

II THE INTERNATIONAL PRESBYTERY ACT (ACT II 2016) (AS AMENDED BY ACT II 2017, ACT XVII 2022 AND ACT IX 2023)

Edinburgh 21 May 2016, Session I

The General Assembly enact and ordain as follows:

1. For the purposes of this Act the following terms shall be deemed to have the meanings hereby assigned to them:
 - (1) “the FAPLT” shall mean the General Assembly’s Faith Action Programme Leadership Team or any successor body assuming the responsibilities, functions and interests of the FAPLT.
 - (2) “the Presbytery of International Charges” shall mean the Presbytery of the Church of Scotland covering all Charges of the Church of Scotland beyond the United Kingdom, the Isle of Man and the Channel Islands (excluding the Charges within the bounds of the Presbytery of Jerusalem); and “Presbytery” shall be construed accordingly. For the avoidance of doubt, the Presbytery will assume the assets and liabilities of the existing Presbytery of Europe.
 - (3) “Charge” shall mean any of the congregations specified in Schedule 1 hereto, as the list may from time to time be amended by the Presbytery, subject to the concurrence of the FAPLT.
 - (4) “Partner Church” shall mean a denomination with which the Church of Scotland or any Charge in the Presbytery is connected, whether constitutionally or in fellowship only.
 - (5) “Kirk Session” shall mean a Court of the Church with spiritual oversight of a congregation of a Charge (and that notwithstanding that it may be known by another name and may function within the constitution of a Partner Church by such other name).
 - (6) “Financial Board” shall mean the body within a Charge having responsibility for its finances.
2. The Presbytery shall, except as otherwise provided for in this Act or in any other legislation of the Church, have the same powers and duties as Presbyteries in Scotland. Membership of the Presbytery shall be in accordance with Act III 2000. The Presbytery shall adopt the current policies, procedures, Standing Orders, Presbytery Plan and other documents regulating the business of the existing Presbytery of Europe.
3. Charges shall comply with the law, custom and practice of the Church as existing from time to time, save as follows: (1) where to do so would be in contravention of the laws, regulations and practice applying in the legal jurisdiction within which a Charge is located, in which event the Kirk Session may, acting reasonably, adopt an appropriate approach so as not to breach such local laws, regulations and practice, and (2) as specified in sections 4 to 8 of this Act.
4. In relation to the appointment of ministers to the Charges, the provisions of Schedule 2 hereto shall apply.
5. In relation to financial arrangements for the Charges, provisions shall be made by way of Regulations.
6. In relation to review of Charges by the Presbytery, the provisions of Schedule 3 hereto shall apply.

7. In relation to heritable properties used by the Charges, the provisions of Schedule 4 hereto shall apply.
8. In relation to Vacancy Procedure in the Charges, the provisions of Schedule 5 hereto shall apply.
9. Nothing in this Act shall affect the rights and position of existing ministers in the Presbytery.
10. Wherever any existing Church legislation is mentioned in this Act and such legislation is thereafter replaced or amended, the section(s) of this Act in question shall then be read as if reference to the replacement and/or amended legislation had been inserted.
11. This Act shall come into effect on 21 May 2016 and Act VIII 2007 (as amended) and Act II 2008 shall be repealed on that date.

Schedule 1 Charges

COUNTRY	CITY	Church of Scotland
Belgium	Brussels	St Andrew's Church
Bermuda	Warwick	Christ Church
France	Paris	The Scots Kirk
Hungary	Budapest	St Columba's Church
Italy	Rome	St Andrew's Church
Malta	Valletta	St Andrew's Scots Church
Netherlands	Amsterdam	The English Reformed Church
	Rotterdam	Scots International Church
Portugal	Lisbon	St Andrew's Church
Sri Lanka	Colombo	St Andrew's Scots Kirk
Switzerland	Geneva	Church of Scotland
	Lausanne	The Scots Kirk
Trinidad and Tobago	Port of Spain	Greyfriars St Ann's, Port of Spain, linked with Arouca and Sangre Grande

Schedule 2 Appointment of Ministers

- 1. Appointments to Charges**
- 1.1 As the concept of "holder of an office" is not one recognised in most jurisdictions in the Presbytery, ministers elected to a Charge shall, while continuing to be holders of an office in Church law, enter into a contract of employment with the Kirk Session in such form as may be required in the relevant legal jurisdiction. It shall be a term of all such contracts that, where the minister is a minister of the Church of Scotland, he or she must retain his or her status as a minister of the Church of Scotland and that, where the minister is the holder of a Restricted Certificate of Eligibility under s.12(c) of the Admission and Readmission of Ministers Act (Act XIII 2022), he or she must both retain their status as a minister of their denomination of origin and not have their Restricted Certificate of Eligibility withdrawn by the Church of Scotland.

1.2 For the avoidance of doubt, all ministers in Charges remain subject to the discipline of Presbytery and the General Assembly and neither the congregation nor the Kirk Session has any power to dismiss the minister save that the Kirk Session shall be required by the Presbytery to terminate a minister's contract of employment where the minister no longer retains his or her status as a minister of the Church of Scotland or in his or her denomination of origin, or where the minister is judicially suspended for a period of six months or more, or where the minister has been introduced with a Restricted Certificate of Eligibility and this is withdrawn by the Church of Scotland; a Kirk Session may also be required by the Presbytery to terminate a minister's contract of employment in terms of paragraph 4 of this Schedule 2.

2. **Persons Eligible for Appointment**

2.1 Those eligible for appointment to be ministers of the Charges shall be the categories of persons listed in section 18 of the Vacancy Procedure Act (Act VIII 2003) as being persons eligible to be nominated, elected and called as minister of parishes in the Church of Scotland, and holders of a Restricted Certificate of Eligibility under section 12(c) of the Admission and Readmission of Ministers Act (Act XIII 2022), except as provided in the following paragraphs.

2.2 When a minister of the Methodist Church is appointed to the charge of St Andrew's Scots Church, Malta, it is expressly provided that such minister shall be introduced by the Presbytery and the Methodist Church, shall retain status as a minister of the Methodist Conference and shall have full membership of the Presbytery with all the rights, privileges and duties associated therewith and, in particular, shall be authorised to moderate the Kirk Session of the charge. Ministerial discipline shall be in accordance with the procedures of the Methodist Church. On ceasing to be minister of the charge he or she shall cease to be a member of the Presbytery and will no longer be eligible to moderate the Kirk Session and shall not retain any ministerial status within the Church of Scotland, nor be entitled to be registered on the Register of Ministry or to be issued with a Certificate of Eligibility.

2.3 In the event that the Presbytery establishes a new ecumenical partnership in an existing Charge, and the minister of a Partner Church is appointed, it is expressly provided that such a minister shall be introduced by the Presbytery and the other Church, shall retain status as a minister of the Partner Church and shall have full membership of the Presbytery with all the rights, privileges and duties associated therewith and, in particular, shall be authorised to moderate the Kirk Session of the Charge. Ministerial discipline shall be in accordance with the procedures of the Partner Church of the minister. On ceasing to be minister of the charge he or she shall cease to be a member of the Presbytery and will no longer be eligible to moderate the Kirk Session and shall not retain any ministerial status within the Church of Scotland, nor be entitled to be registered on the Register of Ministry or to be issued with a Certificate of Eligibility.

2.4 The ministers of any of the Charges in the Presbytery may be Mission Partner appointments, made by the appropriate agency of the Church, of (i) Church of Scotland ministers, or (ii) ministers holding a Restricted Certificate of Eligibility under s.12(c) of the Admission and Readmission of Ministers Act (Act XIII 2022).

3. **New Ministerial Appointments**

In the case of a new ministerial appointment being made after the coming into effect of this Act, the following shall apply:-

3.1 The stipend shall be based on the national stipend scale for Scotland, adjusted for local conditions. The Presbytery shall, in consultation with the Kirk Session of the

Charge in question and with the concurrence of the FAPLT, decide on the stipend and on any other special terms and conditions applicable to the appointment as provided for in the Supplementary Stipend Review Procedure agreed between the Presbytery and the FAPLT, which Procedure may be amended by the Presbytery from time to time but only with the consent of the FAPLT. In the case of a Methodist minister appointed to Malta, the relevant Methodist Church of Great Britain stipend will apply, adjusted for local conditions.

- 3.2 The other terms and conditions of the minister's appointment shall be regulated by the Guidance for Ministers Taking Up or Demitting a Charge as agreed between the Presbytery and the FAPLT, which Guidance may be amended by the Presbytery from time to time but only with the consent of the FAPLT.
- 3.3 As regards the manse, the Presbytery shall proceed in terms of Act VIII 2003 and the Supplement to Manse Conditions and Guidelines agreed between the Presbytery and the FAPLT, which Supplement may be amended by the Presbytery from time to time but only with the consent of the FAPLT.

4. Termination of employment

If at any time a Kirk Session determines that it will be unable to fulfil the financial commitments it made at the time of introduction regarding payment of the costs of ministry for more than 3 months ahead, it will notify the Presbytery Clerk and the appointment of the minister shall be terminated by the Kirk Session if the Presbytery so instructs, and the Presbytery shall bear the cost of (i) any statutory compensation payable to the minister, (ii) up to a further 3 months' salary from the date of termination, (iii) the reasonable cost of travel back to Scotland (or other country from which the minister came on taking up the appointment) for the minister and family residing with him or her, and (iv) removal expenses (back to Scotland or the country from which the minister came) for furniture and personal effects up to a maximum of 25 cubic metres.

Schedule 3 Arrangements relating to the Review of Charges

1. It shall be the duty of the Presbytery to comply with the terms of Act VII 2003 and to keep the Charges under review. The Presbytery Planning Task Group of the FAPLT shall have normal involvement in Presbytery planning, as would apply for any other Presbytery.
2. The allocation of Full-Time Equivalent ministries for the Presbytery shall be set from time to time by the General Assembly on the recommendation of the FAPLT.
3. In the event of proceedings being initiated under Act I 1988, the Presbytery may in consultation with the Legal Questions Committee co-opt one or more members of the Committee of Inquiry from outwith the Presbytery.
4. On a vacancy arising for any reason in a Charge, the Presbytery shall apply the terms of Act VIII 2003 in so far as practicable in the local conditions.
5. If the Presbytery, with the concurrence of the Presbytery Planning Task Group, decides that a Charge cannot continue as previously constituted, all the forms of readjustment provided for by Act VII 2003 (as amended), as adapted to take account of local conditions, shall be competent. In the event of the readjustment decided upon requiring the termination by the Presbytery of the minister's tenure, the minister, subject to the disposal of any appeal in the event of the minister exercising his or her right of appeal to the Appeals Committee of the Commission of Assembly, shall on the

date of termination be deemed to have demitted his or her charge. The minister shall in such circumstances be entitled to payment of expenses according to the Presbytery's Guidance for Ministers Taking Up or Demitting a Charge as agreed between the Presbytery and the FAPLT, which Guidance may be amended by the Presbytery from time to time but only with the consent of the FAPLT.

6. If the Presbytery decides, in consultation with the FAPLT through the process of appraisal and adjustment, that circumstances exist which would justify the creation of a new Charge, the Presbytery in consultation aforesaid, shall proceed to take all steps necessary to constitute and establish the new Charge, including the provision of suitable buildings whether by sharing, renting or purchase, and the appointment of a minister.
7. The FAPLT shall report any readjustment or the establishment of any new Charge to the next General Assembly and Schedule 1 hereof shall be amended accordingly.

Schedule 4 Arrangements for Heritable Properties

1. The heritable property pertaining to a Charge ("the property") shall be held by the Financial Board and the Trustees in whom title is vested for the use of and occupation by the Charge concerned. Where local law permits, it shall always be open to the Trustees to transfer the title to their property to the Church of Scotland Trust ("the Trust").
2. Matters relating to the day-to-day management of the property shall be dealt with by the Financial Board of the Charge. It shall be the duty of the Financial Board to maintain the fabric of the property in proper order and repair and fully insured against loss or damage by fire and also against loss or damage by such other risks or perils as are from time to time deemed appropriate by the Financial Board.
3. Without the consent of the Presbytery and of the Trust, it shall not be lawful nor in the power of the Financial Board nor the Trustees in whom title is vested (if other than the Trust) to make any extensive alterations to the property, nor to sell, let (other than on agreements which do not grant security of tenure of more than one year), convey, exchange or otherwise dispose of and deal with the same nor to give and execute mortgages, charges, pledges or other securities over the property. For the purposes of this Act, "extensive alterations" shall have such meaning as shall from time to time be determined by the Presbytery and the Trust acting together.
4. Without the consent of the Presbytery and of the Trust, the Financial Board shall not purchase or take on lease for a period in excess of one year any additional heritable property and, except where all the funds for the purchase or to meet the obligations under the lease are being provided by members or other persons associated with the Charge or from the disposal of property, title to which is not vested in the Trust, title or right to the additional heritable property being acquired or leased shall where local law permits and the Trust agrees be taken in name of the Trust.
5. The Financial Board and the Trustees in whom title to the property is vested (if other than the Trust or *ex officio* trustees who are office holders of the General Assembly of the Church of Scotland) shall each year submit a written report to the Presbytery concerning the property which shall include details of their management and maintenance thereof and summarise the details of the insurance cover in force with respect to the property. At the year-end the Presbytery shall report diligence to the Trust in respect of property vested in it. In reporting to the Trust the Presbytery is

further encouraged, in relation to all property, but subject to such adaptations as may be appropriate to accommodate local laws, regulations and circumstances, to comply with the processes and procedures as set down by The Church of Scotland General Trustees from time to time as to annual inspections and returns in relation to heritable properties.

SCHEDULE 5 Vacancy Procedures

Save in relation to the charge of St Andrew's Scots Church, Malta, where the provisions of the Local Ecumenical Partnership apply, and in any Charges where Mission Partner appointments are being made, on the occurrence of a vacancy or prospective vacancy in any Charge in the Presbytery, the provisions of the Vacancy Procedure Act (Act VIII 2003 as amended) (hereinafter referred to as 'the Act') shall apply only in so far as not inconsistent with the following provisions, which following provisions shall in that event prevail:

1. Vacancy Procedure Committee

As soon as the Vacancy Procedure Committee is aware of a vacancy or prospective vacancy, it shall:

- a) determine the release of the minister and the date on which the Charge will become vacant (in terms of s.4 of the Act);
- b) appoint an Interim Moderator for the Charge;
- c) appoint an Advisory Committee; and
- d) issue to the Kirk Session (or, where there is a financial board, to that board) of the vacant congregation, for completion and return, a Vacancy Schedule in a form specific to the Presbytery to set out (i) the details of congregational income, (ii) the proposed arrangements for payment of ministerial costs and expenses, and (iii) the costs and arrangements for the provision of a manse. The provisions of s.10(1) and (2) of the Act shall not apply.

2. Effective Date of Decisions of the Vacancy Procedure Committee

The Presbytery Clerk shall issue notice of the decisions of the Vacancy Procedure Committee in terms of Sch. A of the Act to the congregation and by email to all members of Presbytery, including the provision that these decisions shall become effective 7 days after notice is given, unless the Clerk receives valid notice under s.2(2) of the Act.

3. Vacancy Schedule

The Kirk Session or financial board of the vacant Charge must complete and return the following items to the Presbytery Clerk: (i) the Vacancy Schedule in the form provided by Presbytery, (ii) an Extract Minute of the Kirk Session "making a commitment fully and adequately to financially support the ministry" in the Charge and (iii) a duly completed Manse Condition Schedule.

4. Manse

Following receipt of the completed Manse Condition Schedule, the Fabric Committee of Presbytery shall arrange for the inspection of the manse and shall report to the Vacancy Procedure Committee on what action (if any) requires to be undertaken by the congregation before a date can be set for any introduction of the minister. The decision of the Vacancy Procedure Committee on considering that report will be advised to the Kirk Session, along with an instruction to carry out whatever works are required.

5. Permission to Call

- (1) On the Vacancy Procedure Committee being satisfied with the completed Vacancy Schedule, Extract Minute and Manse Condition Schedule and being satisfied that the Charge has no current or accumulated shortfalls in its contributions to central funds,

that the Charge can pay the costs of a minister in terms of the Vacancy Schedule and that the provisions of s.5 of the Presbytery Mission Plan Act (Act VIII 2021) are complied with, it shall consider whether it may give permission to call a minister in terms of the Presbytery Mission Plan approved under Act VIII 2021.

- (2) Any decision to grant permission to call shall be subject to the provisions of s.2 of the Act. For the avoidance of doubt, the provisions of section 8 of the Act do not apply.

6. Profile

The Kirk Session of the vacant congregation in preparing a draft Profile (once permission to call has been granted) shall include in it details from the Vacancy Schedule, including particularly details of salary level and ministry costs and the congregation's income, and shall also make reference to the Presbytery's Guidance for Ministers Taking Up or Demitting a Charge.

7. Eligibility for Election

For Charges in the Presbytery, section 18 of the Act shall include the holder of a Restricted Certificate of Eligibility in terms of section 12(c) of the Admission and Readmission of Ministers Act (Act XIII 2022).

8. Sustaining the Call

Once the Presbytery Clerk has received the Call and other required documents (in terms of s.29 of the Act), along with one of the following:

- (i) a Certificate of the minister's registration under Category O on the Register of Ministry, or
- (ii) a valid certificate of completion of training issued by the FAPLT (an Exit Certificate) which has not expired; or
- (iii) confirmation from the FAPLT that the minister has been granted a Restricted Certificate of Eligibility in respect of the Charge)

the Vacancy Procedure Committee will consider sustaining the Call and, provided (a) any works required to the manse have been satisfactorily completed and (b) the following Safeguarding requirements have been met, determine arrangements for the minister's introduction. No call can be sustained until the Presbytery receives evidence of the minister's membership of the PVG Scheme as defined in the Safeguarding Act (Act XVI 2018), or, in the case of a minister who is not a minister of the Church of Scotland, of reasonably equivalent clearance as required by the Safeguarding Service and appropriate to the jurisdictions both where the minister came from and will serve.

9. Guidelines

The Presbytery shall approve Supplementary Guidelines to those referred to in section 34 of the Act to provide details of the vacancy procedures specific to Charges in the Presbytery, in conformity with the provisions of this Schedule 5.

10. Notices

Notices may be given by pulpit intimation or by electronic means or by a combination of these methods.