

V. INTIMATION OF APPEALS ACT (ACT V 2004) (AS AMENDED BY ACT V 2012, ACT III 2013 AND ACT IX 2022)

Edinburgh, 15 May 2004, Session 1

The General Assembly, with the consent of a majority of Presbyteries, enact and ordain as follows:

Right to appeal from decision

1. As from the date of this Act, and subject to the exclusions and qualifications in sections 3 and 4, a person with a legitimate interest and aggrieved by a decision of a Kirk Session or Financial Board may within fourteen days of the decision intimate an appeal against that decision by Note of Appeal. The Note of Appeal shall set out in brief specific numbered propositions the grounds on which the appeal is taken. Such an appeal can be brought only on one or more of the following grounds: (a) an error in Church law; (b) breach of the principles of natural justice or material irregularity of process; (c) decisions influenced by incorrect material facts; and, (d) any sanction imposed is excessive. The Appellant shall intimate the appeal by delivering the Note of Appeal to the clerk of the court against whose decision the appeal is taken and the Presbytery Clerk.
2. The Clerk of a court shall advise persons present at the hearing at which the court takes the decision of their right to appeal under this Act.

Exclusions and qualifications

3. The right of appeal conferred in section 1 shall not apply to the members of the court which took the decision in question. Such persons will have the right to dissent and complain.
4. The right of appeal conferred in section 1 does not apply where the Acts and Regulations of the General Assembly specifically provide another appeal procedure.

Interim regulation

5. The court against whose decision an appeal is taken under this Act shall have power, on their own initiative or on the application of an interested person, to regulate matters relating to the decision, including giving interim effect to the decision, pending the determination of the appeal.

Interpretation

6. "Financial Board" means the body responsible for managing the finances of a congregation, including a Congregational Board, Deacons' Court, Committee of Management or Kirk Session.