

**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, ACTS II AND VII 2017, ACT V 2019 AND ACT VI 2021))**

*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 (including 6A & 6B), 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 Faith Nurture Forum 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 Faith Nurture Forum immediately following acceptance as a Prospective Candidate.
  - (b) The Candidate shall satisfy the Faith Nurture Forum of competence:
    - (i) in all areas of study prescribed from time to time by the Faith Nurture Forum, 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 Faith Nurture Forum and selected by the Candidate;

- (iii) in all areas of practical knowledge required by the Faith Nurture Forum, by satisfactory participation throughout their candidature in such residential courses and conferences as are prescribed by the Faith Nurture Forum;
- (iv) in attendance and participation at the Diaconate Council;
- (v) in the practice of the diaconal ministry, by completing to the satisfaction of the Faith Nurture Forum 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 Faith Nurture Forum 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 Faith Nurture Forum 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 Faith Nurture Forum and shall undertake training as specified by the Faith Nurture Forum. The supervisor shall be responsible for supervising the placement according to the guidelines and standards established by the Faith Nurture Forum and University, and shall produce assessment materials as required.
- (c) The assessment materials shall be assessed by the Faith Nurture Forum. It shall be competent for the Faith Nurture Forum 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 Faith Nurture Forum shall obtain from the universities lists of those Candidates who have satisfactorily completed their prescribed Course, whereupon the Head of the Faith Nurture Forum shall inform candidates that they have permission to commence their final placement.
- (b) The Faith Nurture Forum shall, in consultation with the Presbytery, decide whether to sustain the final placement after nine months.
7. The Faith Nurture Forum 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 Faith Nurture Forum.
- (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 XIII 2022 (as amended) shall apply to the diaconate *mutatis mutandis*.

#### **Transfer to the Ordained National Ministry**

10. *This section was deleted by Act V 2019.*

### **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 Forum, 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 Faith Nurture Forum 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 4 of the Parish Ministry Act (Act II 2018) 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 Forum, 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 Faith Nurture Forum, and the support of the Faith Nurture Forum 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 Appendices A, B and C, 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 (“Council”)**

#### **1. Functions**

The Functions of Council hereinafter constituted shall be:

- To promote the call to, and ministry of, the Diaconate of the Church of Scotland
- To support the Diaconate Rule of Life
- To provide fellowship and support to those engaged in Diaconal Service
- To formulate and express the collective views of the Diaconate to the wider Church
- To provide opportunity for in-service training and personal development
- To engage with those in similar ministries at home and overseas
- To support the Church in the selection, training and development of Deacons

#### **2. Constitution**

Council shall consist of:

All Deacons registered on the Register of Ministry in Category **E** or **R** who shall be voting members of Council.

In addition:

- Deacons registered on the Register of Ministry in Category **I** and those engaged in Diaconal Service within other denominations may attend Council at their own expense as corresponding members.
- The Faith Nurture Forum of the Church (the Forum”) will be represented by 3 attendees who will be corresponding members.
- Designated Guests invited by the Executive Committee on behalf of Council may attend Council.
- Diaconal Students and those undertaking probationary periods may be invited to attend Council as designated guests.

#### **3. Office – bearers**

The Office bearers shall be:

- A President, who shall hold office for four years and will not be eligible to serve consecutive terms of office.
- A Vice President, who shall hold office for four years and will not be eligible to serve consecutive terms of office.

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

Council shall approve the appointment of a Minute Secretary, who shall serve for two years and shall be eligible to serve consecutive terms of office.

## **4. Committees**

### **4.1 Executive Committee**

An Executive Committee of five shall be appointed by Council to attend to matters pertaining to the Diaconate and shall be constituted in a manner provided in Standing Orders.

The Executive Committee shall consist of the President and Vice-President, who shall be *ex-officio* and three members elected by Council in manner specified in Standing Orders.

The Executive Committee shall have the power to co-opt corresponding members or, where desirable, establish a Short Life Working Group to support the work of the Executive Committee.

Administrative support will be provided by the Forum.

### **4.2 Short Life Working Groups**

Council shall have power to establish, if it so desires, Short Life Working Groups to facilitate its business, consider aspects of Diaconal Ministry and to promote the Diaconate Rule of Life. Any such Short Life Working Group shall be given an agreed remit.

A Short Life Working Group shall nominate one of their number as "Chairperson" who will report on behalf of the Group to the Executive Committee. The Short Life Working Group can, if required and with the permission of the Executive Committee, appoint additional members where appropriate.

## **5. Finance**

Each year the Forum, in consultation with the Executive Committee, shall set an operational budget for Council. The Executive Committee shall be accountable for any budget set by the Forum.

Any proposal involving finance amounting to more than the total budget shall, before action is taken, be referred to the Forum.

The Executive Committee shall administer all Discretionary Funds (both Restricted and Designated) held on behalf of Council. In addition, and for the avoidance of doubt, the Executive Committee shall be responsible for the administration and application of the annual "Holiday Grant".

The Executive Committee may use the Discretionary Fund to make grants to members of the Church of Scotland Diaconate to support activities which are consistent with the Diaconate Rule of Life. In exceptional circumstances, the Executive Committee may consider an Emergency Hardship Grant, to help members of the Diaconate who are in financial need.

Applications for financial assistance should be made in writing to the President. All such applications and grants shall remain confidential.

## **6. Meetings**

Council shall meet twice a year. Usually one of the meetings shall be residential in nature. The Executive Committee will be responsible for setting the date of such Council meetings and shall make all necessary arrangements.

A draft calendar of meetings for the following twelve months shall be agreed and issued by the Executive Committee in October each year.

The Executive Committee, in agreement with the Forum, may in exceptional circumstances call an extraordinary meeting of Council.

Council shall meet in public or in private as the Executive Committee may decide or following a request under Standing Orders.

## **7. Procedure**

- The Executive Committee shall be responsible for all arrangements pertaining to Council including setting the date and the agenda.
- Worship during Council shall be coordinated by the President.
- Council shall appoint a Minute Secretary who shall record the minutes of Council.
- The cost of Council, including the travelling expenses of full members of Council, and designated guests, shall be met from the Council Budget.

Other procedures shall be as set out in Standing Orders.

## **8. Regional Diaconate Groups**

Council shall recognise and support the establishment of Regional Diaconate Groups. Regional Groups shall do all things necessary for, or incidental to, the functioning of Council, and shall be governed by the Constitution set out in Appendix C.

## **9. Alteration of Constitution**

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

# **APPENDIX B**

## **DIACONATE COUNCIL – STANDING ORDERS**

### **1. Procedure at Meetings**

- 1.1 The President, or in their absence the Vice-President, shall preside, whom failing Council shall appoint its own Chairperson *pro tempore*.
- 1.2 The President shall ensure that each session of Council be opened and closed with prayer.

### **2. Business Session**

- 2.1 The Business Session of Council shall include:
  - (1) Election of Office-bearers
  - (2) Roll of Honour
  - (3) Finance Report
  - (4) Establishment of, and reports from, Short Life Working Groups
  - (5) Where invited, appoint representatives to the Faith Nurture Forum of the Church or to other events

- (6) Reports from the General Assembly and the Standing Committees of the General Assembly
- (7) Initiation of discussion on any matters which concern the Diaconate, Diaconal Service and the wider interests of the Church
- (8) Recognition of, and reports from, Regional Groups annually
- (9) Welcome of guests from the Church at home, nationally and internationally
- (10) Welcome and presentation of Diaconal Students

2.2 Council shall normally meet in public, however where a matter is considered contentious, or relates to a sensitive issue, Council may meet in private. It shall be competent for the Executive Committee to move that such items be taken in private. The speaker on any item of business can also request that an item is taken in private, giving reasons briefly; the seconding shall be formal, and any vote necessary shall be taken without debate.

2.3 On a Point of Order being raised (it is necessary for a specific Standing Order to be specified) the President shall rule thereon and such ruling shall be accepted as the finding of Council.

### **3. Election of Office-bearers**

3.1 Nominations for the election of the President and Vice- President shall be sent to the Executive Committee by Regional Groups. Those nominated must have been ordained for at least three years, be a voting member of Council and agree to their nomination.

3.2 Each Regional Group shall send in a maximum of two nominations to the Executive Committee. Nominations will be selected from the membership of Council. Those nominated must have been ordained for at least three years, be a voting member of Council and agree to their nomination.

3.3 The election of Office Bearers shall take place by Postal Vote. The Executive Committee shall notify voting members of Council of nominations and will take all necessary steps to facilitate election of the Office Bearers.

3.4 The Executive Committee shall bring to Council recommendations for the post of Minute Secretary.

### **4. Executive Committee**

4.1 The President and Vice-President shall be *ex officio* members of the Executive Committee. The term of office shall run for 4 years from June 1<sup>st</sup> of the year elected.

4.2 Council will elect 3 members from their numbers to serve on the Executive Committee, one member to be elected annually.

4.3 Elected members shall serve for 3 years. Nominations to the Executive Committee can be made by Regional Groups or by individual members of Council. Those nominated must have been ordained for at least three years, be a voting member of Council and agree to their nomination.

4.4 Election to the Executive Committee will take place by Postal Vote. The Executive Committee shall notify members of Council of all nominations and will take all necessary steps to facilitate election of the Office Bearers.

### **5. Short Life Working Groups**



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

5.2 Members of Short Life Working Groups will be identified, and appointed, by the Executive Committee.

## **6. Minutes**

6.1 The Minutes Secretary shall record the Minutes of Council which shall be approved at the opening session of the next Council.

6.2 Full Minutes of the proceedings of Council shall be circulated to all members at least 15 days prior to the start of Council.

## **7. Reports**

7.1 Reports from Regional Groups shall be sent to the Executive Committee by the last day of February each year.

7.2 Reports from the Executive Committee and from Short Life Working Groups will be sent to Council Members along with the Agenda 15 days prior to the start of Council.

## **8. Any Other Business**

8.1 Regional Groups, individuals or Standing Committees of the General Assembly may request that an item be placed on the Agenda for Council, giving 15 days' notice to the Executive Committee. The Executive Committee shall decide if such business is competent.

8.2 When less than 15 days' notice has been given, the mover shall briefly introduce the item and Council shall, without discussion, decide by simple majority whether to take up the item of business or to depart from the matter.

## **9. Suspension of Standing Orders**

9.1 It shall be competent to suspend Standing Orders, or any one of them, in any particular case, but a motion to this effect shall not be carried unless it receives the support of at least two-thirds of the voting members present and voting on the question being put by the President.

## **10. Close of Council**

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

## **11. Alterations of Standing Orders**

11.1 Fifteen days' notice having been given, these Standing Orders may be altered by a two-thirds majority of voting members present at a meeting of Council.

# **APPENDIX C**

## **REGIONAL GROUP OF THE DIACONATE – CONSTITUTION**

1. The name shall be “Church of Scotland Diaconate Regional Group (area covered)”

## **2. Aim**

- To promote the call to, and ministry of, the Diaconate of the Church of Scotland
- To support the Diaconate Rule of Life
- To provide fellowship and support to those engaged in Diaconal Service
- To support the training of Diaconal students and those serving a probationary period within their bounds
- To communicate with the Executive Committee on matters concerning Diaconal Ministry
- To provide an opportunity for Deacons to reflect on matters concerning Diaconal Ministry or public interest

## **3. The aim shall be reached by:**

- Meeting at least twice each year
- Providing an opportunity for fellowship and the nurturing of devotional life as set out in the Diaconate Rule of Life
- Submitting an annual report to the Executive Committee in February each year for submission to Council
- Considering business sent to the Regional Group by the Executive Committee or Council
- Taking to Council matters concerning Diaconal Ministry

## **4. Membership**

- All Deacons registered on the Register of Ministry in Category **E** or **R** shall be full members of the Regional Group.
- All Deacons registered on the Register of Ministry in Category **I** may be associated but without voting rights.
- Diaconate students or those serving a probationary period shall be associated but without voting rights.
- Deacons of other denominations may be invited to be associated with a Regional Group.

## **5. Chairperson**

Each Regional Group shall appoint a Chairperson in accordance with a procedure agreed by the Regional Group in advance. The role of the Chairperson shall be:

- To act as a spokesperson for the Regional Group
- To ensure clear and timely communication between the Regional Group and Executive Committee
- To coordinate meetings of the Regional Group
- To coordinate communication between members of the Regional Group

## **6. Report for Council**

A report from each Regional Group will submit a report to the Executive Committee by the end of February each year.

## **7. Council Business**

Regional Groups or individuals may request an item of competent business to be placed on the Agenda of Council, giving 15 days' notice to the Executive Committee. Where shorter notice has been given, the mover shall briefly introduce the item and Council shall, without discussion, decide by simple majority whether or not to take up the item of business.

Any business brought forward by an individual Deacon, if rejected by the Regional Group, shall if desired by the Deacon, be forwarded by the Regional Group with full comments to the Executive Committee for consideration.

## **8. Election of President and Vice-President of Council**

On the occasion of the election of a President or Vice-President of Council, Regional Groups shall send to the Executive Committee by the end of October not more than two nominations.

Nominations shall be selected from the voting membership of Council. Those nominated must have been ordained for at least three years, be a voting member of Council and agree to their nomination.

Nominations to the Executive Committee shall be submitted to the Executive Committee by the Regional Group or by an individual. Nominations shall be sent to the Executive Committee by the end of October. Those nominated must have been ordained for at least three years, be a voting member of Council and agree to their nomination.

## **9. Change of Constitution**

Any request to change the constitution can be proposed by the Executive Committee or a Regional Group. Where the proposal is made by a Regional Group the Group should notify the Executive Committee for discussion and agreement at Council. As each Regional Group is governed by the same Constitution, such changes shall only become effective when approved by a two-thirds majority of the voting membership of Council.