

## **II PARISH MINISTRY ACT (ACT II 2018)**

*Edinburgh, 19 May 2018, Session 3*

The General Assembly declare and enact as follows:–

### **Definitions**

1. (1) “Charge” means a sphere of pastoral duty to which a Parish Minister is (i) inducted or (ii) introduced under the arrangements set out in the Ministerial Staffing in the Presbytery of Shetland Regulations (Regs VI 2007).
- (2) “Minister of Word and Sacrament” shall apply to (i) a minister ordained in the Church of Scotland in terms of the Ordination of Ministers of Word and Sacrament and Deacons Act, or (ii) a minister ordained in another church who has been admitted to the Church of Scotland as a Minister of Word and Sacrament by the General Assembly, or (iii) a minister who has been inducted or introduced to a Charge or appointed to a position or office in the Church of Scotland in accordance with a mutual eligibility agreement, or by virtue of holding a Certificate of Eligibility obtained from the Ministries Council or its Executive.
- (3) “Parish Minister” means a Minister of Word and Sacrament (i) inducted by a Presbytery to a Charge or (ii) introduced to a Charge under the arrangements set out in the Ministerial Staffing in the Presbytery of Shetland Regulations (Regs VI 2007).

### **Interim Ministers and Transition Ministers**

2. Interim Ministers and Transition Ministers are employed ministers introduced to a Charge for a specific reason and for a specific time. Such ministers will not be inducted to the Charge, which will remain technically vacant in terms of the Vacancy Procedure Act (Act VIII 2003) but they will become Interim Moderator of the Kirk Session(s). The provisions of this Act apply to such Ministers insofar as they are Interim Moderator of the Kirk Session(s).

### **Interim Moderators**

3. (1) For the purposes of this Act an Interim Moderator, if a Minister of Word and Sacrament, shall have the privileges and duties of a Parish Minister, consistent with section 7 of Act VIII 2003. For the avoidance of doubt, this provision applies to Interim Ministers and Transition Ministers.
- (2) For the avoidance of doubt, where an elder is serving as Interim Moderator, his/her role shall not extend to performing the functions of parish ministry as stated in section 5 of this Act.

### **Intrusion**

4. A Parish Minister’s field of ministerial work and responsibility lies generally within and does not extend beyond his or her own Charge. A Minister of Word and Sacrament shall not be entitled to enter the bounds of the Charge of an existing Parish Minister to perform ministerial functions without the previous consent of the Parish Minister in question, save in the following circumstances:

- (1) where he or she is acting under special commission or order of the Presbytery of the bounds, or of the General Assembly; or
- (2) where a Parish Minister enters the bounds of the Charge of another Parish Minister for the purpose of ministering to members and adherents of his or her own Charge, or
- (3) where a Minister of Word and Sacrament holds a post which is listed in sections 11, 12 or 13 of Act III 2000 and enters the bounds of the Charge of a Parish Minister to discharge duties which are directly connected with that post, or
- (4) where a Minister of Word and Sacrament enters the bounds of the Charge of an existing Parish Minister to officiate at a marriage or funeral by private invitation.

This Act shall not prohibit a Minister of Word and Sacrament from accepting an invitation to conduct divine service in a church of another denomination.

*[For the purposes of the conduct of marriages, this section shall apply to Deacons, see Act VIII 2010, section 12.]*

### **Functions of Parish Minister**

5. The ministry of the Word, the conduct of public worship, the dispensing of the Sacraments, and the instruction of the young belong to the Parish Minister, subject to the control and direction of the Presbytery.

### **Conduct of Public Worship**

6. Responsibility for the conduct of public worship includes responsibility to ensure that public worship is conducted in an orderly and reverent manner by the Parish Minister, or in accordance with section 7, or by other persons under the supervision of a Minister of Word and Sacrament, being present in person.
7. For the conduct of public worship in the absence of the Parish Minister, and subject to section 9, only the following may be employed:
  - (1) Ministers of Word and Sacrament of the Church of Scotland;
  - (2) Ministers of Word and Sacrament of other Churches:
    - (a) with whose Churches there is a mutual eligibility agreement,
    - (b) with whose Churches a common recognition of ministries has been approved by the General Assembly,
    - (c) who would be entitled to a Certificate of Eligibility, or
    - (d) in respect of whom the Presbytery of the bounds is otherwise satisfied that their orders are in accordance with the standards of the Church of Scotland;
  - (3) probationers;
  - (4) Licentiates and Graduate Candidates;
  - (5) candidates for the ministry, including the Ordained Local Ministry, who have been duly recognised in terms of Act X 2004 or Act IX 2011;
  - (6) members of the diaconate;
  - (7) candidates for the diaconate;
  - (8) ministries development staff employed by the Ministries Council;
  - (9) readers; and
  - (10) persons selected and trained to a standard determined by the Presbytery of the

- bounds in accordance with a scheme or arrangement approved by the Presbytery.
8. (1) Employment in terms of section 7 above shall not necessarily entitle any person to receive a pulpit supply fee, such fees being payable only in accordance with regulations approved by the General Assembly.  
(2) No person authorised to conduct worship in terms of subsection 7(10) shall be entitled to a fee, but shall receive reasonable expenses as determined from time to time by the Presbytery.
  9. Notwithstanding section 7 above a Parish Minister may occasionally and for special reason invite a person not qualified in terms of the said section to conduct public worship provided that, when an invitation in terms of this section has been accepted the Parish Minister shall intimate the same in writing to the Clerk of the Presbytery within fourteen days.
  10. Section 9 above may be construed to include, *inter alia*, the occasional conduct of public worship by an elder or elders of the congregation.
  11. In an emergency when, for any reason, it becomes evident at or before the time appointed for public worship that the responsibility of the Parish Minister under this Act has not been discharged, it shall be the duty of the Session Clerk, whom failing the senior elder present, to lead the congregation in an act of devotion, or invite someone else to do so, and to report the circumstances to the Clerk of the Presbytery as soon as possible thereafter.

### **Use of Church Buildings**

12. The Parish Minister has the following rights and responsibilities as regards use of church buildings:
  - (1) The place of worship and other ecclesiastical buildings connected with the Charge are at the disposal of the Parish Minister for the purposes of his or her office, subject only to the control of the Presbytery.
  - (2) The Parish Minister may use them and grant permission to others to use them for all purposes connected with the congregation or any of its organisations, and also for all purposes of an ecclesiastical or charitable nature, even if they be not connected with the congregation, subject to the control of the Presbytery.
  - (3) The Parish Minister shall not use the buildings nor grant the use of them for any other purposes without the consent of the Kirk Session, Deacons' Court, Committee of Management, or Congregational Board, as the case may be. In deciding for what uses the church may be granted the sacred character of the building shall be kept in view.
13. The Kirk Session, Deacons' Court, Committee of Management, or Congregational Board shall not be entitled to use the buildings for any purpose whatever without the consent of the Parish Minister, nor shall they grant the use of the buildings to others without his or her consent.
14. During a vacancy, or the time in which a Parish Minister has leave of absence from the Charge, the Interim Moderator of the Kirk Session shall have the same rights in the use of the church buildings as the inducted Parish Minister.
15. In congregations where provisions are made, either in the title-deeds of the property or in a constitution approved by the Presbytery with regard to the use of the church buildings which differ from what is set forth in sections 12 to 14 of this Act, the provisions of such title-deeds or constitution shall remain in force to the exclusion of this Act in so far as it differs from these provisions, unless and until these provisions shall be competently altered.

### **Engagement by Ministers of Word and Sacrament in Secular Employment**

16. No Minister of Word and Sacrament inducted or introduced to a Charge shall apply for, accept or undertake any remunerative employment or office either within or outwith the jurisdiction of the Church without previously obtaining approval of the Presbytery of the bounds, unless such an appointment is made directly by the General Assembly.

### **The Parish Minister Precluded from the Office of Congregational Treasurer**

17. No Parish Minister shall act as the Congregational Treasurer with respect to any of the congregations in the Charge.

### **Retirement of Ministers of Word and Sacrament**

18. (1) Subject to subsection (4), a Minister of Word and Sacrament inducted or introduced to a Charge shall be inducted or introduced until the date of his or her seventy-fifth birthday, on which date his or her ministry shall terminate as if he or she had resigned his or her Charge and such date been appointed by the Presbytery of the bounds for the demission by the Minister of Word and Sacrament of his or her Charge.
- (2) Notwithstanding subsection (1), a Parish Minister inducted to a Charge on a Basis of Unrestricted Tenure, whose Charge is one where the Presbytery Plan anticipates adjustment at the next vacancy, shall be subject to review by Presbytery as follows:
  - (a) Where the Parish Minister was inducted to the Charge on the basis of an anticipated retirement age of 65, the Parish Minister shall be subject to the Presbytery's review at a point no later than six months before he or she reaches the age of eligibility for UK state pension. When the Parish Minister concerned does reach the age of eligibility for UK state pension, the Presbytery shall have the right to terminate tenure on the grounds of necessary adjustment, and
  - (b) Where the Parish Minister was inducted to the Charge on the basis of an anticipated retirement age of 70 (in the case of a Parish Minister inducted prior to 31 May 1995), the Parish Minister shall be subject to the Presbytery's review at a point no later than six months before he or she reaches the age of 70. When the Parish Minister concerned does reach the age of 70, the Presbytery shall have the right to terminate tenure on the grounds of necessary adjustment.
- (3) For the avoidance of doubt, a Parish Minister inducted to a Charge on a Basis of Reviewable Charge under section 12 of the Appraisal and Adjustment Act (Act VII 2003), does not have the right to remain in that Charge beyond the period of tenure specified in the said Basis where this prevents necessary adjustment.
- (4) On application by a Parish Minister, his or her tenure may be extended for an agreed period of time according to a process set out in Regulations made by the General Assembly, dealing with Continuing Ministry beyond the age of 75. Service of an application under the Regulations shall prevent the termination of the tenure of the Parish Minister under subsection (1) until the application is determined.

### **Repeals**

19. This Act shall come into force on 19 May 2018 and Act II 2000 shall be repealed at that date.