



**VACANCY GUIDELINES FOR
KIRK SESSIONS AND
INTERIM MODERATORS**

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GUIDELINES FOR KIRK SESSIONS AND INTERIM MODERATORS

These guidelines are designed to help Kirk Sessions and Interim Moderators in vacant or soon to be vacant charges. They are offered to the Church in the belief that a well-handled vacancy is the best possible start to a new ministry.

1. THE BEGINNING

So, the congregation is in vacancy: the previous ministry has ended and the Presbytery has appointed an Interim Moderator. This may be a disconcerting time in the life of a congregation. The end of a ministry, particularly if it has been a long one, may well bring deep sadness, or other emotions. There may well be uncertainty, or indeed fear, as the congregation contemplates the future. However, it is also a time for reflection, prayer, growth and opportunity if used well.

It is the task of the Kirk Session and Interim Moderator to lead the congregation in this period of transition. The task is twofold. Firstly, it must not be forgotten that the ongoing life and witness of the congregation continues. We often speak of a “vacant congregation”, but nothing can be further from the truth: there may be a ministry vacancy but the life of God’s people continues, as do the responsibilities of the Kirk Session. But secondly, there are particular tasks for the Interim Moderator and the Kirk Session as they lead, pastor and equip the congregation through the vacancy, and seek to discern God’s calling for the next stage in the life of the people of God.

This document should be read alongside the **Guidelines for Nominating Committees**, which the Interim Moderator and Kirk Session should also read. The Vacancy Procedure Act 2003 contains the legislation with which you will need to be familiar. The Act and appropriate schedules may be accessed through the Church of Scotland website, following the link:

http://www.churchofscotland.org.uk/_data/assets/pdf_file/0005/6674/2003_act_8.pdf

It is also possible to download and print the required notices from the website.

Interim Moderator

An Interim Moderator has a dual role to discharge. On the one hand, being the Presbytery’s appointee, the Interim Moderator is expected to help in representing the views of the Presbytery to the congregation. On the other hand, as the congregation’s minister for the time being, the Interim Moderator may be called on to help in representing the congregation’s views to the Presbytery. More is said on this matter in the section on ‘Parish Appraisal’.

The Interim Moderator acts with all the powers and authority of an inducted minister, even where the regular preaching and pastoral aspects of ministry are delivered by a Locum. That said, Kirk Sessions in vacant charges should be sensitive to the fact that in most instances an Interim Moderator will have responsibilities for his or her own charge and Kirk Session. All the expenses incurred by the Interim Moderator are met by the congregation. Interim Moderators, whether ministers or elders, are entitled to the same mileage rate as parish ministers: currently 45p per mile.

2. THE APPOINTMENT OF A LOCUM

It is usual to ease the Interim Moderator’s burden by appointing a Locum. It can also be of assistance to the congregation to have the same preacher week by week in their pulpit and consequently someone they know performing the essential pastoral duties. A separate leaflet entitled ‘Appointment of a Locum during a Vacancy’ is also included in this pack. Congregations may fund additional days of Locum cover where they have the financial resources to underwrite this.

If there is no Locum then the Interim Moderator will have to ensure that pulpit supply is arranged – continuity and acceptability are both factors which should be considered. Those providing such supply should be paid by the Congregational Treasurer on the day when the pulpit is supplied. Guidance on Supply Fees can be obtained from the Ministries Council.

See also Appendix 4, paras. 1 to 3, 6 and 7

When vacant, a congregation's Ministries and Mission contribution is reduced by a vacancy allowance of (as at 2016) £910 per month, and £980 per month for linked charges, so that the congregation may pay for a Locum or for other cover arrangements. The 2016 fee for a Locum is £315 per month for each day of pastoral cover a week plus a fee for pulpit supply. The vacancy allowance is sufficient to cover two days of pastoral work plus the associated pulpit supply.

3. THE KIRK SESSION

The Kirk Session has an increased pastoral role during a vacancy – this cannot be emphasised too strongly. The Interim Moderator should also guide them in what will happen in the weeks which lie ahead in terms of Vacancy Procedure, the appointment and duties of a Locum (where appointed), and the availability of the Interim Moderator, in terms of his or her time commitment. The Session should be encouraged to see the vacancy as a time of reassessment both of the congregation's needs and resources and the challenges and opportunities afforded by the parish which they serve (see Vacancy Procedure Act 2003 Section 13).

4. THE ELECTORAL REGISTER

The Electoral Register should be prepared by the Kirk Session as soon as possible, and should be prepared whether or not the charge has leave to call a minister. The Register is a list of all persons who shall be entitled to vote when the congregation is called to do so (eg to choose a Nominating Committee, to elect a minister, or to agree any basis of union or readjustment). The Register is not the same as the Communicants Roll, because it may also include regular worshippers (adherents) who are not members of the congregation. Before drawing this up, the appropriate edict should be read, and any regular worshipper who wishes to be included invited to complete the appropriate form. You will find this process set out in Section 14 of the Vacancy Procedure Act.

Two copies of the Register must be submitted to the Presbytery Clerk, one of which the Presbytery will retain, and the other will be attested and returned for use during the vacancy. It is a good idea to have extra copies available for use by, for example, the Session Clerk and the Locum (if one is appointed). The Register may have to be amended in the event of readjustment, new members joining, or the passage of time. Section 14 of the Vacancy Procedure Act specifies how additional names may be added to the Register once it is drawn up.

5. THE FORMER MINISTER

It should be made clear to all concerned that the minister who has demitted, been translated or retired has no locus in the vacancy. He or she should neither seek nor expect to take any part in the appointment of a Locum or Interim Moderator, nor should the former minister try to influence any reappraisal discussions conducted by the Presbytery. On no account should the former minister seek to influence the congregation in the choice of those to serve on the Nominating Committee, or influence the Nominating Committee during the course of its work.

The Kirk Session should be aware that it is for the Interim Moderator to ensure appropriate cover for funerals and weddings is in place, and that the former minister must not carry out any functions of ministry (including weddings and funerals) in the congregation or parish without the explicit permission of the Interim Moderator.

6. PARISH APPRAISAL

Every vacancy is now subject to the Appraisals and Adjustments Act (2003) of the General Assembly. It is important to consult the Presbytery Clerk, or the Ministries Council, for advice if you are in any doubt about how to proceed. They have published guidelines for the use of this Act. All Acts may be accessed through the Church of Scotland website, following the link: www.churchofscotland.org.uk/about_us/church_law/acts

Kirk Sessions and Interim Moderators are reminded of the fact that, normally, charges where current or accumulated shortfalls in contributions to central funds exist, require a statement from Presbytery that these shortfalls are justified, before they are given permission to call. Please see sections 8 and 9 of the Vacancy Procedure Act.

The congregation will naturally expect the Interim Moderator to explain the Readjustment and Vacancy procedures, and this he or she should readily do. BUT on no account should the Interim Moderator seek to influence the readjustment discussions and vacancy procedures. It can happen that the congregation's views will differ from those of the General Assembly's or the Presbytery's Planning Committee. In these circumstances it may be necessary for the Interim Moderator to speak for the congregation, and this too he or she must be prepared to do whatever may be his or her personal opinion or those of the Presbytery. But the Interim Moderator must on no account see it as his or her function to champion the congregation's cause or, of necessity, vote for it in Presbytery. The Interim Moderator is well advised to maintain a neutral position throughout any readjustment proceedings. The Interim Moderator must of course ensure that all edicts and formal intimations which have to be served from time to time are properly served, signed and recorded. If in doubt on any matter, it is wise to consult the Presbytery Clerk. Further information can be found in the Appraisals and Adjustments Act.

7. PERMISSION TO CALL

When a Presbytery is aware of a vacancy, the Presbytery's Vacancy Procedure Committee will appoint a Presbytery Advisory Committee (3 people) to meet with the Kirk Session and the Nominating Committee. The Presbytery Advisory Committee will be available at all times for Nominating Committee, Kirk Session, and Interim Moderator. The Convener of this Presbytery Advisory Committee should contact the Interim Moderator to arrange these meetings. The task of the Presbytery Advisory Committee is to develop discussion about the strengths and weaknesses of the congregation, the problems and opportunities offered by the parish and the input which can reasonably be expected of the new minister. A note of topics which might be covered is given in Appendix I.

8. STIPEND ARRANGEMENTS

Before a minister can be inducted there must be agreement to contribute to the National Stipend Fund of the Church at the prescribed level. This agreement takes the form of a Vacancy Schedule. The Interim Moderator should make arrangements with the Presbytery's Ministry Convener to have this processed. As well as being put before the financial court(s) of the congregation(s), it must also be agreed by Presbytery and the appropriate Committee of the General Assembly. All these steps must be completed **prior** to the induction. The minister who is nominee will receive his/her stipend based on the National Stipend Scale as declared annually.

9. MINISTERS AND DEACONS IN CIVIL PARTNERSHIPS AND SAME SEX MARRIAGES – ACT 1, 2015

The Ministers and Deacons in Civil Partnerships and Same Sex Marriages Act (2015) affirms the historic and current doctrine and practice of the Church in respect of same-sex relationships and its application to the ministers and deacons of the Church. This means that the default position is that the congregation may not call any minister in a same-sex relationship. However, the Act allows a Kirk Session to depart from this historic position and permit the consideration of ministers in Civil Partnerships and Same Sex Marriages.

The Vacancy Procedure Act (7.3) states:

“It shall be the duty of the Interim Moderator to ascertain whether or not the Kirk Session (or Kirk Sessions in the case of a linking, or deferred linking or deferred union) may wish to follow the procedures contained in the Ministers and Deacons in Civil Partnerships and Same Sex Marriages Act (Act 1, 2015) as regards making a decision on whether or not to depart (as depart is defined within that Act). Any such decision should be made after the Kirk Session(s) meets with the Advisory Committee in terms of section 12(2)(a) of this Act.”

Where a Kirk Session or Sessions wish to follow the steps outlined in the Act, there will of necessity be a delay between the visit of the Presbytery Advisory Committee and the due election of the Nominating Committee, to allow voting to take place with the due period of notice specified in the Ministers and Deacons in Civil Partnerships and Same Sex Marriages Act section 5 being given. Interim Moderators should map out timelines carefully to allow for the possibility of a Kirk Session or Sessions seeking to consider the question whether to depart.

Nothing in the Act requires the Kirk Session to take any particular action: if it does not wish to explore the issue it may simply move on. However, should the Kirk Session or Sessions wish to depart, the detailed

steps are laid out in the Act 2015. Further guidance is available from the Ministries Council or the Principal Clerk's Office.

10. THE PROFILE OF THE PARISH AND CONGREGATION

Vacancies are a good opportunity for congregations to reassess their strengths and weaknesses and the challenges which face them. It is important that candidates for the vacancy are given an open and honest picture of the charge under consideration and that they should be able to assess their personal gifts and calling alongside the challenges and vision of the charge.

The Vacancy Procedure Act (s.12) states that:

“The Kirk Session(s) shall prepare a profile of each congregation and parish within the charge, in accordance with the template published in the Guidelines for Kirk Sessions. In the case of a linked charge, this shall take the form of a single document, with separate sections for each constituent congregation. In all cases the profile shall contain, as an appendix, a copy of the most recent report on each constituent congregation produced under the auspices of Local Church Review. The draft profile(s) shall then be submitted to the Advisory Committee, prior to its meeting with the Kirk Session(s) (Section 13(2)(a)), for possible comment and revision.”

A template for profiling the parish

The profile of the parish might include things like: number of houses and type of housing, population (accurate figures, please!), age structure, ethnic composition and religious adherence, industrial or agricultural activity, schools, colleges, hospitals – all the features which contribute to the character of the parish and the task which will confront the new incumbent.

A template for profiling the congregation

The profile of the congregation might include a brief history, numbers on the roll and a profile of their ages, details (and perhaps photographs) of the church buildings and manse, details of local constitutions if applicable, organisational life, the composition of the Session and the financial court. A copy of the accounts and a brief summary of the last Professional Fabric Report should also be prepared for distribution. Every applicant should be given this information and every member of the Nominating Committee should have a copy with which they should become familiar.

If there is (or there is envisaged) a team ministry in the parish, all candidates should be told. It would also be helpful for them to see any existing contracts or agreements between members of the team.

Where a Kirk Session (or Kirk Sessions) have voted to depart in terms of the Ministers and Deacons in Civil Partnerships and Same Sex Marriages Act, this should be mentioned in the Parish Profile. There is no requirement to refer to this otherwise.

11. REVIEWABLE OR TERMINABLE CHARGE

If the right of call involves a Basis of Reviewable Charge, this must be made clear to all applicants. The Nominee must have the conditions made clear to him/her before he/she is expected to accept the invitation.

12. THE MANSE

It is essential for tax reasons that very parish minister is provided with a manse, be it owned or rented by the congregation. It is extremely important that the manse thus provided is of a good standard. It is only possible to offer a minister the opportunity of living in his/her own house in exceptional circumstances. The conditions for such an arrangement must be placed before the General Assembly's Manse Adjudication Committee, who may approve an arrangement whereby the minister's own house may be rented by the congregation as the manse. It is important to note that, in such circumstances, the congregation would be expected to pay the full market rent while, at the same time, maintain the wherewithal to provide a manse for any successor in office. **BEFORE** considering this possibility, contact **MUST** be made with both the Ministries Council and the Presbytery. Details of procedure in applications to the Manse Adjudication Committee are available from the Ministries Council; email: ministries@churchofscotland.org.uk No new Manse Allowances will be agreed. Please see also the Manse Adjudication Committee Regulations agreed by the 2013 General Assembly.

The manse should be inspected immediately it becomes vacant, preferably by a professional surveyor. At the time of the vacancy, every congregation must complete a Manse Condition Schedule. This document will be issued by the Ministries Council and should be used to ensure that information about the manse and its decoration and repair is up to date and that a schedule of work has been approved by the Financial Board. Ensuring that the Manse Condition Schedule is complete will make conversations with prospective ministers much easier. The last Quinquennial Report on the manse should also be consulted. The Interim Moderator should also advise the Presbytery's Fabric Convener that the manse is now vacant and the Presbytery Property Committee should be engaged jointly with local office bearers to complete the Manse Condition Schedule. The aim should be to carry out all major repairs before a new minister arrives, with the proviso that redecoration should wait until a minister is elected and his/her views sought on the matter.

The clerk of the financial court should advise the insurance company when the manse is vacated. The clerk should also inquire about relief from the Council Tax while the manse is unoccupied. Arrangements must also be made to ensure adequate frost protection, security, insurance etc. If it is expected that the vacancy may be a prolonged one, a Caretaker Occupancy Contract (provided by the General Trustees) might be considered, or the possibility of a short assured tenancy might also be considered.

It is extremely important that consultations on the manse begin immediately the vacancy occurs, because in the eventuality that the manse is deemed unsuitable, the time taken for its replacement could significantly delay any right to call. If it is thought appropriate to sell the present manse and buy or rent a new manse, an early consultation should be encouraged with the Presbytery Clerk so that the various legal steps can be taken. It should be noted that, at the General Assembly of 2007, a Joint Report of the Ministries Council and the General Trustees indicated that sympathetic consideration would be given to congregations who made application to acquire accommodation which was appropriate to the needs of a particular minister. The context of this consideration is included in the "Guidelines for Manses" which are attached as Appendix 5 of this booklet. These guidelines should be read together with the Manse Regulations (Appendix 6) and are extremely important documents for consideration at the time of the vacancy.

The General Assembly in 1991 instructed "that Presbyteries, before considering a Call to a vacant charge, shall have in their possession a written report from the Presbytery's Fabric Committee indicating that all necessary work on the Manse, as earlier detailed and agreed by the Presbytery, has been fully and satisfactorily completed". Use of the Manse Condition Schedule will make this a much easier task to carry out.

In all matters relating to the Manse, the Interim Moderator is asked to be proactive and wherever possible to act as a facilitator between the Nominee and the Board or Committee responsible for the Maintenance and upkeep of the Manse.

It may be advantageous in a vacancy, while a manse isn't the home of a minister and family, that members of the financial court (and indeed perhaps the whole congregation) are encouraged to take the opportunity to visit the manse and become familiar with it. This ensures that when, in the future, the financial court is discussing the manse, there is a good understanding of the property for which they are responsible.

13. THE NOMINATING COMMITTEE AT WORK

The document "Guidelines for Nominating Committees" is available as a download or from the Ministries Council. This document outlines both the role of the Committee and the particular role of the Interim Moderator within it. It is critical that the Interim Moderator reads it alongside this present document, and Kirk Sessions should also familiarise themselves with it, in order that elders will be able to answer questions from the congregation.

The Kirk Session itself has no direct role in the process of choosing a minister once a Nominating Committee is elected. The Kirk Session should not seek to influence the Committee's work, and should not ask for updates. The Committee's work is confidential, as are the names of any applicants, and this confidentiality must be respected, both during the time the Committee is at work and, indeed, subsequently.

14. AFTER THE NOMINATING COMMITTEE'S WORK

The Nominating Committee has up to two years to complete its task of nominating one person to be the minister. This is calculated from the time that Presbytery grants the congregation leave to call. If no nomination is made within that period, the Presbytery shall decide whether to extend the leave to call, or to reopen the question of readjustment. You will find all the options available to the Presbytery in section 27 of the Vacancy Procedure Act.

Once the Nominating Committee has agreed its nominee, and the Presbytery's Advisory Committee has been consulted, the name of the nominee shall be reported to the Kirk Session and Interim Moderator. At this point the Interim Moderator will make arrangements for nominee to conduct public worship, after which the congregation shall vote on whether to elect the nominee as their minister. (The regulations are in section 21-25 of the Vacancy Procedure Act.) Should the congregation vote against the nominee, or the nominee withdraw after the vote, a new Nominating Committee is elected.

At the election, the Kirk Session shall arrange a sufficient supply of voting papers printed in the form indicated in the schedule to the Vacancy Procedure Act. The Interim Moderator, who shall preside at the election, shall issue any person whose name is on the Electoral Register a voting paper, noting on the Register that this has been done. Facilities shall be provided whereby the voter may mark the paper in secrecy, and a ballot-box shall be available wherein the paper is to be deposited when marked. (The full procedure can be found in section 24 of the Vacancy Procedure Act.)

15. REMOVAL AND DISTURBANCE COSTS

Remember that the new minister must receive his/her removal expenses and the Disturbance Allowance. For 2016 the Disturbance Allowance has been set at £1,740. In addition, the Ministries Council will:

- meet the removal and disturbance costs of all charges with an average income base below £30,000;
- where the income base is between £30,000 and £60,000, provide either a loan in the first instance or a grant, where considered appropriate, based on the congregation providing an application for assessment. Congregations with an income above £60,000 are responsible for meeting these costs.

16. THE INDUCTION

Arrangements for the Induction Service are the responsibility of the Presbytery Clerk. The Clerk will give guidance on local policy.

17. THE NEW MINISTER

The Interim Moderator has an important part to play in supporting and encouraging the new minister from the moment of election to the induction and, if possible, beyond. The new minister, if entering a first charge, will be given a Pastoral Adviser by the Presbytery.

The Interim Moderator should also remind the Kirk Session and, through them, the congregation, of the importance of their pastoral role towards the minister and his/her family. They are as susceptible as any other family to the stresses and strains that affect family life such as illness, bereavement, or even marital breakdown.

APPENDIX I

SOME GUIDELINES FOR THE MINISTER WHOSE DEMISSION OR TRANSLATION HAS BROUGHT ABOUT THE VACANCY

It is our view that on retirement or translation the minister and spouse should:

- as a matter of course, transfer their membership to another congregation unless there is no other congregation nearby;
- take no part in shaping, guiding or influencing the vacancy process;
- before performing any ministerial duty in their former parish, seek permission from the Interim Moderator or their successor. Please remember that even to ask puts the new man or woman in a difficult position if they wish to say 'No'. In general, former ministers should do nothing to interfere with the filling of the vacancy or the position of their successor.

APPENDIX 2

CHECK LISTS

INTERIM MODERATOR:

- Have you obtained from the outgoing minister, or compiled from another reliable source, full information about members who are in hospital, in residential care, housebound, in need of urgent pastoral care?
- Have you made out a list of all weddings and future congregational events?
- Have you received a list of the names, addresses and telephone numbers of all office-bearers?
- Have you conferred with the Session Clerk about pulpit supply and discussed with the Session the appointment of a Locum?
- Have you obtained from the Financial Court information about major repairs they wish to undertake on the vacated manse?
- Have you advised the Convener of the Presbytery's Fabric Committee of the date when the Manse will be empty and ready for inspection?
- Have you confirmed that arrangements for the payment of Removal Expenses and Disturbance Allowance have been organised?
- Have you ascertained whether or not the Kirk Session (or Kirk Sessions) may wish to follow the procedures contained in the Ministers and Deacons in Civil Partnerships and Same Sex Marriages (Act 1, 2015), as regards making a decision on whether or not to depart?

SESSION CLERK:

- Have you received all official records from the Minister?
- Do members of the Session fully appreciate the increased pastoral care they must give to those in their district?
- Have you consulted with the Interim Moderator about the provision of pulpit supply or the employment of a Locum?
- Have duties formerly in the hands of the minister been devolved to others, eg editing the magazine, leading a particular group or organisation?
- Have you provided the Interim Moderator with the names, addresses and telephone numbers of all the office-bearers?

CLERK TO FINANCIAL COURT:

- Has the Financial Court arranged for the transfer of the Manse 'bills' during the vacancy, eg telephone, gas, electricity?
- Has the Insurance Company been advised of the date when the Manse will become unoccupied?
- Has the Council Tax Office been advised of this date?
- Has the Presbytery's Fabric Convener been advised of this date?
- Is your Fabric Committee aware of the need to put the Manse in good order and do they have plans to achieve this? (This does not include any internal redecoration, which should take into account the wishes of the new minister.)
- Is the Treasurer aware of the need to pay expenses to the Interim Moderator, Locum and anyone supplying the pulpit? Do they realise that they should consult the Ministries Council about other continuing ministry payments?
- Has the question been raised of expressing the thanks of the congregation to the Interim Moderator and the Locum after the vacancy is filled?

APPENDIX 3

LOCUMS, ASSOCIATE MINISTERS AND ASSISTANT MINISTERS REGULATIONS FOR THOSE TO BE PAID THROUGH THE MINISTRIES PAYROLL

1. **Basic Regulation:** Anyone seeking appointment as Locum, Associate Minister or Assistant Minister (full-time or part-time) must fulfil the provisions of the Ministry Act 2 (2000) with regard to the conduct of public worship.
2. Where salary and other appropriate payments are to be made through the Ministries Payroll, all appointments must be noted by the appropriate Presbytery and intimated to the Ministries Council by Extract Minute. Appointments of Locums are the responsibility of the Kirk Session, while appointments of Associate or Assistant Ministers must be authorised and agreed by the Presbytery and intimated to the Ministries Council by Extract Minute.
3. The authorising Presbytery shall determine whether or not a particular appointment as Locum, Associate Minister or Assistant Minister admits the holder to Membership of Presbytery.
4. In all Associate Minister and Assistant Minister appointments where application is to be made to use the Ministries Payroll for processing payment, Contracts of Employment approved by Presbytery shall require to be exhibited to the Ministries Council for approval before the application may be granted.
5. All full-time appointments of ordained Associate Ministers or ordained Assistant Ministers must meet the above requirements, and payments to all such appointees shall be processed through the Ministries Payroll for Salary, Pension and National Insurance and related costs, and for tax purposes, with the appropriate remittances being paid in advance by Congregational Treasurers.
6. Travelling expenses for all appointments shall be paid locally according to the scales intimated by the Ministries Council for Locums, Associate Ministers and Assistant Ministers.
7. The Payroll, Pensions and Congregational Payments Section of the Stewardship and Finance Department shall have no responsibility in, or for, any such appointment beyond that of processing payments received from the appropriate Congregational Treasurer.
8. Further information can be obtained from the Stewardship and Finance Department in the Church Offices. Email: sfadmin@churchofscotland.org.uk

APPENDIX 4

GUIDELINES FOR MANSES

Accommodation

So far as the level of accommodation is concerned, the General Assembly has reaffirmed that a Manse should normally have not less than three public rooms, four bedrooms and a garage. However, the General Trustees will consider sympathetically requests to provide accommodation which is more suitable to the needs of an individual minister and his/her family, so long as the congregation is able also to retain or return to providing a Manse of recommended proportions should circumstances change.

It shall be desirable to provide:

- A fridge, washing machine, tumble dryer and dishwasher
- Security system, as appropriate
- Double glazing and loft insulation
- Carpets and floor coverings in all rooms
- Blinds or curtains in the study and the public rooms

Many of these are integral in modern housing, but the Manse Condition Schedule should establish which of these facilities belong to, and are the responsibility of, the congregation.

Financial Considerations

It is recognised that not every Manse will immediately have these desirable provisions and a Board may therefore need to plan a programme to bring its Manse up to standard over a period of several years. For congregations with holdings in the Consolidated Fabric Fund, costs will be recoverable from capital or revenue. Financial assistance may also be available from the Central Fabric Fund by way of grants and loans.

A recommended decoration programme for a standard seven-apartment Manse is as follows:

Year 1	Outside Paintwork	Year 6	Outside Paintwork
Year 2	Vestibule, hall and stairway	Year 7	Bedroom 2
Year 3	Bedroom 1	Year 8	Dining room and kitchen
Year 4	Kitchen, utility room and study	Year 9	Bathroom, toilet and bedroom 4
Year 5	Lounge	Year 10	Bedroom 3

Further Notes

Guidelines are available from the General Trustees' Secretary Department.

- Building a New Manse
- Acquisition and Sale of Manses
- Energy Guidelines
- Security Systems

Email: gentrustees@churchofscotland.org.uk

Information on allowances is also available from the Ministries Council on:

- Young Ministers' Furnishing Loans
- Removal and Disturbance Allowances

Please consult also the Manse Schedule available at:

www.churchofscotland.org.uk/resources/subjects/building-and-property-resources

APPENDIX 5

REGULATIONS FOR MANSES

The Basic Position

1. A Minister's remuneration comprises both a stipend and a Manse. Accordingly, before a Minister is inducted to a vacant charge, Presbytery has to be satisfied that there is a suitable Manse within the Parish or in close proximity and that all work needed to make it so has been carried out.
2. A Minister has the right to live in the Manse and a corresponding duty to occupy it.
3. Every congregation has a duty through its Financial Board to provide a wind- and water-tight Manse which is habitable and to keep it in a good state of repair and decoration during its occupation by the Minister and family. The Minister should not have to spend his or her own stipend to achieve this.
4. A Minister must treat the Manse fabric, including fittings and fixtures, with due care and consideration and, where these are provided by the local congregation, must leave them in the Manse as the property of the congregation's Financial Board.
5. Presbyteries must ensure that Manses are inspected at least once every year by the congregational Fabric Committee, that the Manse Condition Schedule is annually reviewed and that both necessary repairs and agreed annual maintenance and decoration are undertaken.
6. In order to facilitate this process, the Minister must allow for suitable arrangements to be made for this annual inspection and the Minister and Financial Board should agree on access being provided for the annual programme of maintenance and decoration to be carried out.
7. The Board must recognise its responsibility to have in place a rota for the systematic internal and external decoration of the Manse. (A recommended programme is shown as part of the Manse Guidelines.

The Regulatory Essentials

In light of modern standards of comfort and expectation of what constitutes an acceptable working environment, it is appropriate for every congregation to provide a Manse which has:

- An efficient heating system throughout
- A lead-free supply of hot and cold running water
- A modern wiring system with sufficient electrical work surfaces and storage
- Bathroom and sanitary ware; at least one bathroom should have an efficient shower and there should be a separate toilet and washbasin for the use of visitors
- Proper lighting in every part, including sufficient exterior lighting
- Carbon monoxide and smoke alarms on every floor and a fire blanket or extinguisher in the kitchen, all compliant with current regulations
- An annual check on gas, electrical and fire safety appliances. Maintenance arrangements should be in place for gas appliances
- Adequate storage facilities for garden equipment, bicycles, etc.

For the avoidance of doubt, it is essential that the congregation:

- Shall take responsibility for the completion of a Manse Condition Schedule and thereafter be responsible for its revision at the onset of a vacancy, a Quinquennial inspection or at the completion of major works/repairs
- Shall be responsible for the upkeep of the grounds where these extend beyond the bounds of a reasonable garden surrounding the property. Otherwise the minister shall be responsible, where the garden is of normal domestic proportions, for maintaining the garden and grounds in a neat and tidy condition. (The parameters for this will be set out in the Manse Condition Schedule.)
- Shall budget to meet the costs of the agreed programme of redecoration and repair.

APPENDIX 6

UPDATE FOR PRESBYTERIES AND CONGREGATIONS ON THE SPONSORSHIP OF PERSONNEL COMING TO SCOTLAND FROM OUTSIDE THE EUROPEAN ECONOMIC AREA & SWITZERLAND (EEA+S)

1. Responsibilities Imposed by the UK Border Agency

Since March 2009, the Church of Scotland has held a Sponsor's Licence from the UK Border Agency to facilitate the entry to Scotland of appropriate personnel from outside the European Economic Area & Switzerland (=EEA+S) for the purposes of work, either *paid* or *voluntary* (see *Report to the General Assembly and Supplementary Report 2009*). It is illegal for anyone coming from outside the EEA+S to work in the UK without obtaining appropriate sponsorship, even if that work is temporary or occasional, paid or unpaid. This **includes** individuals coming to preach for a week or two (even if no fees are paid) or groups volunteering to help out, for example, with a children's club or renovation work on a building.

The Ministries Council is responsible for administering the sponsorship of individuals on behalf of the Church as a whole. This entails:

- Deciding if an individual meets the criteria for sponsorship and, if so, issuing a Certificate of Sponsorship number for that individual to use in the course of making their own visa application¹.
- Monitoring individuals who are working in the categories detailed below.

This document is both an update for Presbyteries and Congregations, and a reminder of their responsibilities (ie the UK Border Agency requirements). Please note that in broad terms the UK Border Agency requirements only apply to those from outside the EEA+S who do not have the right to work in the UK.

2. Who is Eligible for Sponsorship?

Acting on behalf of the Church of Scotland, the Ministries Council sponsors individuals under two categories:

Tier 2: *Ministers of Religion* ; **Tier 5:** *Temporary Religious Workers*.

Any individual seeking Sponsorship must provide detailed information, including that of their proposed role and responsibilities. The number of people who can be sponsored each year is limited by the UK Border Agency, and the Ministries Council has to follow very specific guidelines in order to fulfil its *duties* and *responsibilities* as a Sponsor and to enable the Church to maintain its *status* as a sponsor. A recent high profile case of a University in London is indicative that this cannot be taken for granted and that procedures need to be followed carefully. The Council ensures that it only sponsors those who are eligible to be sponsored, and it has an ongoing duty to monitor these individuals until their visa expires or they return to their home country.

For the avoidance of doubt: the Church does **not** hold a licence to sponsor individuals who fall outside these two categories, for example, crèche workers, cleaners or care assistants.

3. Guidelines for Engaging Personnel from Outside the EEA+S

Any Presbytery or Congregation considering engaging someone from outside the EEA+S must contact the Ministries Council before taking any steps towards recruitment, to clarify procedures and possibilities. This applies both to individuals (or groups) who will be paid and to those who will work in a voluntary capacity. Payment is not a primary criterion, nor is the proposed length of time to be spent in the role. The critical issue is that the individual (or group) will be engaged in 'church work' in the widest sense – effectively, that they will be doing something that in other circumstance might be undertaken by someone from inside the EEA+S. This would also include people undertaking a Locumship or a summer exchange ministry. Someone wishing to do volunteer work with a local church over the summer

¹ It is important to note that the issuing of a Certificate of Sponsorship is **not** a guarantee that a visa will be issued. It is solely and entirely the responsibility of the individual to apply for and obtain a visa once the Certificate has been issued by the Council.

would also have to be sponsored in the same way as a minister from outside the EEA+S coming through the Church's Admissions process and seeking to be a Parish Minister. The Admissions and Re-Admissions process itself is unchanged.

4. Implications for Vacancy Procedures

The General Assembly in 2009 approved special arrangements for the appointment of Ministers. These involved amendments primarily to Act VIII 2003 anent Vacancy Procedure and a small amendment to Act IX 2002 anent Admission and Readmission. For ease of reference, the relevant section of the Council's report (Appendix I) and the amendments to Acts (Appendix 7.2) are attached below. These instructions seek to ensure that a post has been advertised appropriately, and that every opportunity has been given to residents of the EEA+S to apply before allowing applications from outside the EEA+S.

APPENDIX 6.1

Extract from Ministries Council Supplementary Report to the General Assembly 2009 (describes the documents to be retained in a vacancy process)

- 1.2 In order to offer proof that a post has genuinely been advertised and every opportunity has been given to residents of the EEA to apply before allowing applications from beyond the EEA, the following documents need to be retained in a vacancy process:
- A copy of the advertisement for the post, along with a list of those places where it was advertised (eg Life and Work; websites; newspapers; etc) and dates. Proof needs to be available that the advertisement was actually *placed*, normally by keeping either a copy of the published medium, or an invoice indicating that the advertisement was placed and paid for.
 - Copies of website adverts should also be retained in the form of a screenshot of the webpage taken on the day of first advertisement. This record should show: (i) the name of the website; (ii) the content of the advert; (iii) the date and the URL; and (iv) the closing date for applications.
 - A note of the closing date for applications (and subsequent dates, if re-advertised). In all cases such a date must be set and made known to all applicants.
- 1.3 In order to offer evidence that all applications from within the EEA have been dealt with in advance of interviewing any applicant from furth of the EEA, the following information must be kept on file:
- Copies of applications from all those short-listed, showing the name and address of the applicant (a copy of a CV would be sufficient here).
 - Notes from the final interview conducted with any applicant from within the EEA who was rejected, indicating reasons why they were not deemed suitable to appoint.
- 1.4 In order to satisfy the general requirements of the UK Border Agency in respect of applications, it is necessary to hold on record a copy of the job description (in the case of employees) or the parish profile (in the case of Parish Ministers). The parish profile will be treated as the equivalent of a job outline for the purposes of this process, since it should clearly outline the kind of work which the congregation(s) expects the minister to be undertaking and the range of activities in which they will be involved in the parish.
- 1.5 In the process of conducting an admissions interview under Act IX 2002, the Ministries Council will gather and hold on record all other information relating to the applicant's personal details, qualifications, contact details and immigration status.
- 1.6 As the lead body responsible for the management of processes relating to the UKBA, the Council brings to attention, through the General Assembly, to the wider Church of the need to adhere strictly to the new legislation relating to people coming to work either in a paid or in a voluntary capacity from outside the EEA. Volunteers *must* also obtain a Certificate of Sponsorship (under Tier 5 of the regulations) before entering the country to do voluntary work. Failure to do so may well result in individuals or groups being turned back at the border. For advice, please contact Staff of the Ministries Council *before* making arrangements for any visit of this type, even if only for a temporary volunteering position.

APPENDIX 6.2

Amendments to Acts VIII 2003 (Vacancy Procedure) and IX 2002 (Admission & Readmission)

1. Act VIII 2003 anent Vacancy Procedure (as amended) is hereby further amended by the addition of a new paragraph 12(2)(d), with consequent renumbering, reading: “with the Kirk Session(s) as soon as an application is made for permission to proceed in terms of section 25A of this Act, to ensure that the requirements of that section are fulfilled”.
2. Act VIII 2003 is further amended by the addition of a new sentence at the end of sub-section 17(6) reading: “The holder of a Certificate of Eligibility who is a national of a country outside the European Economic Area and Switzerland shall be eligible to apply for charges only in terms of section 25A of this Act”.
3. Act VIII 2003 is further amended by the insertion of a new section 25A, immediately before section 26 (with no consequential deletions or renumbering) and reading:
 - (1) “Six months after the vacancy has first appeared in a monthly vacancy list, and provided there are no applications currently under the consideration of the Nominating Committee, the Kirk Session (or in the case of a linkage the Kirk Sessions in agreement) may apply to the Presbytery to have the charge listed for the purposes of this section.
 - (2) Such applications shall be considered by the whole Presbytery, and shall not form part of the remit of the Vacancy Procedure Committee.
 - (3) The Presbytery must be satisfied that there are no outstanding issues of superintendence, or other factors that would make such listing inappropriate, and must consult with the Ministries Council before deciding whether to permit the listing. The Presbytery Clerk shall, within seven days, send an extract minute of the decision to the Ministries Council.
 - (4) Upon receiving notification of the listing from the Presbytery, the Nominating Committee shall proceed again from section 16 of this Act, and holders of Certificates of Eligibility who are nationals of countries outwith the EEA and Switzerland shall now be eligible to apply.
 - (5) For the avoidance of doubt, the Nominating Committee: (a) must always dispose of any competent applications received in terms of section 17 of this Act before considering those made in terms of this section; but (b) shall not be obliged to make a nomination from any particular group of applicants.
 - (6) When a Presbytery withdraws permission to call, or the permission lapses in terms of section 26 of this Act, the Presbytery shall decide whether permission to proceed in terms of this section remains in force during the ensuing process to make a nomination”.
4. Act IX 2002 anent Admission and Re-admission of Ministers (as amended) is hereby further amended by the addition, in paragraph 6(a), after the words ‘Act XIII 2003 anent the Auxiliary Ministry (as amended)’ of the words ‘and Act VIII 2003 sections 17 and 25A’ of this Act, to ensure that the requirements of that section are fulfilled”.

APPENDIX 7

GUIDELINES ON UNSOLICITED APPROACHES TO MINISTERS

It has been brought to the attention of the Ministries Council that some ministers in the early years of their first charge are being approached by Nominating Committees to apply for another charge. Because of this, it has been decided to issue some guidelines to those involved in the vacancy process.

Under normal circumstances, newly ordained ministers are encouraged to stay in their first charge for a minimum of five years, especially if that charge has *Unreviewable Tenure*. This allows the new minister to settle into a new home, put into practice the academic, practical and pastoral training he/she has received over the previous few years and, not least, to bring some stability to a congregation which may have had a long vacancy. In addition, those ministers with a spouse and family can settle into a new job, perhaps new school, new area and make new friends.

However, it is recognised that ministers, in answering a call to a charge which has a five-year *Reviewable Tenure*, are in a less secure situation and, therefore, in their fifth year may be searching for, or be open to, an invitation from another congregation. In this case, it may be reasonable for a Vacancy Committee or Interim Moderator to approach such a minister.

There are also exceptional circumstances (as illustrated in *Act VIII, 2003, Section 4 (2)*) that may lead a minister in his/her first five years or the respective congregation to consider translating to another charge.

Please note too that while the above applies to ministers in their first charge, it is good practice not to make unsolicited approaches to ministers who have served fewer than three years in their current charge.

APPENDIX 8

ACT I, MINISTERS AND DEACONS IN CIVIL PARTNERSHIPS AND SAME SEX MARRIAGES

Edinburgh, 16th May 2015, Session I

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

I. For the purposes of this Act:

(a) “appointment” shall mean the appointment of a minister (other than the induction of a minister) or deacon to work with or within the life and witness of a congregation. An appointment may be part- or full-time, paid or unpaid. An appointment may be made by the Kirk Session, Congregational Board, Deacons’ Court, Committee of Management or other body responsible for employing persons on behalf of a congregation or by the Presbytery or by a Council or Committee of the Church. An appointment shall include the appointment of an Interim Moderator, Ordained Local Minister, Interim Minister or Transition Minister. “Appointed” shall be construed accordingly.

(b) “call” means the instrument referred to in the Vacancy Procedure Act (Act VIII 2003), sections 25 and 28.

(c) “civil partnership” shall have the meaning assigned to it in the Civil Partnership Act 2004, section 1.

(d) “congregation” shall have the meaning assigned to it in the Appraisal and Adjustment Act (Act VII 2003), section 1(b).

(e) “deacon” shall mean a person who is a deacon within the meaning of the Deacons Act (Act VIII 2010), section 1.

(f) “linking”, “deferred linking” and “deferred union” shall have the meanings assigned to them in the Appraisal and Adjustment Act, section 10.

(g) “minister” shall include both a person who is a minister within the meaning of the Ministry Act (Act II 2000), section 2 and a person who is an Ordained Local Minister within the meaning of the Ordained Local Ministry Act (Act IX 2011), section 2.

(h) “Presbytery” shall mean the presbytery of the bounds of the congregation concerned.

(i) “vacancy” shall mean the state in which a congregation finds itself when it is without an inducted minister.

2. (a) The historic and current doctrine and practice of the Church in relation to human sexuality and their application to the ministers and deacons of the Church are hereby affirmed.

(b) For the avoidance of doubt, the historic and current doctrine and practice of the Church in relation to human sexuality, their application to the ministers and deacons of the Church and the provisions of this Act are points on which there is liberty of opinion in accordance with Article Declaratory V. Departure from the doctrine of the Church is permitted to this extent.

(c) In recognition of the diversity of views within the Church about the historic and current doctrine and practice of the Church in relation to human sexuality and their application to the ministers and deacons of the Church and in the interests of the peace and unity of the Church, departure from the practice of the Church shall be permitted to Kirk Sessions in terms of sections 3, 4 and 5 of this Act only. In this Act, the term ‘depart’ and its variants shall be construed accordingly.

3. (a) As from the date of this Act, a Kirk Session may decide to depart in order to permit the ordination, induction or appointment of a minister or a deacon who is in a civil partnership or same sex marriage.

(b) A Kirk Session may decide that it wishes to depart only:

(1) in time of vacancy after meeting with the advisory committee in terms of section 12(2)(a) of the Vacancy Procedure Act and before the appointment of the nominating committee in terms of section 14 of the Vacancy Procedure Act;

(2) in time of vacancy between the Presbytery instructing the appointment of a fresh nominating committee and the appointment of that committee in terms of section 26(b) of the Vacancy Procedure Act;

(3) at the time when the making of an appointment is being considered and before applications are sought;

(4) in terms of section 3(3) of this Act; or,

(5) in terms of section 3(9) of this Act.

(c) Where a congregation in vacancy has appointed a nominating committee prior to the date of this Act, the Kirk Session shall be entitled to make a decision to depart in respect of that vacancy in accordance with the provisions of sections 3(4) - (7).

(d) When deciding whether or not to depart, the Kirk Session shall take account of the peace and unity and pastoral needs of the congregation and of any parish or other grouping of which it is a part.

(e) To be effective, a decision to depart shall require to be taken in respect of each induction or appointment and may only be taken in accordance with the following process:

(1) A meeting of the Kirk Session shall be held to take a first vote, of an indicative nature only, on the matter. The date and time of such meeting, and its purpose, must be properly intimated to the congregation on at least two Sundays prior to its date.

(2) At the first meeting, if a majority of those present and entitled to vote, cast their votes in favour of the decision to depart, then a second vote, of a determinative nature, shall require to be held at a later meeting of the Kirk Session.

(3) If a meeting for a second vote is to be held, the date and time of such meeting, and its purpose, must be properly intimated to the congregation on at least two Sundays prior to its date.

(4) At a second meeting, if a majority of those present and entitled to vote, cast their votes in favour of the decision to depart, then the decision to depart shall be deemed to be taken.

(5) If at either a first meeting or a second meeting, the Kirk Session's vote in favour of the decision to depart does not reach the required majority of those present and entitled to vote, then the matter shall not proceed further in respect of such induction or appointment.

(6) Meetings in terms of the process outlined in section 3(5) shall be constituted in prayer in accordance with the law and practice of the Church. Only those members of the Kirk Session present at the meeting shall be entitled to vote. Voting shall be by secret ballot using voting papers printed in the form of Schedule 1 hereto. Intimation of the meetings shall be in terms of the edict annexed in Schedule 2 hereto (amended appropriately depending upon whether the meeting in question is a first meeting or a second meeting).

(7) A Kirk Session which has decided to depart shall intimate its decision by sending an extract minute to the Presbytery Clerk within seven days.

(8) (a) A minister or deacon in a civil partnership or same sex marriage may not be inducted or appointed to a congregation which is in a linking or in deferred linking or deferred union unless the Kirk Sessions of all the other congregations affected have also decided and intimated that they wish to depart.

(b) Where it is an explicit provision of a Basis of Union or Linking that the minister of one of the congregations involved shall be minister of the united or linked charge and that minister is in a civil partnership or same sex marriage, the Basis of Union or Linking shall not be put to a vote of any of the other congregations in terms of the Appraisal and Adjustment Act, section 11(1), unless their Kirk Sessions have decided and intimated that they wish to depart.

(9) (a) In the event of a minister or deacon subsequently entering into a civil partnership or same sex marriage, that minister or deacon having been inducted or appointed to a congregation the Kirk Session of which had not decided to depart in relation to his or her induction or appointment, the Presbytery shall:

- (i) move without delay to offer support and counsel to all affected parties; and
- (ii) in accordance with the provisions of sections 3(4)-(7) and as soon as is practicable, convene the appropriate meetings of the Kirk Session at which the Kirk Session may decide that it wishes to depart.

(b) Unless the Kirk Session decides to depart in terms of section 3(9)(a)(ii), the pastoral tie shall be dissolved or the appointment terminated as appropriate.

(c) Where a congregation is in a linking or in deferred linking or deferred union, the pastoral tie shall be dissolved or the appointment terminated unless the Kirk Sessions of all the other congregations affected have also decided and intimated that they wish to depart.

(d) In the event of the pastoral tie being dissolved in terms of section 3(9)(b) or (c), provision shall be made for the minister in the same way as provided in section 9 of the Congregations in Changed Circumstances Act (Act VI 1984), with the proviso that the Committee which would review the situation at the end of a two-year period in consultation with the Presbytery shall be the Ministries Council.

(e) Except as provided for in section 3(9)(f), sections 3(9)(a)-(d) shall apply to any minister or deacon whether inducted or appointed before or after the date of this Act.

(f) In respect of ministers and deacons who were ordained or inducted or appointed before 31 May 2009, sections 3(9)(a)-(d) shall not apply in respect of a charge or appointment held as at the date of this Act.

(10) For the avoidance of doubt, a person in a civil partnership or same sex marriage may only be ordained by a Presbytery as an Ordained Local Minister where there is an agreed designated appointment to a congregation the Kirk Session of which has decided to depart.

4. Subject to section 3(9), the entitlement of a minister or deacon who was ordained or inducted or appointed before 31 May 2009 to remain as a minister or deacon on the same terms and with the same status as any other minister or deacon shall not be prejudiced because he or she was or is in a same sex relationship. Nevertheless he or she may not be inducted or appointed to a congregation the Kirk Session of which has not decided to depart in terms of section 3.

5. (a) A person who is in a civil partnership or same sex marriage shall be eligible for selection, training and, as provided for in section 3, ordination, as a minister or deacon.

(b) Once ordained, a minister or deacon who is in a civil partnership or same sex marriage shall have the same status, rights and responsibilities as any other minister or deacon respectively, except that he or she may not be inducted or appointed to a congregation the Kirk Session of which has not decided to depart in terms of section 3.

6. In relation to the doctrine and practice of the Church affirmed in section 2, the right to depart provided for in section 3 and the provisions of sections 4 and 5:

(a) A Presbytery shall not be entitled to refuse to sustain a call to a minister solely on the ground that he or she is in a civil partnership or same sex marriage, provided that the call is made by the members and adherents of a congregation the Kirk Session of which has decided to depart in terms of section 3 of this Act. The rights and responsibilities of a Presbytery to exercise superintendence over all the congregations within its bounds are otherwise unchanged.

(b) A member of a Presbytery may decline, on the ground of his or her differing convictions, to accept appointment or to continue as Interim Moderator of a congregation the Kirk Session of which has decided to depart in terms of section 3 of this Act.

(c) A member of a Presbytery may decline, on the ground of his or her differing convictions, to attend the ordination, induction or introduction of a minister or deacon who is in a civil partnership or same sex marriage within the bounds of the Presbytery.

(d) Other than as provided for in sections 6(2) and (3) a member of a Presbytery shall not be excused the duties or responsibilities of membership.

(e) A Presbytery shall take account of differences of opinion among its members and congregations when conducting its business and fulfilling its duties and responsibilities and shall at all times have regard to the peace and unity of the Church.

(f) If required, a Presbytery shall invite one or more members of one or more other Presbyteries to associate with the Presbytery for the purpose of effecting an ordination, induction or introduction. Such members of other Presbyteries shall be deemed to be members of the inviting Presbytery for the purpose of effecting the ordination, induction or introduction only. Section 30 of the Church Courts Act (Act III 2000) shall be construed accordingly.

7. The provisions of this Act give effect to the strongly held religious convictions of significant numbers of the followers of the Church of Scotland.
8. For the avoidance of doubt, a person with a legitimate interest who is aggrieved by a decision made by a court in terms of this Act, may appeal to Presbytery only on one or more of the legal grounds specified in section I of the Intimation of Appeals Act (Act V, 2004).

Schedule 1

Voting Paper – section 3(6)

FOR departure from the Church’s practice in relation to human sexuality in respect of [<i>*the current vacancy / *the proposed appointment of a (insert title of appointment)</i>]	
AGAINST departure from the Church’s practice in relation to human sexuality in respect of [<i>*the current vacancy / *the proposed appointment of a (insert title of appointment)</i>]	

*Footnote: A vote in favour of departure will allow applications for [**the current vacancy / *the proposed appointment of a (insert title of appointment)*] to be considered from, amongst others, individuals who are in a civil partnership or same sex marriage.*

**Please select appropriate alternative*

Schedule 2

Edictal intimation of Kirk Session meeting to be read out to congregation – section 3(6)

To be read on two Sundays

This is intimation that a meeting of the Kirk Session of this congregation is to be held at [*place*] on [*date*] at [*time*].

In recognition of the diversity of views within the Church about the historic and current doctrine and practice of the Church in relation to human sexuality and in the interests of the peace and unity of the Church, departure from the practice of the Church in relation to human sexuality is permitted in certain circumstances.

The purpose of the Kirk Session meeting just intimated will be for the Kirk Session to decide whether to depart from the Church’s practice in relation to human sexuality in order for applications for [**the current vacancy / *the proposed appointment of a (insert title of appointment)*] to be considered from, amongst others, individuals who are in a civil partnership or a same sex marriage.

In terms of the process for a decision to depart contained in the Ministers and Deacons in Civil Partnerships and Same Sex Marriages Act (Act 1, 2015), this will be a [**first meeting of the Kirk Session on this matter. If the first vote is in favour of the decision to depart, it will require to be followed up at a subsequent meeting of the Kirk Session by a second vote in favour of the decision to depart in order for that decision to take effect. If the first vote is not in favour of the decision to depart, that decides the matter and no further vote will be held. OR *second meeting of the Kirk Session on this matter. The vote at the second meeting will decide whether or not the decision is made to depart.*]

Any vote on this matter must achieve a majority of those present and entitled to vote in order to take effect.

C.....D.....Interim Moderator

**Please select appropriate alternative.*

Note: the form of the above edictal intimation will require to be amended appropriately where the charge in question is part of a linking, deferred linking or deferred union.

APPENDIX 9

MINISTRIES COUNCIL TASK GROUP ON INTERIM MINISTRY

PROCEDURAL GUIDELINES FOR PRESBYTERIES ON INTERIM MINISTRY

At a time of vacancy, the suggestion of Interim Ministry may be raised by various parties: the congregation, the Interim Moderator, the Advisory Group or other committee of Presbytery. It should, however, be **Presbytery** who initiates the process.

Initial enquiries, however tentative, will be welcomed and should be directed in the first instance to the Ministries Council.

Background information: the Presbytery is asked to provide background information using a proforma from the Ministries Council. This information is required to assess if formal discussions should take place.

Informal discussions will then be arranged for representatives of the Interim Ministry Task Group, including one of the Interim Ministers, to meet with office-bearers and/or representatives of Presbytery. This is an opportunity to outline the concept and procedure of Interim Ministry and to allow the congregation and Presbytery to explore whether or not it might be appropriate in the particular circumstances of each situation. Our experience to date has shown that we have been of most help in establishing an Interim Ministry where the Council have been part of the discussion from the earliest possible stage. **There is absolutely no commitment made at this point.**

Formal discussions will then take place between representatives of the Council and the office-bearers (or the full congregation) to discuss in depth the possibility of Interim Ministry. This would lead to a **decision** being made by the congregation as to whether or not they wish to ask Presbytery for permission to apply for an Interim Minister.

Formal request is made by Presbytery to the Task Group of the Ministries Council who will determine if an Interim Minister is available, or is likely to become available, within a suitable time frame. The Task Group will consult with the Presbytery about whether to respond with a Regional Interim Minister or a Peripatetic Interim Minister.

Aims and Objectives are then established by Interim Ministry representatives and the congregation. The relevant committee of Presbytery should participate in this exercise. These form the basis of the contract for the period of Interim Ministry.

On-going supervision takes place with a **Transition Support Group** consisting of representatives appointed by the Presbytery and by the Interim Ministry Task Group. The Transition Support Group meets regularly with the Interim Minister and with the Congregation, with the relevant representatives reporting on progress to the Presbytery and the Ministries Council through its Interim Ministry Task Group.

Termination of Interim Ministry will take place over a planned and structured period of time, at which point the Presbytery will then either implement the previously sisted terms of call or begin a new process of re-appraisal. Depending on demand for Interim Ministers, and the particular circumstances, the Interim Minister may act as Interim Moderator for all or part of the time of vacancy.

Important Information

Interim Moderators' Travel

Dear Colleague,

As from the 1st April 2011, the Ministries Council recommended the increase in Interim Moderator's travel reimbursement to 45p per mile for the first 10,000 miles travelled and 25p per mile for all additional miles travelled.

As a result of Inland Revenue regulations regarding associated employment, different rules will have to be applied to different ministerial situations. Set out below are different scenarios and the process which the Council asks each minister to comply with. **Please ensure that you adhere to the appropriate rules** and that the Minister does not reclaim travel expenses in excess of the amounts allowed by the Inland Revenue before incurring a tax liability. See over for relevant legislation.

Scenario 1: The Minister is a Parish Minister and an Interim Moderator and uses their own vehicle for business travel.

The Minister should complete their logbook as usual but separately indicate any mileage travelled on behalf of their Interim Moderator's charge, the period involved and the name of the vacant charge. This situation comes under associated employment and only entitles the minister to one set of 10,000 miles at 45p per mile per fiscal year. Both charges will be charged on a pro rata monthly basis. Reimbursement of these expenses will be made through the payroll/centralised payment of travel expenses scheme.

Your logbook reflects this change in reimbursement level for Interim Moderators. The Minister should also notify the Treasurer of the vacant charge of their mileage for that vacant charge.

A pro rata monthly basis means that the total monthly mileage of the minister will be calculated at the appropriate rates. This amount will be invoiced between the Minister's own charge and the vacant charge based on the number of miles travelled for each charge as a percentage of the total.

Scenario 2: The Minister is a Locum (includes retired ministers acting as Locums) and an Interim Moderator in another charge and uses their own vehicle for business travel.

The Minister should keep a logbook of their business mileage and separately indicate the mileage for the Locum charge and for the Interim Moderator's charge. The minister should ask for reimbursement from each charge **locally** as appropriate. When 10,000 miles has been reached in any fiscal year (April–March) the mileage reimbursement rate should be reduced to 25p per mile.

This situation comes under associated employment and only entitles the minister to one set of 10,000 miles at 45p per mile per fiscal year.

Scenario 3: The Minister is an employee of the Central Co-ordinating Committee of '121' or other Church of Scotland employing body and an Interim Moderator and uses their own vehicle for business travel.

The Minister should keep a logbook of their business mileage and separately indicate the mileage for the other work and for the Interim Moderator's charge. The minister should ask for reimbursement **locally** from the vacant charge for which they are Interim Moderator. This situation comes under associated employment and only entitles the minister to one set of 10,000 miles at 45p per mile per fiscal year. The Church's employing body will have to monitor the mileage to ensure that only 10,000 per annum is paid at 45p per mile per fiscal year. Please inform your employing body of the amounts claimed as an Interim Moderator.

Scenario 4: The Minister has a car provided by their charge or the Council or Committee of the Church of Scotland for business travel and is an Interim Moderator.

The Minister should keep a logbook of their business mileage and apply **locally** to the charge for which they are Interim Moderator, for reimbursement of their travel for that vacant charge. This situation does come under associated employment, but as the provided car falls into another tax provision the reimbursed mileage should be reimbursed to the provider of the car. Please ensure the car provider is aware of such reimbursement as an Interim Moderator.

Scenario 5: The Minister is an Interim Moderator but not an employee of the Church of Scotland and uses their own vehicle for business travel.

The Minister should keep a logbook of their business mileage and apply **locally** to the charge for which they are Interim Moderator, for reimbursement of their travel for that vacant charge. This situation does not come under associated employment.

For information only – the Inland Revenue Regulations are summarised below:

There are two main Inland Revenue regulations relevant to travel reimbursement in this situation.

SE31220 – Employees using their own vehicles for work – states that from 6 April 2002, mileage allowance payments which employers make to employees who use their own vehicle or bicycle for business travel are not chargeable to tax if they do not exceed the appropriate approved mileage allowance payment (AMAP) limit. Payments which exceed the AMAP limit will be taxed to the extent that they exceed the limit.

The second (*para 4, schedule 12AA ICTA 1988 as introduced by section 57 and schedule 12 FA 2001*) states where an employee uses his or her own vehicle in the course of more than one employment during a single tax year, it is important to identify whether or not the employers involved are associated. If they are associated, then the business mileage from both employments is added together when working out whether the 10,000 higher rate limit for cars and vans has been reached. This applies for both working out the amount of any mileage allowance payments that are exempt from tax as approved mileage allowance payments. One employment is associated with another if –

- the employer is the same;
- the employers are partnerships or bodies and an individual or another partnership or body has control over both of them; or
- the employers are associated companies as defined in section 416 ICTA 1988

The underlying principal is that an individual should only receive reimbursement of travelling expenses from one employer/group of employers in any tax year of no more than 10,000 miles at 45p per mile and 25p per mile for any additional mileage. Reimbursement in excess of these rates incurs a tax liability.

Yours sincerely

Elaine Macadie
Finance Manager, Ministries Council

Further Information

These *Guidelines for Kirk Sessions and Interim Moderators*, together with *Guidelines for Nominating Committees, Appointment of a Locum during a Vacancy* and the *Schedules* can be accessed on the Church of Scotland website, following the link:

www.churchofscotland.org.uk/resources/subjects/ministries_resources

Or, if you require a hard copy, please contact:

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