

VIII. DEACONS ACT (ACT VIII 2010) (incorporating the provisions of Acts VIII 1998, IX 2001, VII 2002 and II 2004, all as amended) (AS AMENDED BY ACT XIII 2016 AND ACTS II AND VII 2017))

Edinburgh, 22 May 2010, Session IV

The General Assembly declare and enact as follows:-

The Office of Deacon

1. A Deacon is a man or woman who, under a Call from God, has pledged himself or herself to the service of Jesus Christ and His Church and has been selected, trained and ordained to exercise ministry in terms of this Act (or any succeeding legislation) and according to the doctrine and discipline of the Church of Scotland. The Office of Deacon is recognised by the Church to be a distinctive, lifelong status within the ministry of the Church and to be agreeable to the Word of God. For the avoidance of doubt, this Act does not apply to members of Deacons' Courts.

A. SELECTION, TRAINING AND ORDINATION OF DEACONS

Definitions

2. Section 1 of Act X 2004 shall apply to the Diaconate subject to the deletion of sub-sections (h), (j) and (k), all for the purposes of that application only.

Selection and Training of Deacons

3. Sections 2-11, 18-21 and 23-25 of Act X 2004 shall apply to the Diaconate. For the purposes of this Act:
 - (i) references to 'the Ministry of the Church of Scotland' or 'the full-time ministry' shall be understood as referring to the diaconal ministry of the Church of Scotland
 - (ii) references to Universities shall be deemed to include any institution of higher education approved by the Ministries Council for the training of Deacons.For the avoidance of doubt appeals against decisions taken in terms of this section shall be subject to the provisions of Act VI 2007 anent the Ministries Appeals Panel.

Academic and Practical Training of Deacons

4. (a) Each Candidate shall have a Course prescribed by the Ministries Council immediately following acceptance as a Prospective Candidate.
 - (b) The Candidate shall satisfy the Ministries Council of competence:
 - (i) in all areas of study prescribed from time to time by the Ministries Council, which shall always include the interpretation and use of Holy Scripture (both Old and New Testaments), the development and growth of the Church (with special reference to the Church of Scotland), the principal doctrines of the Christian faith (their interpretation, their defence and their application), the constitution and laws of the Church of Scotland, the history and contemporary understanding of the Diaconate in the Church of Scotland and ecumenically, practical theology (including mission, evangelism, pastoral care and counselling, the worship of the Church (especially the Church of Scotland), and the contemporary understanding of Church and society, and voice and communication skills;
 - (ii) in further optional courses approved from time to time by the Ministries Council and selected by the Candidate;

- (iii) in all areas of practical knowledge required by the Ministries Council, by satisfactory participation throughout their candidature in such residential courses and conferences as are prescribed by the Ministries Council;
- (iv) in attendance and participation at the Diaconate Council;
- (v) in the practice of the diaconal ministry, by completing to the satisfaction of the Ministries Council the three placements prescribed below.

Placements during Training

5. (a) As part of the Church requirements, three periods of placement work shall be undertaken by the Candidate, and must be completed to the satisfaction of the Ministries Council which shall determine the length and content of each placement. The placements shall normally include two during the academic course (of which one shall be part-time and shall last not less than twenty-five weeks and one shall be a full-time summer placement lasting not less than ten weeks) and one full-time placement of twelve months commencing on the first day of July, August, September or October in the year of completion of the prescribed academic course; the Ministries Council shall have power in exceptional circumstances to vary this arrangement.
The candidate will not normally be permitted to engage in academic study through a university or college or in remunerative employment or office during the course of the twelve months full-time placement at the conclusion of the academic course.
- (b) The supervisor of each placement will be chosen by the Ministries Council and shall undertake training as specified by the Ministries Council. The supervisor shall be responsible for supervising the placement according to the guidelines and standards established by the Ministries Council and University, and shall produce assessment materials as required.
- (c) The assessment materials shall be assessed by the Ministries Council. It shall be competent for the Ministries Council to refuse to sustain a placement where it considers that the Candidate has not met the required standard or for other relevant reasons.

Sustaining the Course

6. (a) The Ministries Council shall obtain from the universities lists of those Candidates who have satisfactorily completed their prescribed Course, whereupon the Secretary of the Ministries Council shall inform candidates that they have permission to commence their final placement.
 - (b) The Ministries Council shall, in consultation with the Presbytery, decide whether to sustain the final placement after nine months.
7. The Council shall maintain a list of those who have satisfactorily completed their training in terms of this Act and Act X 2004. An individual who has completed training, who has not been ordained as a Deacon and who has not applied to be removed from the above list, shall for the purposes of superintendence and discipline be treated in the same manner as a Graduate Candidate as defined in section 22 of Act X 2004 and all Acts and Regulations of the General Assembly relating to the superintendence or discipline of a Graduate Candidate shall apply to such individuals.

Ordination

8. (a) *Entitlement.* It belongs to Presbytery to ordain an individual to the Office of Deacon on his or her taking up an appointment. However, in order to ensure a general standard of qualification and training for the Office throughout the Church, a Presbytery may ordain a candidate to this Office only if it is furnished with a recommendation to that effect from the Ministries Council.
- (b) *Procedure.* The procedure leading to the act of ordination shall be the same as the procedure described in section 29 of Act VIII 2003 for ministers of Word and Sacrament, *mutatis mutandis*.
- (c) *Ordained status.* A Deacon, on being ordained, shall have the authority of the Church to exercise his or her appointed ministry. He or she shall be entitled to append the letters "DCS" (Deacon of the Church of Scotland) after his or her name and to wear the Diaconate badge. On being ordained, a Deacon shall be admitted into membership of the Diaconate Council.
- (d) *Membership of Presbytery.* A Deacon shall be a member of Presbytery if he or she occupies a parish appointment, or any other post that would entitle a Minister of Word and Sacrament to membership of Presbytery in terms of sections 11-13 of Act III 2000, and the provisions of those sections shall determine which is the relevant Presbytery. A Deacon who does not occupy such a parish appointment, or other qualifying post, but who is registered on the Register of Ministry in Category **R**, shall be entitled to apply for membership of Presbytery on the same basis as a Minister of Word and Sacrament holding Category **R** registration, being in terms of section 14 of Act III 2000.

Admission and Readmission of Deacons

9. Act IX 2002 (as amended) shall apply to the diaconate *mutatis mutandis*.

Transfer to the Ordained National Ministry

10. (1) The following procedure shall apply in a situation where either (a) a Deacon or (b) a candidate in training for the Diaconate, desires to transfer to the Ordained National Ministry:
- (a) Such person shall inform the Council of his or her wish to transfer, and at the same time shall inform the Presbytery of the bounds;
- (b) Following a three month period of reflection, such person shall require to undergo National Assessment for the Ordained National Ministry in terms of section 6 of the Selection and Training for Full-Time Ministry Act (Act X 2004);
- (c) If the person is accepted by the Assessment Conference as a prospective candidate for the Ordained National Ministry then that person will thereafter follow the appropriate procedure under Act X 2004, including, though not restricted to, the requirement for nomination by Presbytery as a candidate for the Ordained National Ministry in terms of sections 7 to 11 of that Act and such requirements for education and training as may be determined by the Council, having regard to all the circumstances in each particular case;
- (d) If the person is not accepted by the Assessment Conference as a prospective candidate for the Ordained National Ministry then that person may apply again to transfer to Ordained National Ministry, up to three times in total, but that number shall be reduced by any previous applications made at any time for Ordained National Ministry or for transfer to Ordained

National Ministry. A fourth application shall be possible only with the prior approval of the Committee.

- (e) If the person is not at any time accepted by the Assessment Conference as a prospective candidate for the Ordained National Ministry then such decision shall not affect the person's status as a Deacon or as a candidate in training for the Diaconate, as the case may be.
 - (f) A decision of the Assessment Conference not to accept a person as a prospective candidate for the Ordained National Ministry shall be final and binding on the applicant, subject only to appeal to the Ministries Appeal Panel in terms of Act VI 2007 on the following grounds: (a) an error in Church law; (b) breach of the principles of natural justice or material irregularity of process; and (c) decision influenced by incorrect material fact. The intention to appeal shall be intimated by the applicant to the Council within 21 days of the Assessment Conference's decision.
- (2) The following age limits shall apply to Deacons or candidates in training for the Diaconate who seek to transfer to the Ordained National Ministry:
- (a) In respect of a Deacon, an application to transfer cannot be received from any such person who in all normal circumstances could not complete the prescribed course before 31 December in the year of their 60th birthday.
 - (b) In respect of a candidate in training for the Diaconate, an application to transfer cannot be received from any such person who in all normal circumstances could not complete the prescribed course before 31 December in the year of their 55th birthday.
 - (c) The acceptance of any person following an application to transfer will not automatically be continued if the prescribed course has not been commenced within three years of acceptance.
 - (d) Nothing in this Act entitles a person who has applied for the Diaconate to seek to transfer to the Ordained National Ministry at any time prior to being accepted as a candidate for the Diaconate in terms of this Act.

B. FUNCTION OF DEACONS

The functions and sphere of service of a Deacon

11. The functions of the Diaconate are defined in section 15 of the Registration of Ministries Act (Act II 2017). Those functions may be exercised in one or more of the following spheres:
- (a) service in the employment of a Council, Committee or Court of the Church;
 - (b) service in a Chaplaincy, including University, College, School, HM Forces, Prison and Hospital, or as a Lecturer or Teacher in Religious Education, and in similar spheres;
 - (c) other service which is approved by the Ministries Council and the Presbytery concerned.

Deacons and Marriage Services

12. (1) The functions of a Deacon shall include 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.

- (2) For the purposes of the conduct of marriages, section 19 of Consolidating Act II 2000 anent Ministry (as amended) shall apply to Deacons.
- (3) *Deleted by Act XIII 2016.*

Retirement Age

13. *Deleted by Act XIII 2016.*

C. SUPERINTENDENCE OF DEACONS

Responsibility for Life and Doctrine

14. (a) A Deacon shall be responsible for his or her life and doctrine to the Presbytery having jurisdiction in accordance with section 4(ii) of the Registration of Ministries Act (Act II 2017).
- (b) A Deacon is under obligation to notify the Presbytery Clerk of any change of address.

Responsibility for Service

15. A Deacon shall be responsible for the due performance of his or her service as follows; namely:
 - (a) a Deacon, serving under a Council, Committee or Court of the Church shall be responsible to that body;
 - (b) a Deacon, serving outwith the jurisdiction of the Church of Scotland, shall be responsible to the employer.

Registration of Deacons

- 16 Deacons shall be registered on the Register of Ministry in accordance with the provisions of the Registration of Ministries Act (Act II 2017).

The Roll of the Diaconate

17. *These provisions are superseded by the Registration of Ministries Act (Act II 2017).*

The Diaconate Council

18. (1) The functions of the Diaconate Council, of which all Deacons shall be members, shall include the representation of the interests of all Deacons to the Ministries Council, and the support of the Ministries Council in the professional development of Deacons.
- (2) The Constitution and Standing Orders of the Diaconate Council, and the Constitution of Local Associations thereof, are as set out in the Appendix, and are subject to the powers of alteration contained therein.

D. REPEALS AND AMENDMENTS

19. Sections 26 and 27 of Consolidating Act III 2000 anent Church Courts (as amended) are hereby repealed, and shall be replaced by a note reading “*See Act VIII 2010*”
20. Act II 1988 anent the Judicial Commission (as amended) is hereby further amended as follows:
 - by the addition in paragraph 2(a), after the word ‘Ministers’ of ‘, Deacons’.
 - by the addition in paragraph 2(j), after the word ‘Ministers’ of ‘, Deacons’.

21. Paragraph 1(c) of Act XV 2003 anent Scottish Criminal Records office Checks of Ministers, Deacons and readers in Terms of the Police Act 1997 (as amended) is hereby amended to read “*Deacon*, for the purposes of this Act only, refers to all Deacons who are members of Presbyteries or holders of Practising Certificates.
For the avoidance of doubt, this Act does not apply to members of Deacons’ Courts.”

APPENDIX A

CONSTITUTION OF DIACONATE COUNCIL

Functions

The Functions of the Diaconate Council hereinafter constituted shall be:

- a) To formulate and express the collective views of its members
- b) To make contacts with those engaged in like work at home and overseas
- c) To provide opportunity for in-service training and personal development

Constitution

The Council shall consist of:

- (i) All Deacons registered on the Register of Ministry in Category **E** or **R**
- (ii) Deacons registered on the Register of Ministry in Category **I** may attend Council at their own expense and be non-voting members
- (iii) Two members appointed by the Ministries Council
- (iv) Deacons ordained or commissioned by the Church of Scotland who are serving overseas as members of another Church shall be entitled when on furlough to attend all meetings of the Council as corresponding members without the right to vote.

Office –bearers

The Office bearers shall be:

A President, who shall hold office for three years, and not be eligible for re-election.

A Vice President, who shall hold office for three years, and not be eligible for re-election.

A Secretary, who shall be appointed for three years and be eligible for reappointment.

A Treasurer, who shall be appointed for three years and be eligible for reappointment.

The President and the Vice President shall be elected by the Council in manner specified in the Standing Orders.

Committees

Business Committee – a Business Committee to attend to business during the meetings of the Council and at other times, as agreed, between Councils, may be constituted in manner provided in Standing Orders.

Other Committees

The Council shall have power to appoint, if it so desires, other Committees to facilitate its business and to consider various aspects of the service undertaken by Deacons.

Meetings

The Council shall meet for one day in January/February of each year.

The Council shall normally meet for two days in June of each year or as otherwise decided.

The Council shall meet in public or in private as the Business Committee may decide.

The Council may in exceptional circumstances meet at such other times as the Ministries Council appoint.

Procedure

Meetings shall each day be opened, and the Council closed with prayer.

Other procedures shall be as set out in Standing Orders. The cost of Council, including the travelling expenses of full members of Council, shall be met by the Ministries Council.

The Diaconate Council shall be represented on the Ministries Council through its President.

The administration of the Council shall be serviced by a Secretary appointed by the Diaconate Council and an admin assistant appointed and financed by Ministries Council.

Local Associations of Deacons

The Council shall set up Local Associations of Deacons, which shall have the following aims:

- a) To provide a fellowship of Deacons
- b) To be a channel through which Deacons may communicate to the Business Committee and/or Diaconate Council matters concerning Deacons or the wider interests of the Church
- c) To give an opportunity to Deacons to express their views on matters of public interest
- d) To be the body to liaise with such local groups as are related to the interest of the Diaconate
- e) To do all things necessary for or incidental to the Constitution

Local Associations shall be governed by the Constitution.

Alteration of Constitution

Any alteration to this Constitution may be made only by a two-thirds majority of the whole membership of the Diaconate Council, upon a motion of which seven days' notice has been given to all members thereof.

APPENDIX B

THE DIACONATE COUNCIL – STANDING ORDERS

Standing Orders

Procedure at Meetings

The President, or in his or her absence the Vice-President, shall preside, whom failing the Council shall appoint its own Chairperson.

Proceedings each day shall be opened with prayer.

Business

The business of the Council shall include:-

- (1) Election of Office-bearers, Committees and Representatives on the Ministries Council, such election to take place at the meeting of the Council in June.
- (2) Reports from Local Associations, Committees of the Council, and the Ministries Council.
- (3) Initiation of discussion on any matters which concern the Diaconate and the wider interests of the Church.

Election of Office-bearers

Nominations for the election of the President and Vice- President shall be sent in by Local Associations. Each Local Association shall send in a maximum of four nominations, selected from the whole membership of the Council, and those nominated must have been ordained/commissioned for at least five years. The Secretary shall draw up a list which shall be sent to all Deacons, both active and retired, for their postal vote.

Business Committee

The President, Vice-President, Secretary and Presidents of the Local Associations shall constitute the Business Committee.

Other Committees

Any Committee appointed by the Council by virtue of the power conferred on it in the Constitution shall be given a special remit, and shall report to the Council.

Finance

Members may be required to pay an annual subscription fee.

Any proposal involving finance amounting to more than the total of Council Funds shall, before action is taken, be referred to the Ministries Council.

Minutes

The Minutes of Diaconate Council shall be approved at the opening session of the next Council.

Full Minutes of the proceedings of the Council shall be circulated to all members.

Reports

Reports from Local Associations and Committees of the Council shall reach the Secretary at least seven days before the meeting of the Council.

Any Other Business

Local Associations or individuals may request an item of competent business to be placed on the Agenda, giving seven days' notice to the Council. Where shorter notice has been given, the mover shall briefly introduce the item and the Council shall, without discussion, decide by simple majority to take up the item of business.

Close of the Council

When the business set down for the final day of the session of the Diaconate Council has been completed, the Council shall appoint the date and place of its next meeting.

Alterations of Standing Orders

Seven days' notice having been given, these Standing Orders, with the exception of the paragraph on Finance, may be altered by a two-thirds majority of the Diaconate present at a meeting of the Council.

APPENDIX C

LOCAL ASSOCIATION OF THE DIACONATE -CONSTITUTION

1. The name shall be "Church of Scotland Diaconate.....Local Association"

2. Aim

- (a) To provide a fellowship for Deacons
- (b) To be a channel through which Deacons may communicate to the Diaconate Council matters concerning the Diaconate or the wider interests of the Church
- (c) To give an opportunity to Deacons to express their views on matters of public interest
- (d) To be the body to liaise with such local groups as are related to the interests of the Diaconate
- (e) To do all things necessary for or incidental to the Constitution.

3. The aim shall be reached by:-

- (a) holding at least four statutory meetings each year;
- (b) providing an opportunity for corporate worship, retreat and help for the devotional life of Deacons throughout the year;
- (c) submitting to the Council a report which will include matters referred to the Local Association by the Council;
- (d) initiating business for the Council.

4. Membership

All Deacons registered on the Register of Ministry in Category **E** or **R** shall be full members of the Association.

All Deacons registered on the Register of Ministry in Category **I** shall be associated but without voting power.

Deacons serving a probationary period shall be associated but without voting power.

Deacons ordained/commissioned by the Church of Scotland who are serving overseas as members of another Church may be corresponding members, and when on furlough may attend meetings but may not vote.

Deacons of other denominations may be associated.

5. Office Bearers

The Association shall appoint its own office-bearers and committee in accordance with a procedure agreed by the Association in advance.

6. Subscriptions and meetings

The Association shall fix the amount of subscription and arrange the time and character of its meetings.

7. Report for Council

The adoption of the Association's Report for the Council shall be moved by one of the office-bearers.

After adoption by the Association, the Report shall be dispatched so as to be in the hands of the Secretary of the Council seven days before the meeting of Council.

8. Individual Business

Any business brought forward by an individual Deacon, if rejected by the Association, shall if desired by the Deacon, be forwarded by the Association with full comments to the Secretary of the Council.

9. Election of President and Vice-President of Council

On the occasion of the election of a President or Vice-President of the Council, the Association shall send to the Secretary of the Council by the end of February not more than four nominations for each office.

Nominations shall be selected from the whole membership of the Council and must have been ordained / commissioned for not less than five years.

10. Change of Constitution

Any change in this constitution proposed by the Association shall be notified to all other Local Associations, as each Association is governed by the same Constitution, and shall become effective only when approved by the Council.