 17 of this Act; and
 - (ii) if he or she left a post for reasons of ill-health, then an application for Category E registration must be made to the Registration of Ministries Committee under section 28 of this Act before any re-categorisation can occur.
23. Any individual dissatisfied with their Category of registration as re-categorised by Presbytery or the Ministries Council may appeal to the Ministries Appeal Panel in terms of section 31 of this Act.

Moving Presbytery

24. If an individual wishes to move to the bounds of another Presbytery then he or she shall first obtain an extract of his or her entry on the Register in terms of section 9 of this Act. Such extract shall be exhibited by the individual to the Clerk of the Presbytery to which he or she wishes to transfer. On accepting an individual under its jurisdiction, a Presbytery shall be entitled to re-categorise that individual's entry on the Register in terms of section 21, subject always to the individual's right of appeal under section 23.

Applications for change of Category of registration

Application for Category O registration

25. All applications for Category O registration, from individuals registered in categories E, R, or I, or from individuals whose existing Category O registration is due to expire, shall be dealt with in terms of this section 25.
- (1) Applications shall be made to the Registration of Ministries Committee on a form specified by that Committee. In considering such applications, the Committee shall:
 - (i) invite the Presbytery to which the individual is accountable to comment on the application.
 - (ii) be entitled to obtain an Occupational Health Report in relation to the applicant. Furthermore the Committee shall be obliged to obtain such a report if the applicant left his or her previous appointment for reasons of ill health.
 - (iii) consider the personal circumstances of the applicant in accordance with paragraph 1 of the Criteria for Assessment which are outlined in Schedule 2 of this Act.
 - (iv) be entitled to ask the applicant to attend a meeting of the Committee for an interview.
 - (2) In giving its decision on the application, the Committee may specify what, if any, programme of mentoring, familiarisation, further education, or training, the applicant should be required to undergo. In such cases the Committee shall further specify:
 - (i) which, if any, aspects of this specified programme must be completed prior to Category O registration being granted.
 - (ii) which, if any, aspects of this specified programme may be completed subsequent to Category O registration being granted.In each such instance the Committee shall prescribe a timescale within which such aspects of the programme should be completed.
 - (3) Having completed any aspects of the specified programme outlined in accordance with section 25(2)(i), an individual may be granted Category O registration, subject to signing a binding agreement that he or she will make all reasonable efforts to complete any remaining aspects, outlined in accordance with section 25(2)(ii), within

the prescribed timescale. Subsequent failure to abide by such a binding agreement may be considered to constitute a disciplinary offence.

- (4) In order to grant Category O registration the Committee must be satisfied that the individual in question is fit to perform the duties of the relevant post. The Committee may refuse to grant Category O registration, subject to the grounds for such a decision being clearly stated.

Applications from individuals registered in Category S

26. Any applications for a change of registration from individuals registered in Category S shall be dealt with in terms of this section 26.

- (1) Applications shall be made to the Registration of Ministries Committee on a form specified by that Committee. In considering such applications, the Committee shall:
 - (i) invite the Presbytery to which the individual is currently accountable, and, if different, also the Presbytery to which the individual was accountable at the time when the relevant suspension was imposed, to comment on the application.
 - (ii) instruct the applicant to provide two character references from individuals within the membership of the Church, at least one of whom must be a serving Minister or Deacon.
 - (iii) consider the personal circumstances of the applicant in accordance with the relevant sections of paragraph 2 of the Criteria for Assessment which are outlined in Schedule 2 of this Act.
- (2) In giving its decision on the application, the Committee shall clearly state the grounds on which it has been taken.
- (3) For the avoidance of doubt, where the Committee decides that a suspension is to be lifted and Category O registration is being sought, the application shall be considered in terms of section 24 in addition to this section 26 if the applicant has not served in a Category O appointment within the preceding three years.

Applications from individuals registered in Category L

27. Any applications for a change of registration from individuals registered in Category L shall be dealt with in terms of this section 27.

- (1) Where a Minister has agreed to demit his or her charge in the interests of peace of the Church and has entered into a legally binding written agreement with the Presbytery and the Ministries Council (a "Legally Binding Agreement") in terms of which he or she agrees to specified limitations upon his or her eligibility to perform the duties of a Minister for a specified period, the said minister shall be entered on the Register in Category L.
- (2) A Minister who is entered on the Register in Category L may undertake only those functions of ministry which are defined in his or her Legally Binding Agreement.
- (3) The Minister shall be entitled to a review (or reviews) of the terms and conditions of the Legally Binding Agreement after expiry of a period (or periods) specified within the Legally Binding Agreement. Such a review (or reviews) shall be conducted by the Ministries Council at the point(s) indicated in the Legally Binding Agreement.
- (4) The Ministries Council shall inform the Minister concerned and also the Presbytery of the outcome of all such reviews. Subject to satisfactory fulfilment of the terms and conditions specified in the Legally Binding Agreement, the Ministries Council may resolve that the Minister shall be eligible to apply for a change of Registration in

accordance with the provisions of this Act. For the avoidance of doubt, no Minister entered in Category L may apply for a change of registration without such a resolution having first been made by the Ministries Council.

- (5) A Minister shall have a right of appeal to the Ministries Appeal Panel in respect of any recommendation from the Ministries Council with which he or she is aggrieved in terms of section 31 of this Act.

Applications for change of Category of registration from persons who left a post for reasons of ill health

28. Any individual who left a post for reasons of ill health must, if wishing to obtain a Category O or E registration, apply to the Registration of Ministries Committee on a form specified by that Committee, which Committee must obtain an Occupational Health Report on the individual and in order to grant such registration, must be satisfied that the individual in question is fit to perform the duties of a parish minister, or of the relevant employment, as the case may be. All other relevant provisions of this Act, as contained in sections 25 and 29 of this Act shall also apply.

Other applications for change of Category of registration

29. All applications for a change of Category of registration other than those specified in sections 25 to 28 above shall be made to the Presbytery having jurisdiction over that individual. Applications shall be made to the Presbytery on a form specified by the Ministries Council for all Presbyteries. In considering such applications, the Presbytery shall:
 - (i) consider the personal circumstances of the applicant, and
 - (ii) be entitled to ask the individual in question to attend a meeting of representatives of the Presbytery for an interview.Any individual who is dissatisfied with a decision of Presbytery in terms of this section 28 shall have the right of appeal to the Ministries Appeal Panel in terms of section 31 of this Act.

Appeals from sections 25 to 29

30. Any individual who is dissatisfied with a decision of the Registration of Ministries Committee in terms of sections 25 to 28 of this Act, or with a decision of Presbytery in terms of section 29 of this Act shall have the right of appeal to the Ministries Appeal Panel in terms of section 31 of this Act.

Appeals to Ministries Appeal Panel

31. An appeal to the Ministries Appeal Panel shall be heard in terms of the Ministries Appeal Panel Act (Act VI 2007). Such appeal shall be intimated to the Principal Clerk within fourteen days of the relevant decision of the Committee. An appeal may only be brought on one or more of the following grounds: (a) error in Church law; (b) that in the course of the registration procedure there was a breach of the principles of natural justice or there were irregularities in the process; or (c) that the final decision was influenced by incorrect material fact. The decision reached by the Ministries Appeal Panel in relation to such an appeal shall be final.

Supplementary Lists

32. The Ministries Council shall compile and maintain two supplementary lists, G and D, as specified below, which shall be considered to stand apart from the Register of Ministry.

- (1) List **G** shall contain the names of individuals who were previously Ministers of Word and Sacrament or Deacons of the Church of Scotland but who voluntarily demitted their status.
- (2) List **D** shall contain the names of individuals who were previously Ministers of Word and Sacrament or Deacons of the Church of Scotland but who were judicially deprived of status.
33. Any individual recorded on lists **G**, or **D**, who wishes to resume practice as a Minister of Word and Sacrament or as a Deacon, of the Church of Scotland, must make application in accordance with the Admission and Re-admission of Ministers Act (Act IX 2002).

Amendments and Repeals

34. Amendments to existing legislation as follows:

This table of proposed changes to other legislation has been inserted to give a general guide at this stage. A more sophisticated set of amendments will be drafted for the final Act.

NAME OF ACT	NUMBER & YEAR	SECTIONS	PROPOSED CHANGES
Candidates, Licentiates and Probationers	Act XI 1994	1(b) and 5	No changes. Exit Certificates, Graduate Candidate's Certificates and Certificates of Eligibility will continue to exist.
Ministry	Act II 2000	3(1)	To be reviewed according to remit requested for Legal Questions Committee as to considering questions of membership of Presbytery.
		3(2)	Replace reference to "Practising Certificate/Qualified Practising Certificate" with reference to being registered on the Register of Ministry. The intention is that persons appearing on the Register of Ministry with Category O , E or R registration will be able to perform the functions of ministry (as defined in the RoM Overture).
		4	Delete. Insert a note in italics to say that the "functions of ministry" are defined in the RoM Overture.
		5 to 17 (PCs)	Delete. Insert a note in italics to say that these provisions are replaced by the RoM Overture.
		18 (QPCs - LBA)	To be deleted as provisions are to be covered in RoM Overture. Insert a note in italics to say that these provisions are replaced by the RoM Overture.

Church Courts	Act III 2000	11-14	As mentioned above, the Legal Questions Committee is to request a remit to look further at questions of membership of Presbytery. In section 14, replace reference to "Practising Certificate" with reference to applying to be being registered on the Register of Ministry.
		18	Replace reference to "Practising Certificate" with reference to being entitled to choose between Category R or I registration.
Discipline of Ministry	Act III 2001	1(1)(j)	A new Discipline Act is to be brought to the General Assembly of 2017, and this will be drafted to align with the RoM Overture. In the event that the new Discipline Act does not come into force as an Interim Act in May 2017, amendment to terminology in the existing Discipline Act will be needed, to replace references to "Practising Certificates" with reference to being registered on the Register of Ministry.
Ministers and Deacons in Public Office	Act IV 2001	2(2)	Replace reference to "Practising Certificate" with reference to the individual being registered on the Register of Ministry in the appropriate Category of registration.
Admission & Readmission of Ministers	Act IX 2002		No changes required.
Long Term Illness of Ministers	Act XV 2002	12 (QPCs)	To be deleted as provisions are to be covered in RoM Overture. Insert a note in italics to say that these provisions are replaced by the RoM Overture.
Vacancy Procedure	Act VIII 2003	17	Amend so that a Minister (as defined in the RoM Overture) may only apply for a charge if he or she holds Category O registration, or else has submitted an

			application for such registration which is under consideration by the RoM Committee.
		20(3)(a)	Amend so that the evidence as to eligibility of the nominee is of Category O registration rather than a Practising Certificate.
		26(a)(ii)	Amend to refer to evidence of Category O registration.
Auxiliary Ministry	Act XIII 2003	2(d)	Amend to say that when an Auxiliary Minister ceases to serve in a designated appointment he or she shall be entitled to choose between Category R and Category I registration and shall inform Presbytery of his or her choice.
Selection & Training	Act X 2004	22	Amend so that the eligibility of a Graduate Candidate to be called to a charge would lapse three years after his or her Exit Certificate was first awarded. Such individuals would subsequently be able to seek renewal of their eligibility through an application procedure similar to that of ministers seeking Category O registration under section 25 of the RoM Overture.
Ministries Appeal Panel	Act VI 2007	5	Delete the second sentence and say that the MAP shall also hear certain appeals against decisions taken under the RoM Overture.
International Presbytery	Proposed for GA 2016	Para 1 of Schedule 2	Replace reference to not being entitled to a Practising Certificate with reference to not being entitled to be registered on the Register of Ministry created and maintained in terms of the RoM Overture.
Deacons	Act VIII 2010	14(a) & (b)	In (a), replace reference to a Practising Certificate with reference to the Presbytery with which he or she is registered on the Register of Ministry. For section (b), such Deacons shall have Category I registration.
		16	Delete and substitute with a section headed "Registration of Deacons", saying that Deacons shall be

			registered on the Register of Ministry in accordance with the RoM Overture.
		17	Delete. Insert a note in italics to say that these provisions are replaced by the RoM Overture.
		Appendix A	In "Constitution", Council is to consist of Deacons registered on the Register of Ministry, with those in Category R or I entitled to attend at their own expense and be non-voting members.
		Appendix C	In "Membership", distinguish Category E, R & I Deacons appropriately.
PVG	Act VII 2011	1(c)	Replace reference to "Practising Certificate" with reference to being registered on the Register of Ministry.
		1(d)	Insert reference to Deacons being those registered on the Register of Ministry.
Ordained Local Ministry	Act IX 2011	12(4) and 13(3)	Amend to say that when an OLM ceases to serve in a designated appointment he or she shall be entitled to choose between Category R and Category I registration and shall inform Presbytery of his or her choice.
		13(2)	Amend to say that when an OLM moves from one Presbytery to another he or she shall be subject to the terms of section 24 of the RoM Overture. Questions of membership of Presbytery to be considered by the Legal Questions Committee in terms of the remit referred to above.

SCHEDULE 1: RULES OF PROCEDURE OF THE REGISTRATION OF MINISTRIES COMMITTEE

1. The Registration of Ministries Committee ("the Committee") shall be appointed by the General Assembly as a Standing Committee, in terms of the Standing Orders of the General Assembly.
2. The purpose of the Committee shall be to deal with various applications related to the Register of Ministry.
3. (1) The Committee shall be a committee of five persons, consisting of a Convener, Vice-Convener and three other members. One member shall be appointed by the Legal Questions Committee, one by the Ministries Council and the other three members

- shall be appointed by the General Assembly on the nomination of the Nomination Committee. At least one member shall be legally qualified, at least one shall be a Minister of Word and Sacrament and at least one shall be an elder.
- (2) The Committee shall itself choose a Convener and a Vice-Convener from among its number.
 - (3) The quorum of the Committee shall be three including either the Convener or Vice-Convener, and including at least one elder and at least one minister (each of whom may be the Convener or Vice-Convener).
 - (4) A member of the Committee shall not sit to hear an application from a person from their own Presbytery. If necessary, a substitute member may be co-opted to the Committee by appointment from the Legal Questions Committee or the Ministries Council.
 - (5) The following persons shall also attend the Committee *ex officio*s in an advisory capacity (i) one or other of the Clerks of the General Assembly and (ii) the Secretary to the Ministries Council. These persons shall not be members of the Committee.
 - (6) Where the Act specifies that a Presbytery may comment on a particular application, a representative of that Presbytery shall be entitled to attend the relevant Hearing. The Clerk of the Committee shall provide any such Presbytery with at least fourteen days' notice of such a hearing taking place. For the avoidance of doubt, a representative of Presbytery shall be entitled to comment on the application, but shall not vote when a decision is made. In the event of a Presbytery representative failing to attend, the Committee shall be entitled to proceed with the Hearing.
4. The Committee shall be clerked by the appropriate official within the Ministries Council. The Clerk shall not be a member of the Committee. If the Clerk is not present at a Hearing, the Committee shall appoint a substitute, whether or not a member thereof, to act as Clerk of the Committee during that Hearing.
 5. The Committee shall hold Hearings as required to deal with its business. Hearings shall be called by the Clerk thereof. A Hearing may last for as long as business requires, and may deal with various applications.
 6. The procedure of the Committee at its Hearings shall be in accordance with the Standing Orders of the General Assembly so far as applicable and consistent with this Act. The Committee shall act in accordance with the Constitution of the Church and the Acts of the General Assembly and nothing in this Act shall be construed as conferring power to contravene or amend existing legislation, or to legislate. The Committee shall be accountable to the Ministries Appeal Panel for its decisions.

SCHEDULE 2: Criteria for Assessment by the Registration of Ministries Committee

The Committee shall apply the following criteria when assessing applications made in accordance with this Act.

1. Any application which is made in accordance with section 25 of the Act shall be assessed against the following criteria:
 - (1) The extent to which the applicant has recent experience of leading worship within, or beyond, the Church of Scotland.
 - (2) The extent to which the applicant has recent experience of undertaking pastoral work within, or beyond, the Church of Scotland.

- (3) Whether the applicant has recent experience of the dynamics involved when working with volunteers.
 - (4) The extent to which the applicant has recently participated in the courts, of the Church, and/or their Councils or Committees, in ways which have kept him or her familiar with current practice.
 - (5) The applicant's current knowledge of Church Law, particularly any areas of Church Law where changes have occurred since he or she was last engaged in the relevant field of ministry, and those areas of Church Law which govern current practice in ministry and mission.
 - (6) The applicant's knowledge of matters of civil law, as it currently affects congregations, and Ministers of Word and Sacrament working within them.
 - (7) If relevant, the circumstances which led to the applicant demitting his/her first charge within the first five years of ministry.
 - (8) Any other matter which the Committee reasonably considers pertinent in relation to the application in question.
2. Any application which is made in accordance with section 26 of the Act, shall be assessed against the following criteria:
- (1) Where the relevant suspension was imposed for a fixed period, in accordance with section 1(1)(j)(ii) of the Discipline of Ministry Act (Act III 2001), the Committee shall consider:
 - (i) Whether or not the fixed period of the suspension has been served.
 - (ii) Whether or not the information provided in accordance with section 26(1)(i) and section 26(1)(ii) provides satisfactory assurance in relation to the current good conduct of the applicant.
 - (iii) Any other matter which the Committee reasonably considers pertinent in relation to the application in question.
 - (2) Where the relevant suspension was imposed without limit of time but subject to a minimum period of suspension, in accordance with section 1(1)(j)(iii) of the Discipline of Ministry Act (Act III 2001), the Committee shall consider:
 - (i) The circumstances which led to the applicant being suspended and the determination of the Presbyterial Commission at the time when the relevant suspension was imposed, including without limitation, all paperwork submitted to the court in connection with that decision. The Committee shall further consider, if appropriate, the determination of the Judicial Commission which heard any associated appeal, including without limitation, all paperwork submitted to the court in connection with that decision.
 - (ii) Whether or not the information provided in accordance with section 26(1)(i) and section 26(1)(ii) provides satisfactory assurance in relation to the current good conduct of the applicant.
 - (iii) Whether or not the specified minimum period of suspension has been completed.
 - (iv) Whether or not the period of suspension which has been served is considered to be adequate.
 - (v) Any other matter which the Committee reasonably considers pertinent in relation to the application in question.

EXTRACT FROM THE LEGAL QUESTIONS COMMITTEE REPORT

4. Registration of Ministries

4.1 Background

4.1.1 The General Assembly of 2013 instructed the Legal Questions Committee, in consultation with the Ministries Council, to conduct a comprehensive review of the provisions of Act II 2000 in relation to ministerial Practising Certificates, with a view to bringing a report and amending legislation to the General Assembly of 2014. The Legal Questions Committee had reported that there was confusion as to how Practising Certificates were being managed and who should be allowed to hold them. The Committee indicated its desire to make the law clearer and more straightforward to operate.

4.1.2 In the event, the General Assembly of 2014 instructed the Committee and the Ministries Council to continue their work. It was recognised that the review needed to go beyond the immediate administrative issues which had initially been identified, in the light of recommendations that were being made by the Special Commission on Ministerial Tenure and the Leadership of the Local Congregation ("The Special Commission"). The General Assembly subsequently approved the proposals of The Special Commission, in particular instructing the delivery of a 'Capability Procedure', to address issues of professional capability which arise amongst inducted ministers. In so doing the General Assembly acknowledged that specific competencies are required from those who hold office as parish ministers.

4.1.3 The Capability Procedure is still being developed and will be presented to a future meeting of the General Assembly. However, it will be helped by the adoption of a more comprehensive system of registration. A peculiar feature of the current system of Practising Certificates is that it primarily applies to those who are not actually practising ministry on a regular basis. For example, Practising Certificates are mainly held by retired ministers who undertake occasional pulpit supply. At present there is no form of reviewable certification which extends to those who are actively engaged in ministry, for example those who serve as Parish Ministers, or as Ordained Local Ministers in designated appointments.

4.2 The Registration of Ministries Overture

4.2.1 The Registration of Ministries Overture proposes the creation of a single Register of Ministry ("the Register"), which will record details of all individuals who hold status as Ministers of Word and Sacrament, or as Deacons, within the Church. This unified approach will help to overcome the administrative confusion which was reported to the Assembly three years ago.

4.2.2 Inclusion on the Register will affirm the ordination and status of all individuals concerned, regardless of whether they are currently serving in appointments as Ministers of Word and Sacrament, or as Deacons. The Register will further specify the particular form of ministry to which each individual has been ordained, for example distinguishing clearly between the three different forms of Ministry of Word and Sacrament.

4.2.3 The Register will clearly state the particular Presbytery to which each individual is accountable. This will affirm the role that Presbyteries have in providing both pastoral and

disciplinary oversight, even when individuals are no longer serving in Church appointments. At present Presbyterian oversight sometimes becomes unclear, particularly if individuals have moved to work in other spheres, while also retaining status within the Church.

4.2.4 Through a system of categorisation, the Register will also specify the context in which an individual is currently authorised to perform the functions of the ministry or of the diaconate. The various categories are designated by a system of 'lettering', which deliberately avoids any implication of hierarchy. In a general sense, 'Category O' registration recognises that an individual is qualified to perform the functions of ministry as an officeholder and/or to hold appointments which are primarily governed by Church Law. 'Category E' registration authorises an individual to perform the functions of ministry, or of the diaconate, within or beyond the Church, in positions governed by employment law. 'Category R' registration authorises individuals, such as those who are retired, to perform the functions of ministry on an occasional basis. 'Category I' registration recognises the status of individuals who are no longer active in performing the relevant functions. 'Category L' registration caters for Ministers who have demitted their charges with Legally Binding Agreements being put in place, as currently specified in the Ministry Act (Act II 2000), acknowledging that such Ministers may only undertake the functions of ministry, on a limited basis, as specified in their particular Agreements. 'Category S' registration caters for individuals who have been suspended judicially as a consequence of disciplinary proceedings and who are thus not currently authorised to perform the functions of the ministry, or of the diaconate.

4.2.5 In the first instance each Presbytery shall be responsible for compiling its own section of the Register, allocating individuals within its jurisdiction to the relevant categories. In the event of Presbytery office-bearers being uncertain about the process of categorisation, advice can be sought from the Principal Clerk's office.

4.2.6 The most significant proposals contained in the Overture are being made in relation to Category O registration. Ministers of Word and Sacrament who continue to hold appointments requiring Category O registration (for example pastoral charges, or designated OLM appointments) would be unaffected. However, in moving towards a capability-based approach, such individuals would not remain indefinitely qualified to take up appointments in the event of not actually holding such posts. In particular, an individual who left such an appointment for reasons of ill health would lose his/her Category O registration. An individual demitting on other grounds would normally be entitled to retain Category O registration for up to three years, but thereafter such registration would lapse. This is an essential aspect of the current proposal, which recognises that a degree of fitness and competency are required from those who serve in relevant appointments. In such cases, where the provisions of employment law do not apply, adequate provision needs to be made in Church Law.

4.2.7 The Overture proposes the establishment of a Registration of Ministries Committee, which would receive applications from individuals applying for certain Categories of registration. Most notably, this would cover applications from individuals in other categories on the Register, who were seeking Category O registration. Such applications would be assessed in terms of the Criteria for Assessment which are listed in Schedule 2 of the Act. The Registration of Ministries Committee would determine what, if any, programme of mentoring, familiarisation, further education or training the applicant should be required to undergo. This process includes some flexibility and the Registration of Ministries Committee is able to determine that some aspects of the programme can be completed after Category O registration had been granted. Furthermore, a

consequential amendment to the Vacancy Procedure Act (Act VIII 2003), would allow a Minister to apply for vacant charges, subject to having submitted a live application for Category O registration to the Registration of Ministries Committee. However, in relation to this, a Presbytery would not be able to sustain a call until such Category O registration had actually been granted.

4.2.8 In practice it could be anticipated that an applicant for Category O registration who had been away from a relevant appointment for little more than three years would be unlikely to require much in the way of 'updating'. Similarly it could be anticipated that an individual who had been away from a relevant appointment for over ten years would be likely to need more 'updating'. However, assessment for Category O registration will always take account of any relevant experience which may have been gained, for example while working in other appointments. Regardless of an applicant's experience, the Registration of Ministries Committee would always be entitled to seek and take account of an occupational health report.

4.2.9 In practice, there will often be much that ministers can do to keep themselves up to date, if they wish to do so, in ways that would later facilitate an application for Category O registration. For example, a Health Care Chaplain would most likely be registered in Category E and be directly employed by a Health Care Trust. However, he or she can still worship in a local Church of Scotland congregation, participate in the life of a Presbytery and its committees, undertake pulpit supply and perhaps serve as an Interim Moderator. Such experiences could go a long way towards keeping an individual up to date and could count significantly towards an application for Category O registration. The Overture acknowledges, however, that regular Chaplains to Her Majesty's Forces might be disadvantaged in this regard. Due to the nature of their deployment, often furth of Scotland, it can be less straightforward for Forces Chaplains to participate in congregations and in Church Courts. Most such Chaplains leave the forces before state pension age and some may then wish to obtain Category O registration in order to serve in pastoral charges. The Overture therefore proposes that specific provisions should be made for Forces Chaplains, with the Ministries Council having input into their annual conference with a view to helping such individuals to keep up to date.

4.2.10 It is proposed that the Registration of Ministries Committee should have a further role, considering applications for a change of registration from individuals who have been judicially suspended as a consequence of disciplinary procedures. The Registration of Ministries Committee would assess such applications in accordance with section 26 of the Overture and also paragraph 2 of the Criteria for Assessment outlined in Schedule 2.

4.3 Summary and Conclusion

4.3.1 This Overture is being proposed in recognition of the duty of care which the Church has both towards congregations and towards the individuals who serve in ministry. It seeks to ensure that those who work in such appointments are adequately equipped before they commence their work. The intention of the Overture is not to make it harder for individuals to enter pastoral charges and other similar appointments. Rather, the intention is to help such individuals to undertake the work that they do.

4.3.2 The Overture supports the principle of office-holding which was affirmed in the 2014 Report of the Special Commission. It endeavours to ensure that standards can be properly set for those who engage in ministry, under the Church's own jurisdiction, where the provisions of employment law do not apply.

4.3.3 The Registration of Ministries Overture may seem to be a lengthy piece of legislation, but in practice it will result in other legislation being repealed. Out of necessity this proposed new legislation interacts with a large number of other Acts of Assembly. In recognition of this, potential amendments have been summarised in tabulated form.

4.3.4 The Committee recognises that the proposed remit of the Registration of Ministries Committee is not entirely dissimilar from work that is being undertaken through Admission and Readmission procedures. Furthermore, the current system of Practising Certificates is closely inter-related with issues of Presbytery membership. The Committee therefore seeks authorisation, together with the Ministries Council, to review the relevant aspects of the Admission and Readmission of Ministers Act (Act IX 2002) and the Church Courts Act (Act II 2000).

CONSULTATION ON NEW DRAFT DISCIPLINE ACT

The Legal Questions Committee has been working on the consolidation and reform of the Church's four existing Disciplinary Acts, to produce a new draft Act containing one common disciplinary process for all types of Respondent, applicable to all types of alleged offences. The draft Discipline Act has been placed on the Church's website for comment from interested parties. There is a set of questions which can be answered, in whole or in part, or alternatively all and any comments on the draft Act are welcome.

The consultation can be found here:

http://www.churchofscotland.org.uk/about_us/councils_committees_and_departments/committees/legal_questions_committee

Comments should be sent by 12 noon on Monday 31 October 2016 to the following email address: **lqcfeedback@cofscotland.org.uk**.

Your comments will be much appreciated.

INSTRUCTIONS AND RECOMMENDATIONS TO PRESBYTERIES, KIRK SESSIONS, CONGREGATIONS AND INDIVIDUALS

ASSEMBLY ARRANGEMENTS COMMITTEE

6. Note the development of the electronically available version of the Reports to the General Assembly and encourage its wider usage by future commissioners to the General Assembly.

SCOTTISH BIBLE SOCIETY

9. Support the Scottish Bible Society in its desire to work in partnership with congregations to improve people's experience of the Bible and its impact on their life.
11. Commend the Society's global outreach to the generosity of congregations and members.

COUNCIL OF ASSEMBLY

2. Recognise and give thanks for the faithful service of the thousands of volunteers within congregations and Presbyteries.
4. Instruct the Council to work with the office of the Principal Clerk to identify and allocate appropriate staffing resource to work alongside Presbytery Clerks to facilitate greater cooperation between Presbyteries, including the sharing of resources and, where appropriate, joint working.
8. Commend the Annual Report and Accounts 2015 to the Church and encourage its sharing within congregations.
10. Remind Presbyteries and congregations of the Gift Aid Small Donations Scheme and of changes to the Gift Aid declaration form.
11. Remind all Presbyteries and congregations of the 2011 Assembly's instruction to participate in the National Stewardship Programme and recommend that congregations seek the guidance of a Stewardship Consultant in so doing.
20. Note the work undertaken to this point to ensure that the Church of Scotland in all its parts operates within the legal requirements of the Data Protection Act and urge Presbyteries, Ministries personnel and congregations to implement advice relating to data protection as issued by the Solicitor of the Church acting as Data Protection Controller for the Unincorporated Councils and Committees.
21. Note proposed changes to the annual congregational statistics return and urge congregations and Presbyteries to provide the new information to be requested.
23. Encourage congregations to take note of those who are not members of the congregation but who contribute to its life in a voluntary capacity.

LEGAL QUESTIONS COMMITTEE

6. Approve the Registration of Ministries Overture as set out in Appendix F and transmit the same to Presbyteries under the Barrier Act, directing that returns be sent to the Principal Clerk by 31 December 2016.
9. Commend to Presbyteries and Kirk Sessions the recommendations regarding consensus decision making as outlined in section 5 of the Report.

10. Encourage Church courts and members to provide feedback by 31 October 2016 in relation to the draft Discipline Overture when available on the Church website.
11. Instruct that from 1 January 2017 the only form of constitution which congregations may adopt and which may be granted by the Delegation of the General Assembly shall be the Unitary Constitution and urge those congregations constituted in terms of the Model Deed and other forms of constitution to adopt the Unitary Constitution.
18. Regret the absence of any review or appraisal process which pertains to the work of Presbyteries and instruct the Committee, jointly with the Council of Assembly and in consultation with Presbyteries, to explore the possibility of establishing a Presbytery Review procedure which complements the process of Local Church Review and report to the General Assembly in 2017.

WORLD MISSION COUNCIL

3. Encourage congregations to read and study the report, use the worship service and resources, and learn more about the life of the churches in other parts of the world, and the links with the Church of Scotland.
4. Encourage congregations and Presbyteries to develop links, particularly twinnings, with congregations and Presbyteries of other Churches around the world.
5. Encourage congregations and members to engage with, support, and promote the work of Christian Aid, especially in caring for creation.
6. Welcome the Council's plan, with the Church and Society Council, The Guild and Christian Aid, to organise a consultation with international partners on the theme of care for creation and encourage congregations to send a representative to a conference on 1 October.
7. Encourage all congregations to register as eco-congregations and discover how they can take practical action in their lives and communities to care for creation.
8. Encourage all congregations and Presbyteries to seek Fairtrade status and support the Fairtrade movement.
9. Thank all who have generously supported Let us Build a House and encourage those who have not to consider getting involved to help the United Mission in Nepal to offer support to those without shelter.
11. Urge all members and congregations to hold the Presbyterian Church of South Sudan, and all the peoples of South Sudan, in prayer as conflict intensifies, and encourage the Council in its work with Presbyterian Church leaders in conflict transformation.
13. Thank all who have generously supported the Place at the Table initiative and encourage all to continue to hold the National Evangelical Synod of Syria and Lebanon, the wider Christian community, and all the peoples of Lebanon and Syria, in prayer as daily they confront the challenges of living in difficult and dangerous conditions.
14. Encourage congregations and Presbyteries to host a 24th of the month event to learn more about and pray for the work of partners in the Holy Land.
17. Encourage members to visit the Tent of Nations farm and volunteer with them as they seek to develop environmentally friendly methods, crops appropriate to their location, and peace and justice education.
18. Encourage all members and agencies of the Church to read the WM report on Human Trafficking, use the Bible Study material and to engage with the issues raised, and seek ways to counter this modern slavery.

19. Encourage all members and agencies of the Church to read the WM report on gender based violence, use the Bible Study material and to consider inviting a speaker from WMC to explore the issue as it relates to our overseas partners.
20. Encourage Presbyteries and congregations to continue to pray for and give to the work of the Church of Scotland HIV Programme.
21. Urge members and congregations to read the Pyongyang Appeal to support efforts to encourage dialogue and mutual exchange that might reduce tensions, promote respect for human rights and a culture of peace and reconciliation with North Korea.
22. As a credible gesture of Christian fellowship and working for peace, encourage members visiting Moscow to visit the former Scots Kirk of St Andrew and worship with the Presbyterian Church in the Russian capital.

SOCIAL CARE COUNCIL

7. Encourage the whole Church to celebrate CrossReach and Social Care Sunday on Sunday 9 October 2016.
8. Welcome the practical support given to CrossReach by individuals, local churches, groups and organisations and encourage all congregations to consider ways in which they can support the mission of the Church in this area of social care.

PANEL ON REVIEW AND REFORM

2. Reaffirm the vision set out by the 2001 Church without Walls report and encourage members, elders, and ministers to read or re-read it.
3. Instruct all Presbyteries to create an opportunity by June 2017 for a congregation engaged in the Path of Renewal to report at a Presbytery meeting, inviting a congregation from a neighbouring Presbytery where required.
5. Urge Presbyteries and Kirk Sessions to discuss and make suggestions about how to alleviate the administrative burden on local congregations and instruct the Panel to gather these suggestions and report to the Council of Assembly by December 2016.
7. Instruct Presbyteries to consider the section of the Panel's report on 'Empowering local leadership' (Section 3) and to report their reflections to the Panel by 31 December 2016.

CHURCH AND SOCIETY COUNCIL

Energy issues and fuel poverty

19. Commend congregations involved in local energy schemes and encourage others to consider how they might be involved.

Education

24. Affirm the role of school chaplains and encourage the Chaplains Group in their work.

CHURCH OF SCOTLAND GUILD

4. Commend those Presbyteries and Kirk Sessions that have shared the Action Plan with their membership.
7. Encourage all church members to register to receive the Guild's electronic newsletter, "Gui(l)d News".

IONA COMMUNITY BOARD

3. Commend the proposed refurbishment plans for Iona Abbey and encourage church members and congregations to support this initiative.

SAFEGUARDING COMMITTEE

2. Encourage Kirk Sessions to have Safeguarding as a standing item of business at their meetings and to receive reports from their Safeguarding Coordinator(s).
4. Instruct Kirk Sessions to ensure that everyone engaged in Regulated Work is a member of the PVG Scheme.
5. Encourage congregations to cherish their youth organisations, in particular both Boys' and Girls' Brigade, and urge the Committee to ask the Council of Assembly to consider the cost involved in the safeguarding process to be one carried by the Church.
6. Remind congregations of the importance of ongoing Safeguarding Training and encourage the use of the valuable resource of Safeguarding Trainers within Presbyteries.

MINISTRIES COUNCIL

5. Urge Presbyteries to begin to consider how they might prepare for hub style ministries through their Presbytery Plans and other local arrangements.
10. Note the work done on Pioneer Ministries, and instruct the Council and Presbyteries to explore, and when appropriate, make further Pioneer Ministry appointments within the Presbytery Planning framework.
11. Approve the plans for implementation of a process of Ministerial Development Review for Parish Ministers and encourage ministers to avail themselves of the opportunities for personal, intellectual and spiritual development afforded by participation in MDR.
17. Affirm the recommendations for payment of pastoral fees in relation to officiants other than Parish Ministers at funerals as outlined in section 2.17 of the Report.

COMMITTEE ON CHAPLAINS TO HER MAJESTY'S FORCES

5. Commend to eligible ministers of the Church consideration of service as a Chaplain to HM Forces – Regular, Reserve and Cadet Forces.
8. Encourage parish personnel to work in partnership with Forces Chaplains to provide care for the extended families of service people away from home.

MISSION AND DISCIPLESHIP COUNCIL

2. Encourage Kirk Sessions to use the Learn: Exploring Faith publication as a tool for new communicants and those interested in learning more about the Christian faith.
4. Encourage Kirk Sessions to promote and support the Learn: Pastoral Care conference by sending delegates.
6. Encourage Presbyteries and Kirk Sessions to study the Invisible Church research and consider its implications for their future working.
9. Encourage Kirk Sessions to use the resource, Learning Disabilities: A discussion starter, and to provide the Council with names and e-mail addresses of those with an interest in this area who are willing to act as learning disabilities contacts.
10. Encourage Presbyteries and Kirk Sessions to participate in the "Year of Young People" 2018 as an opportunity for the Kirk to engage with young people.
12. Encourage Kirk Sessions to urge members going to university in Scotland to attend Church of Scotland churches during their studies.

14. Encourage Kirk Sessions to use and promote the Learn: How will our children have faith? publication.
15. Encourage Presbyteries and Kirk Sessions to send young people aged 17-25 to the National Youth Assembly and support them by meeting the cost of attendance and travel.
16. Encourage Presbyteries and Kirk Sessions to make young people aware of the financial help that can be provided when applying online for the National Youth Assembly.
18. Encourage all Presbyteries to fill their allocated place for a youth representative to the General Assembly.
19. Encourage Presbyteries to hold a Youth Information Day as a way of keeping in touch with their young people and informing them of the opportunities available to them.
20. Encourage Kirk Sessions to promote the use of Pray Now: People of the Way for individual and group use in their congregations.
21. Encourage Ministers and others leading worship to make use of resources supplied by the Kirk in response to specific crisis situations at home and abroad.
24. Urge Presbyteries to make use of Local Church Review resources and to assess training requirements for visitation teams and local congregations.
26. Encourage Kirk Sessions and congregations considering alterations to their buildings to contact the Committee on Church Art and Architecture at an early stage.
27. Commend the Council's Quick Guides for congregational use.
28. Encourage Ministers and Kirk Sessions to provide information to congregations on subscribing to Life and Work and to encourage the use of the website (www.lifeandwork.org).
32. Encourage Presbyteries and Kirk Sessions to promote the use of the Learn: Tomorrow's Calling publication as a tool to help those considering ministry within the Kirk during the Decade of Ministry.
33. Encourage Presbyteries and Kirk Sessions to send representatives to attend the "Going for Growth" Summer School event.
34. Commend the theological basis for Fresh Expressions as set out in Appendix VI to Presbyteries and Kirk Sessions for study and encouragement.
35. Encourage Presbyteries and Kirk Sessions to promote the use of the Mission and Older People study guide.
36. Urge Presbyteries and Kirk Sessions to run a course using the Sharing Faith resource as a means of deepening discipleship.
37. Urge Presbyteries and Kirk Sessions to encourage those who wish to share their faith story to respond to the Why Believe? Group's invitation and contact the Council.
38. Encourage Presbyteries and Kirk Sessions to raise awareness of online mission and worship resources by having (www.resourcingmission.org.uk) as a link on their Presbytery and congregational websites.
39. Encourage Presbyteries and Kirk Sessions to promote the Mission and Discipleship Council's Facebook page and subscribe to Enews.

GENERAL TRUSTEES

3. Note that rent from the letting of all vacant manses, irrespective of ownership, is treated as income for the purposes of calculating a congregation's contribution as required by Regulations I 2012.
5. Remind Presbyteries of the obligation to return Diligence Reports under Regulations 1 1998.

NOMINATION COMMITTEE

2. Encourage Presbyteries, Kirk Sessions, Guilds and Ministers to consider prayerfully the skills and talents of those known to them and to nominate those who may be able to contribute towards the work of national Councils and Committees.

INSTRUCTIONS TO COUNCILS AND COMMITTEES

ASSEMBLY ARRANGEMENTS COMMITTEE

7. Instruct

- (i) The Committee to explore the implications of moving the General Assembly to the second week in June, and to bring a recommendation to the General Assembly of 2017.
- (ii) The Committee to redraft the timetable for the opening day of the General Assembly, in consultation with the World Mission Council and the Committee for Ecumenical Relations, and to bring a recommendation to the General Assembly of 2017.
- (iii) The Committee to continue providing management of the Heart and Soul event until 2020, and continue discussions with the Council of Assembly concerning ongoing funding and resource implications for Heart and Soul, with a review to be reported to the General Assembly of 2019.
- (iv) The Committee to consider the possibility of developing regional Heart and Soul events or Heart and Soul reunions as a way of engaging the whole church in matters of common purpose, and report to the General Assembly of 2017.
- (v) All Councils, Committees and other bodies reporting to the General Assembly to present concise reports and deliverances in accessible language.
- (vi) The Committee, in consultation with the Communications Department of the Church, to explore the production of short film clips from the Councils, Committees and other bodies reporting to the General Assembly and relating to their work, and making these available annually on the Church website; and submit budget proposals to the Council of Assembly and report to the General Assembly of 2017.
- (vii) The Committee, in consultation with the Communications Department of the Church, to produce a guide to 'What happens at the General Assembly', and make this available on the Church website and in Assembly publications by April 2017.
- (viii) The Committee in consultation with the Council of Assembly and with the assistance of the Legal Questions Committee to explore further the feasibility and practicality of managing the business of the General Assembly, whilst maintaining good governance, in such a way as to save sufficient time to enable the General Assembly to finish on an inspiring note and send out a positive message to the Church and nation.

COUNCIL OF ASSEMBLY

3. Instruct the Council to work together with the Mission and Discipleship Council, the Ministries Council, the World Mission Council and the Panel on Review and Reform in conducting Regional Roadshows engaging the widest possible range of Presbyteries and congregations in discussion about the future of the Church, its ministry and its discipleship.
4. Instruct the Council to work with the office of the Principal Clerk to identify and allocate appropriate staffing resource to work alongside Presbytery Clerks to facilitate greater cooperation between Presbyteries, including the sharing of resources and, where appropriate, joint working.
5. (c) Instruct the Council of Assembly, working jointly with the Mission and Discipleship Council, the Ministries Council, the Panel on Review and Reform and the Legal Questions Committee to devise a structure together with any necessary regulation which will allow the implementation of Local Church Review to be appropriately

resourced and delivered across every Presbytery and report to the General Assembly of 2017.

6. Instruct the Council to conduct a review of the Strategic Framework, identifying any major themes or projects which the Church may wish or need to address in the next ten years and suggesting a smaller number of core priorities which would assist the Church to make the most effective resource allocations.
18. Instruct the Council of Assembly to work with other Councils and Committees to develop a co-ordinated response by the Church of Scotland to the issues affecting refugees and asylum seekers outlined in the Report.
20. Note the work undertaken to this point to ensure that the Church of Scotland in all its parts operates within the legal requirements of the Data Protection Act and urge Presbyteries, Ministries personnel and congregations to implement advice relating to data protection as issued by the Solicitor of the Church acting as Data Protection Controller for the Unincorporated Councils and Committees.
22. Instruct the Council to review the salary policy in regard to senior posts within the Church Offices, with particular consideration to setting a cap on salaries and setting more appropriate levels of salary, and report back to the General Assembly in 2017.
36. Affirm the current membership and remit of the Central Services Committee as one of the Church's employing agencies and its role as statutory employer for the purposes of the now closed Church of Scotland Pensions Scheme for Staff but declare that the Committee shall from 20 June 2016 cease to be a Standing Committee reporting directly to the General Assembly and shall instead be a constituent Committee of the Council of Assembly; authorise the Council thereafter to make adjustments to the Committee membership as and when deemed appropriate.

LEGAL QUESTIONS COMMITTEE

7. Instruct the Committee, together with the Ministries Council, to review the Admission and Readmission of Ministers Act (Act IX 2002) in the light of the proposed Registration of Ministries Act and to report to the Assembly of 2017.
8. Instruct the Committee, together with the Ministries Council, to review the Ministry Act (Act II 2000) and the Church Courts Act (Act III 2000) in relation to membership of Presbytery and to report to the Assembly of 2017.
10. Encourage Church courts and members to provide feedback by 31 October 2016 in relation to the draft Discipline Overture when available on the Church website.
12. Instruct the Committee to consider bringing forward an amendment to the Unitary Constitution so that it would include reference to the requirement for the holding of a Stated Annual Meeting.
13. Instruct the Committee, in consultation with the Theological Forum, the Ministries Council and the Mission and Discipleship Council, to review the Vacancy Procedure Act (Act VIII 2003) with reference to the place, practical operation and inclusiveness of the congregational vote in our understanding of the right to call and to report to the General Assembly of 2018.
14. Instruct the Committee, in consultation with the Ministries Council and the Mission and Discipleship Council, to explore the opportunities and limitations of the use of remote means of access to church meetings, and where possible bring forward amending legislation which would enable this practice to be used more widely and report to the General Assembly of 2018.

15. Instruct the Committee, jointly with the Mission and Discipleship Council and the Theological Forum, to research the implications for the Church of Scotland of the development of online church and report to the General Assembly of 2018.
18. Regret the absence of any review or appraisal process which pertains to the work of Presbyteries and instruct the Committee, jointly with the Council of Assembly and in consultation with Presbyteries, to explore the possibility of establishing a Presbytery Review procedure which complements the process of Local Church Review and report to the General Assembly in 2017.

WORLD MISSION COUNCIL

6. Welcome the Council's plan, with the Church and Society Council, The Guild and Christian Aid, to organise a consultation with international partners on the theme of care for creation and encourage congregations to send a representative to a conference on 1 October.
12. Given the current rapid growth of the church in sub-Saharan Africa, instruct the Council to prepare a report for a future General Assembly in consultation with our partner churches in the region, detailing what is happening, how we might respond to this move of God's Spirit and what we might learn from their experiences.
15. Instruct the Council to continue to support the Christian community, our Partner Churches, as well as our Palestinian and Israeli partners as they peacefully oppose the occupation and work to ensure there is fair access to water for all people.
16. Note the 100th anniversary of the Balfour Declaration in 2017, and instruct the World Mission and Church and Society Councils to bring a joint report to the General Assembly in 2017 on what might be appropriate to mark this anniversary, and on what other factors might make for peace and justice amongst the Israeli and Palestinian peoples.

SOCIAL CARE COUNCIL

3. Note the efforts made by the Council, Management and Staff towards a break even budget and welcome the work and remit of the Business Strategy Group to present proposals to the full Council for the strategic direction of CrossReach over the next 3-5 years.
6. Welcome the Scottish Government's commitment and financial contribution towards the payment of the Living Wage for social care workers from 1 October 2016 and instruct the Council to work with the Council of Assembly to enable payment of the Living Wage to all employees as soon as possible.
9. Encourage the Council to consider promoting 'Dementia Friendly Congregations' as a nationally recognised identity and bring forward a report to the General Assembly of 2017.

PANEL ON REVIEW AND REFORM

4. Instruct the Panel on Review and Reform, in consultation with Ministries and Mission and Discipleship Councils, to work on the next stage of the Path of Renewal, beyond that with the pilot congregations.
5. Urge Presbyteries and Kirk Sessions to discuss and make suggestions about how to alleviate the administrative burden on local congregations and instruct the Panel to gather these suggestions and report to the Council of Assembly by December 2016.
6. Instruct the Panel, in collaboration with others as appropriate, to produce an online resource of stories of churches where new approaches are being developed.
8. Instruct the Panel to explore further, in consultation with the appropriate Councils, how best to enable sacramental ministries in areas of work such as Fresh Expressions where, at

present, an ordained Minister of Word and Sacrament may not have direct involvement, and in so doing consult with the Theological Forum to consider whether those who are not Ministers of Word and Sacrament might be authorised to administer the Sacraments and in what circumstances.

9. Instruct the Panel, in partnership with the Ministries Council, to consider ways in which the scope of Ordained Local Ministry and Readership can be developed and broadened to meet the needs of the Church as it considers the future of ministry, and report to the GA of 2017.

CHURCH AND SOCIETY COUNCIL

Speak Out 10,000 voices for change

3. Approve the themes that emerged from Speak Out as strategic areas of work for the Church and Society Council over the next ten years, namely:
 - Building local communities where people flourish
 - Doing politics differently
 - Investing in our young people
 - Ensuring the health and wellbeing of all
 - Caring for creation
 - Building global friendships
 - Creating an economy driven by equality
4. Instruct the Council to bring an implementation plan to the 2017 General Assembly.

Corporal punishment of children

7. Instruct the Council to join relevant campaigns, including Children are Unbeatable! Scotland, which seek to end the corporal punishment of children.
8. Instruct the Council to work with CrossReach and the Safeguarding Service to provide access to resources to support the development of non-violent parenting skills.

Divestment from fossil fuel companies

12. Urge the Trustees of the Church of Scotland Investors Trust and the Church of Scotland Pension Fund not to invest in companies which derive more than 15% of their turnover from extraction and/or sale of thermal coal and/or oil extracted from tar sands.
13. Instruct the Council, in partnership with Investors Trust and Pension Trustees to engage with oil and gas companies, in which the Church has significant holdings, to establish their commitment to meeting the UN climate change targets and to report back to the General Assembly of 2018.
14. Instruct the Council to explore with the Trustees of the Church of Scotland Investors Trust, the Church of Scotland Pension Fund and others how to alter existing investment policies to promote the transition to a low carbon global economy by 2050 and to report back to the General Assembly in 2018.

Education

23. Instruct the Council, in collaboration with the Education Committee and other Councils of the Church, to review the work and position of the Education Committee within the Church of Scotland and report back to the General Assembly in 2017.

25. Instruct the Council to continue to develop quality Religious Observance resource materials and modules for teachers and chaplains in schools, and to seek the accreditation of these modules from appropriate bodies.

Human Rights in the UK

26. Instruct the Council, in consultation with the Legal Questions Committee, to respond to any consultation document which might be issued by the United Kingdom Government on the introduction of a British Bill of Rights to replace the Human Rights Act 1998 and with regard to any amendment of UK Law as regards human rights and access to the European Court of Human Rights for UK Citizens, with particular emphasis on its implications for the operation of the Scotland Acts, the constitutional settlement in Scotland and the impact on citizens as holders of rights, including the workings of the Scottish Parliament and the status of the Church of Scotland.

Refugees

27. Commend the work of the many local, national and international bodies actively engaged in compassionate care and concern for refugees and instruct the Council to maintain pressure on the UK Government to allow this nation to remain a safe place of welcome to those seeking and requiring refuge.
28. Welcome the appointment of Mr David Bradwell, Refugee Co-ordinator, and instruct the Council to ensure that a report on this work is brought to the General Assembly of 2017.

Our Place in Europe

31. Instruct the Council, in the event of a decision to remain in the EU, to explore ways of increasing understanding of and engagement with the European Parliament and EU institutions, promoting a Parliament and institutions which support the rights and well-being of the Union's poorest citizens.

CHURCH OF SCOTLAND GUILD

9. Welcome the interim report from the Guild and the National Youth Assembly on Inter-generational work and ministry.
10. Instruct the Guild and the National Youth Assembly to bring a final report to the General Assembly of 2017.

IONA COMMUNITY BOARD

4. Commend the proposed development of the International Volunteer and sabbatical programmes and encourage consultation with Ministries Council.

COMMITTEE ON ECUMENICAL RELATIONS

2. (c) Instruct the Ecumenical Relations Committee, in partnership with the Council for Christian Unity, to oversee the implementation of the Commitments in the Columba Declaration and set up the Contact Group proposed by it ensuring that the Scottish Episcopal Church is invited to appoint a representative to attend its meetings.

SAFEGUARDING COMMITTEE

5. Encourage congregations to cherish their youth organisations, in particular both Boys' and Girls' Brigade, and urge the Committee to ask the Council of Assembly to consider the cost involved in the safeguarding process to be one carried by the Church.
11. Instruct the Church and Society Council, the Safeguarding Committee and the Social Care Council to continue to engage with the Scottish Government and other interested parties in the development of implementation procedures and interpretation guidelines arising out of the Children and Young People (Scotland) Act 2014 and report back to the 2017 General Assembly.

MINISTRIES COUNCIL

2. Note the report on The Future of Ministry and instruct the Council to work with the Council of Assembly and other appropriate bodies to enable a wide-ranging consultation with the Church through a series of Roadshows to develop the ideas contained in it, listen to the experience of others and report to the General Assembly 2017.
3. Recognising the need for a variety of models of ministry in a changing culture, instruct the Council to explore further practical proposals and a legal framework for the implementation in appropriate places of a 'Hub-style' ministry as described in the report, allowing for differing contexts.
4. Instruct the Council to seek to inaugurate as soon as possible two or three suitable parish contexts that could form pilot schemes for 'hub-style' ministries, and identify Presbyteries that might be willing to take part, liaising with the Panel on Review and Reform with regard to training material already prepared.
6. Affirm the work done by the West Angus Area Ministry (WAAM) in establishing a flourishing team ministry and invite the Council to consult with WAAM and, where appropriate, with Presbytery to further develop the team as an example and model of 'hub-style' team ministry.
7. Note the need to further develop training processes for ministry, and instruct the Council to explore ways in which the core training for the leadership role of the full time minister can be adjusted to encourage those called into the apostolic, prophetic and evangelistic ministries and bring an initial report on these matters to the General Assembly in 2017.
8. Instruct the Council to enter into discussions with the Mission and Discipleship Council to consider the possibility of recognising Youth Ministry as a strand of the Ministry of Word and Sacrament, and in due course to consider whether the Ministries Council should take responsibility for the assessment, training and ongoing support of Youth Ministers, bringing an interim report to the General Assembly of 2017 and a final report to the General Assembly of 2018.
9. Affirm the work on recruitment undertaken by the Council under the title of Tomorrow's Calling, as part of the Decade for Ministry, and instruct the Council to continue developing, monitoring and evaluating the outcomes of this work.
10. Note the work done on Pioneer Ministries, and instruct the Council and Presbyteries to explore, and when appropriate, make further Pioneer Ministry appointments within the Presbytery Planning framework.
12. Note the plans for rolling out a programme of Continuing Ministerial Development, incorporating a wide range of individual opportunities for study (including a merger with the existing Study Leave scheme) and a range of conferences and events, and instruct the Council to ensure that the CMD programme is appropriately resourced.

13. Instruct the Council, in the course of its review of continuing ministerial development, to consider the funding of ministers undertaking part-time post-graduate degrees.
15. Instruct the Council to consult with Presbyteries in a review of the use and effectiveness of Guardianship, to prepare guidelines for good practice and to report to the General Assembly of 2017.
18. Note the report of the Priority Areas Committee, affirm its engagement in support of congregations working alongside Scotland's poorest communities and instruct the Council to ensure the ongoing resourcing of that work.
19. Note the work undertaken in the Presbytery Staffing Fund pilot projects and affirm the decision of the Council to bring this to a conclusion in 2018, ensuring that proper provision is made for any employees continuing to be affected at that point.
20. Commend the Go For It Fund in the light of the positive external evaluation validating its work, and instruct the Council to continue maximising funding for its ongoing development.
25. Note the intention of the Council to review the financial provisions relating to Act XV 2002 on Long-Term Illness of Ministers and instruct the Council to report to the General Assembly of 2017.

COMMITTEE ON CHAPLAINS TO HER MAJESTY'S FORCES

9. Instruct the Committee on Chaplains to HM Forces to work together with the Council of Assembly, the Ministries Council and the Social Care Council to examine the principles enshrined in the Armed Forces Covenant and present to the General Assembly of 2017 a Covenant to which the Church can subscribe.

MISSION AND DISCIPLESHIP COUNCIL

3. Instruct the Council, in consultation with Theological Forum, Panel of Review and Reform and other relevant Councils, to consider and respond to the findings and proposals made in the 'Developing the Eldership' report and bring to the General Assembly by 2018 detailed proposals for eldership training.
5. Instruct the Council, working with the Church and Society Council and others, where appropriate, to promote congregational learning and awareness of the issues transgender and gender non-conforming people experience, in order to better facilitate pastoral care to and inclusion of transgender and gender non-conforming people at a local level.
7. Commend the book, *Invisible Church*, to the Councils and Committees of the Kirk for consideration in the development of strategy and policy.
8. Instruct the Council, in collaboration with the World Mission Council and the Ecumenical Relations Committee, to reflect on the evolving church situation in contemporary Scotland, by undertaking a study of the 'immigrant' churches in Scotland and developing initiatives to strengthen relations for mutual learning, partnership and closer working with the Church of Scotland, and present an interim report to the General Assembly in 2018.
11. Instruct the Council to conduct a review of youth ministry within the Church of Scotland reporting to a future General Assembly examples of best practice and sustainability.
13. Instruct the Council, in collaboration with the Theological Forum, to produce a paper on the theology of children and young people in the Church and report to the General Assembly in 2017 in preparation for events held in 2018.
17. Instruct the Council, through the National Youth Assembly Review Group, to investigate the possibility of making the Moderator of the Youth Assembly a paid position and report back to the General Assembly of 2017.

22. Encourage the Council to support and provide resources for other Scots languages and dialects including Doric.
23. In recognising the importance of the Gaelic language in its proclamation and promotion of the everlasting gospel of Jesus Christ to the people of Scotland, instruct the Council of Assembly, the Church and Society Council, the Ministries Council and the Mission and Discipleship Council to:
 - i consider the Draft Action Plan for the Promotion and Delivery of Gaelic Ministry and Mission within the Church of Scotland and resource implications arising from it;
 - ii prepare a three year Action Plan, '*An Ath Cheum*', for the effective Promotion and Delivery of Gaelic Language Ministry and Mission (2018-2021), for consideration by the General Assembly of 2017;
 - iii express the General Assembly's gratitude to the BBC in Scotland for the excellent quality and long-standing provision of its Gaelic Christian Religious Broadcasting.
25. Instruct the Council to report to the General Assembly of 2017 its initial outline of a proposed theme(s) for the following five years from 2018 onwards to focus the worship, witness and work of the Church on every level throughout the Church of Scotland's parishes, congregations and communities.
30. Instruct the Council, in consultation with other relevant Councils and Committees, to consider and respond to the findings and proposals made in the Rural Working Group report.
31. Instruct the Council and the Ministries Council to review the Partnership Agreement with Fresh Expressions and report back to the General Assembly of 2017.

GENERAL TRUSTEES

8. Instruct the General Trustees to continue their work on all issues relating to registration of title with a view to reporting to the General Assembly of 2017.

CHURCH HYMNARY TRUSTEES

2. Encourage the Trustees to investigate the possibility of an E-book version of CH4 and to investigate with publishers a more user-friendly version for organists eg ring-bound, and to report to a future General Assembly.

