

V. CHURCH EXTENSION REGULATIONS (AS AMENDED BY ACTS V AND VIII 2003)

Edinburgh, 24 May 2000, Session 6

Interpretation

1. For the purposes of these Regulations the following terms shall be deemed to have the meanings hereby assigned to them:
 - "The Committee" shall mean the New Charge Development Committee of the Ministries Council.
 - "The Parish Appraisal Committee" shall mean the General Assembly's Parish Appraisal Committee.
 - "The Presbytery" shall mean the Presbytery of the bounds of the Church Extension Charge or charge concerned.
 - "A Church Extension Charge" shall mean a new or newly established sphere of pastoral duty which was formed in terms of Regulations 3, 1995 or the preceding Regulations thereto.
 - "A Church Extension congregation" shall mean a company of persons associated together for Christian worship, fellowship, instruction, mission and service in a Church Extension Charge parish whose names are on the Roll of Communicants and Adherents kept for the congregation and who are under the pastoral oversight of a minister or ministers appointed as herein provided and under the pastoral oversight of a provisional Kirk Session (hereinafter referred to as "the Kirk Session").

Appointment of Ministers

2. The following procedure shall apply to all ministerial appointments made after the date of approval and adoption of these Regulations, which appointments shall be on the basis of reviewable tenure viz:
 - (i) The Presbytery shall consult with the Kirk Session and the Committee and, provided it is agreed that a new appointment shall be made, the Kirk Session shall draw up an Electoral Register in accordance with the provisions of Section 13 of Act VIII 2003. An interviewing panel shall be formed which shall consist of four (4) representatives from the Committee together with one (1) representative of the Presbytery and one (1) representative of the Kirk Session, each representative to have a vote. The panel shall bring a nomination for the Committee to appoint to the Church Extension Charge.
 - (ii) If the appropriate Committee of the Presbytery is satisfied with the nominee, the interim moderator shall arrange that the nominee preach to the Congregation.
 - (iii) The interim moderator shall thereafter invite the Congregation to indicate whether or not the nominee is acceptable to it, only those whose names are on the Electoral Register being entitled to vote, and shall intimate the outcome to the Committee.
 - (iv) If the Committee is satisfied that the nominee is acceptable to the Congregation, it shall make the appointment, subject to the concurrence of the Presbytery.
3. In the event of the Minister appointed being a probationer or a minister without charge, the Presbytery shall take the necessary steps for ordination, if required, and induction to the Church Extension Charge.
4. The Minister shall be responsible with the Kirk Session for the pastoral oversight of the area allotted to the Church Extension Charge and shall also be responsible to the Committee for the development of the Charge.

Administration of Spiritual and Temporal Affairs

5. The administration of the spiritual affairs of a Church Extension Charge shall be in the hands of a Kirk Session of which the minister shall be Moderator. Initially, all new elders who shall be members of the Church Extension congregation shall be sanctioned by the Presbytery. After the Church Extension Charge has been formed for more than three years, the Kirk Session itself may authorise the ordination of further elders at its own discretion.
6. The Kirk Session of a Church Extension Charge shall have the right to appoint a representative elder to Presbytery.

7. The temporal affairs of a Church Extension Charge shall be managed by a Committee of the Kirk Session composed of the Kirk Session, together with a number of members, over the age of 18, elected by the congregation at a meeting duly called for the purpose, the number of members thus elected not to exceed the number of the Kirk Session. One third of the elected members shall retire annually but shall be eligible for re-election. The minister shall normally be chairman of this Committee, but should he or she not wish so to act, the Committee may elect one of its members as chairman for the ensuing year. Said member shall be eligible for re-election at the end of each year in office.

Payment of Stipend

8. (a) The stipend appropriate to a Church Extension Charge shall normally be the minimum stipend plus the service supplement (if any) to which the Minister concerned is entitled. This shall be met on the basis of the Financial Schedule referred to in Section 9 hereof.
- (b) In the case of any Minister not eligible to receive service supplement, the Committee shall meet the cost of a "Church Extension Charge supplement" which shall be the sum of £800 per annum or such other sum as the Committee, in consultation with the Ministries Council, may from time to time fix. Payment of such supplement will cease on the Minister concerned becoming eligible to receive stipend service supplements.

Financial Responsibility of Church Extension Charges

9. A Church Extension Charge shall from its formation provide for its ordinary expenses. A Financial Plan and an appropriate Financial Schedule relating to Stipend shall be agreed among the Kirk Session the Presbytery, the Committee and the Ministries Council, the purpose of which shall be to fix appropriate contributions to be made by the Church Extension Congregation towards:
 - (a) the sums being paid by the Ministries Council by way of Stipend and, if appropriate, Service supplement; and
 - (b) the cost of its buildings as incurred by the Committee.In addition, the congregation shall endeavour to contribute to the Mission and Renewal Fund, the relative contribution thereto to be allocated by the Presbytery.
10. The Committee shall have a general control over the entire expenditure of a Church Extension Charge and the annual budget and statement of accounts in the form approved by the General Assembly for use by congregations generally shall be submitted to the Committee for examination and approval. The Committee shall further be entitled to receive a copy of the Annual Accounts from any Church Extension Charge which has subsequently attained full status until such time as the outstanding liabilities of the former Church Extension Charge to the Committee have been repaid.
11. The Committee shall be responsible for the maintenance and insurance of all the heritable properties of the Church Extension Charge and for all other outgoings with respect thereto.
12. The Committee shall commission and obtain professional reports on the condition of the ecclesiastical properties of each Church Extension Charge five years after its formation and thereafter at intervals of not more than five years from the date of the previous report. Copies of the said reports, which shall be similar in form and content to Principal Reports commissioned in terms of the Section 8 of the Act anent the Care of Ecclesiastical Properties (Act IX 1979) shall be forwarded to the Presbytery and the Church of Scotland General Trustees.

Application for Full Status

13. It shall be open to a Church Extension Charge to apply for full status at any time after it has been in existence for five years and, in normal circumstances, it is expected to do so before the eleventh anniversary of its constitution. It shall be open, at any time, to the Presbytery (with the agreement of the Committee and the Ministries Council) to take the initiative towards the erection to full status of any Church Extension Charge within its bounds.
14. An Application by a Church Extension Charge for full status shall be submitted, in the first instance, to the Presbytery of the bounds. If the Presbytery is of the opinion that the Application merits consideration at that time, it shall forward the Application to the Committee along with such other information regarding the life and witness of the Church Extension Charge as it considers relevant. Said Application shall require to be lodged with the Committee by 31st

October if it is to be submitted to the next General Assembly and shall require to be transmitted by the Committee to the Delegation of Assembly on or before 31st January.

15. The Committee, on receipt of the Application, shall consult with the Church of Scotland General Trustees so that the General Trustees may inspect the buildings of the Church Extension Charge to establish whether they are in a satisfactory state of repair. The Application for full status shall proceed only once the General Trustees have indicated their satisfaction with the buildings. The Committee shall provide the sum of £2,000 or such other sum as the Committee, in consultation with the Church of Scotland General Trustees, may from time to time fix to provide the nucleus of a Fabric Fund to which sum shall be added (i) an equivalent amount from the Congregation; and (ii) such sum as the Baird Trust may make available.
16. The Committee shall further consult with the Ministries Council, the concurrence of which shall be required in the proposed stipend arrangements.
17. There shall be transmitted thereafter by the Committee to the Delegation of Assembly the following documents:
 - (a) A Report from the Committee containing such information regarding the Charge as shall enable the General Assembly to make a judgement as to whether it is appropriate that it should be granted full status, which Report shall further include as a draft Deliverance a paragraph in the following terms:

"The General Assembly resolves to raise the Church Extension Charge(s) of XXXXXXXXX into (a) Parish(es) and to pass (an) Act(s) thereanent in terms of the draft set out in the Appendix to the Report".

The proposed Act shall be in the style of the draft Act appended hereto;
 - (b) Extract Minute of the Church of Scotland General Trustees concurring in the proposals; and
 - (c) Extract Minute of the Ministries Council concurring in the stipend arrangements.
18. The Solicitor of the Church shall, under the direction of the Delegation, then proceed with the preparation of the necessary documents, including the proposed new Deed of Constitution of the Charge, so that they may be ready for signature immediately after the passing of the Act of Assembly. In all cases, the Church Extension Charge, on obtaining full status, shall be constituted either in terms of the Model Deed of Constitution or the Unitary Constitution, as determined by the Committee in consultation with the Kirk Session and the Presbytery.
19. The Delegation shall thereafter issue the new Deed of Constitution. The Act of Assembly shall (unless otherwise provided in the Act itself) take effect at the date of issue of the Deed of Constitution.
20. The whole procedure shall, if possible, be completed by 1st July immediately following upon the passing of the Act of the General Assembly. The whole expenses incurred shall be borne in equal shares by the congregation and by the Committee.
21. On the Church Extension Charge attaining full status, the Committee's responsibilities and rights of oversight of the congregational properties shall cease. The Presbytery shall make formal intimation of the change of status to the congregation and shall take such other steps in connection therewith as may seem to the Presbytery appropriate.
22. For the avoidance of doubt, these Regulations shall apply to all Church Extension Charges formed before 11th May 1999.
23. Regulations 3 1995 are hereby repealed.

APPENDIX

ACT ANENT ERECTING CHURCH EXTENSION CHARGE TO FULL STATUS

Edinburgh ... May 20... Sess. ...

The General Assembly enact and ordain as follows:

1. Disjoin an area from the Parishes of and in the Presbytery of situated approximately in the and parts of the said Parishes respectively and the boundaries of which are more particularly described in the

Minute of the said Presbytery dated provided always that the Presbytery of shall have power to revise or alter the boundaries of the said area from time to time.

2. Erect the said area so disjoined into a Parish of the Church of Scotland to be called the Parish of, and designate the said Church to be the Church of the said Parish.
3. Declare the said Parish of to be wholly within the jurisdiction of the Presbytery of
4. Find and declare that the Minister and Elders of the said Church and Parish as so erected shall have and enjoy the status and have all the powers, rights and privileges of a Parish Minister and Elders in connection with the Church of Scotland and shall form together the Minister and Kirk Session of the said Parish.
5. Provide and declare that any existing rights of the Ministers of the Parishes of and shall in no way be affected by the erection of the said Parish
6. Appoint as a Constitution for the said Parish the form of the Model Deed approved by the General Assembly by Act II 1994/ Deed of Unitary Constitution [delete as appropriate] as applicable to the new Parish and remit to the Delegation of the General Assembly to execute and deliver the same after it is satisfied as to the vesting of the Church, Hall and Manse and endowment for stipend and fabric all in terms of the Regulations; provided always as is hereby specially provided and declared that this Act shall not come into operation until the date of issue of the said Deed of Constitution.