

MINUTES OF THE APPEAL HEARING BEFORE THE APPEALS COMMITTEE OF THE COMMISSION OF ASSEMBLY - AUGUST 2015

At Edinburgh, and within the Church Offices, 121 George Street, the twelfth day of August 2015 at 1.45 pm, in the matter of an appeal from the Kirk Session of Elgin St Giles' and St Columba's South against a decision of the Presbytery of Moray.

Sederunt:

Lord Brodie, Convener of the Appeals Committee of the Commission of Assembly

The Rev Helen Jamieson, Vice-Convener of the Appeals Committee of the Commission of Assembly

Ms Mary Macleod, Depute Solicitor to the Church

The Very Rev John P Chalmers, Principal Clerk

Ms Christine Paterson, Legal & Learning Resources Officer

And seventeen members of the Appeals Committee of the Commission of Assembly as per the Sederunt Book.

The Hearing before the Appeals Committee of the Commission of Assembly ("the Committee") was opened with prayer.

Parties were called:

For the Appellants:

The Rev Stevie Thomson, Minister

Mr James MacPherson, Elder

Mrs Elizabeth MacPherson, Elder.

For the Presbytery of Moray:

The Rev Graham Crawford, Presbytery Clerk

The Rev Shuna Dicks, Business Convener of the Presbytery of Moray

Mrs Ann Bowie, Vice-Convener of the Superintendence Committee

The Rev Bob Anderson, Minister of Knockando, Elchies and Archiestown linked with Rothes.

For the Assembly's Committee:

The Rev Angus Mathieson, Partnership Development Secretary

Mr John Thomson, Ministries Support Officer

The Rev Alison Meikle, Convener of the Presbytery Planning Task Group.

The Presbytery queried the authority of The Rev Stevie Thomson to represent the Appellants in the appeal process, given that it had been previously minuted at a Kirk Session meeting that he would not do so and that legal counsel would be instructed instead. Mr Thomson explained to the Committee that subsequent to that minute, the Kirk Session had agreed that it did wish Mr Thomson to represent them, and produced an extract minute to that effect. The Presbytery accepted this.

The Presbytery sought permission to amend paragraph A18 of its Written Argument. The Appellants did not object, and the amendment was agreed. It was confirmed that all members of the Committee had the text of this amendment in front of them.

The Appellants and the Presbytery made their submissions in relation to the competency of the Appeal.

The Appellants and the Presbytery responded to various questions asked by members of the Committee.

The Appellants and the Presbytery were given the opportunity to make final supplementary comment on the matter of competency.

Parties were removed.

Parties were recalled.

The Convener thanked the Parties for their helpful and constructive submissions. The Convener informed that the Parties that the Committee had unanimously decided to dismiss the appeal as incompetent, the reason being that in terms of section 6(1) of the Appraisal and Adjustment Act (Act VII 2003) as amended, the request for determination was submitted outwith the required 21 day time limit. The Committee's written decision will follow.

The Hearing was closed with the Benediction at 3.40 pm.