

**X. ELECTION AND ADMISSION OF ELDERS AND DEACONS ACT (ACT X 1932)
(AS AMENDED BY ACTS XXVIII 1996, II 1998, VII 2000 AND I AND II 2019)**

Edinburgh, 26th May 1932, Session 5.

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

ELDERS

1. The Kirk Session shall determine the number of elders required for the oversight of the congregation, and the time when a new election is to take place. The Kirk Session shall determine the mode of election, which may be either by the choice of the Kirk Session itself as provided for in Section 2, or by the direct vote of the members of the congregation as provided for in Sections 3 and 4.

Election by Resolution of Kirk Session

2. The Kirk Session itself may elect as elders, when an addition to the number of elders is considered necessary, such persons as are deemed suitable for the office who shall be members of the congregation in full communion and shall have attained the age of eighteen years. In this case the Kirk Session shall confer with those who are so chosen, and upon obtaining their consent shall proceed to their ordination and admission in terms of Sections 7, 8 and 9.

Election by Vote of Congregation

3. When the Kirk Session has resolved that it is expedient to have an election of elders, and has fixed the number to be elected, and the date of the election, and has resolved that the method of election be by vote of the members of the congregation, due intimation thereof shall be made at this time of public worship, on the two successive Sundays preceding the date of election. It is desirable to give the congregation even earlier intimation of an intended election so that the members may have time to inquire regarding persons suitable for the office, who shall be members of the congregation in full communion and shall have attained the age of eighteen years.
4. The election of elders by vote of the congregation may be made in either of the two following modes, viz: (a) At a congregational meeting held in the presence of the Kirk Session *for the purpose of nominating persons for the office*, to be voted upon, if necessary, as the meeting may determine. (b) By *signed lists*. The Kirk Session shall determine in which of these ways the election shall be made; and give directions to the members accordingly when intimating that the election is to be made.
 - (a) When mode (a) is followed, intimation shall be made on at least two Sundays immediately preceding the meeting, that a congregational meeting will be held *for the purpose of nominating persons for the office of eldership*; with certification that if the number nominated does not exceed the number required, those nominated will be declared to be elected, subject to the judgement of the Kirk Session (see Section 5), and that if the number nominated exceeds the number required, a vote of the congregation on those nominated will be taken by standing up or by voting papers, as the meeting may determine. The Moderator of the Kirk Session or a minister of the church authorised by him or her in writing shall preside and open the meeting with devotional exercises. The names proposed and seconded shall be taken down. After full opportunity has been

given for proposing names, the Moderator shall ascertain whether any additional names are to be proposed, and if none are proposed the leet shall be declared closed. If the number on the leet does not exceed the number of elders required, the Moderator thereupon shall declare them elected to the office of the eldership, subject to the judgement of the Kirk Session. (See Section 5). If the number on the leet exceeds the number required, the Moderator shall engage in prayer for the divine guidance in the election; and the meeting shall decide whether the vote will be taken by standing up, or by voting papers issued to the members of the congregation. If it is agreed to vote by standing up, the names shall be submitted successively to the meeting in the order in which they have been nominated, and shall be voted upon by the meeting. No member shall vote for more than the number for which the congregation is asked by the Kirk Session to vote. Those, to the number required, having the highest number of votes shall be declared to be elected, subject to the judgement of the Kirk Session (See Section 5.)

If the meeting resolve that voting papers be used, the meeting shall be closed. The Kirk Session thereafter shall cause voting papers to be prepared and distributed to the members of the congregation, containing the names of those on the leet arranged in alphabetical order, together with full instructions as to marking, signing, and returning the voting papers on or before a time appointed by the Kirk Session. The voting papers shall be examined, and the votes shall be counted by the Kirk Session; and those, to the number required, who have the largest number of votes shall be declared to be elected, subject to the judgement of the Kirk Session. (See Section 5.)

(b) Where mode (b) is followed, the Kirk Session by intimation made from the pulpit shall request the members to give in lists containing the names, to a number not exceeding that which the congregation is asked to vote for, of members of the congregation in full communion whom they desire to be elected; each list being duly signed by the member or members voting by it, and being given in at the place and by the time fixed by the Kirk Session.

The lists shall be examined, and the votes counted by the Kirk Session; and those, to the number required, who have the largest number of votes shall be declared to be elected, subject to the judgement of the Kirk Session. (See Section 5.)

The Kirk Session, when intimating the number of elders required, may call upon the congregation to vote for a number as nearly as may be one-half more than the number required; as six when four, or eight when five are required. If this is done, those to the number required who have the highest number of votes, whatever mode of voting is followed, shall be held to be elected; but should the election of any of them not be sustained, or should any decline to accept office, the next highest shall be held to be elected, provided the session judges that a sufficient number of votes has been given for him or her; and so on, if necessary, until the whole number for which the congregation has been asked to vote is exhausted. Or should the Session judge it advisable, it may, when the result of the vote is ascertained, at once declare to be elected those for whom most votes are given, up to the number for which the congregation was asked to vote. (For Form of Intimation see Schedule, A.

5. The Kirk Session shall judge of the qualifications of those elected before sustaining their election. As part of this process, the Kirk Session shall require all elders-elect to confirm that they have not previously been ordained as an elder in the Church of Scotland and then resigned that status or had that status judicially removed. No one shall be admitted as a ruling elder if the Kirk Session be not satisfied with his or her qualifications, unless its judgement be reversed by a higher Court. When the Kirk Session is satisfied as to the fitness of the persons elected, and has sustained their election, it shall confer with them in regard to their acceptance of office; and on obtaining their acceptance it shall appoint the time of their ordination or admission, and shall proceed in terms of Sections 7, 8 and 9.

Provision for Fixed Term Membership of Kirk Session

6. Notwithstanding the fact that an elder is ordained for life, a Kirk Session may determine, in advance, that the admission of any particular elder to membership of the Kirk Session should be for a prescribed fixed term period. Such fixed term membership may subsequently be extended by agreement of the Kirk Session and with the concurrence of the individual elder concerned. In the absence of such agreed extension, on the expiry of the fixed term period any such elder shall cease to be a member of the Kirk Session, but shall remain eligible for readmission, if so invited by the Kirk Session, at a future date.

Admission to Office

7. The Session Clerk shall prepare an edict to be read from the pulpit on two Sundays giving intimation that if any person have objection to the life or doctrine of any of those proposed to be ordained or admitted, such objection shall be given in to the Session at a meeting duly intimated in the edict, to be held not less than seven free days after the edict is first served; with certification that if no objection be given in and substantiated at the time and place of which notice is given, the Kirk Session will proceed with the ordination or admission at the time appointed for it. (For Form of Edict see Schedule, C and D.)
8. At the time and place intimated in the edict the Kirk Session shall meet to receive any objection which may be offered. The edict shall be returned, certified as duly served. Any objection made shall refer to the life or doctrine of the elder-elect. If any objection is made, and forthwith substantiated, or if the Kirk Session judge that further inquiry is necessary, the Kirk Session shall not proceed to the ordination or admission of the person objected to until the objection is disposed of. Objections which in the judgment of the Kirk Session are frivolous or unsupported by evidence shall be set aside, and the ordination or admission proceeded with.
9. The ordination and admission to office shall take place in presence of the congregation, at a diet of public worship. The Kirk Session having been constituted, the Moderator shall narrate the steps that have been taken, and put the prescribed question. On receiving satisfactory answers, and after the elders-elect have signed the Formula, the Moderator shall admit to office in the congregation any who have already been ordained to the eldership, and ordain by prayer and admit to the office of ruling elder in the congregation those not previously ordained, commending them to the grace of God for the work to which they are appointed; the right hand of fellowship shall be given by the Moderator and other members of Kirk Session to the newly

admitted elders, and the service concluded with suitable exhortations to them and to the congregation. Thereafter the newly ordained and admitted elders have their names added to the roll, and take their seats in the Kirk Session. (For Question and Formula see Schedule, E and G.)

DEACONS

10. The Kirk Session shall determine when it is expedient to have an election of deacons, and what number is required. The Kirk Session shall exercise precisely the same functions with reference to the election and ordination or admission of deacons as in the case of elders in accordance with the procedure outlined in Sections 3-9. It is not desirable that a vote for election of elders and deacons be taken at the same time. (For Question and Formula see Schedule, F and G.)
11. Minutes of all proceedings in connection with the election, ordination, and admission of elders and deacons shall be recorded in the Minute-Book of the Kirk Session.
12. In place of the above method of electing deacons, congregations may resolve that the office of deacon shall be held by persons, being male or female, members of the congregation in full communion and eighteen years of age, who shall, without ordination, be appointed thereto for a term of years.
Such terminable appointment to the office of deacon shall be for a period of three years, and the regulations governing the election and appointment of managers and members of a congregational board shall apply to the election and appointment of deacons after this method.
The names of deacons thus elected who accept office shall be read over to the congregation on the first convenient Sunday after their election, and the minister shall commend them in prayer to the grace of God for the work to which they have been appointed.
Resolutions involving changes in the constitution of a Deacons' Court shall be adopted either at a congregational meeting duly appointed by the Kirk Session and held for that express purpose, of which full intimation has been previously given on at least two Sundays; or by voting papers, the issue of which shall be similarly authorised and intimated by the Kirk Session. (See Schedule B.)
When a proposal for changing the method of administering its temporal affairs is before a congregation, no step shall be taken by the Kirk Session towards the election of persons to any such office until the proposal for change has been disposed of.
In the event of a congregation making the above change as regards the persons eligible for the deaconship and the tenure of their office, such change shall be duly notified to the Presbytery.

Election of Representative Elder to Presbytery and Synod

N.B. This Section has been superseded by Act III, 1992, Sections 18-20 and Act V, 1992 and Act VI, 1992.

SCHEDULE

- A. **INTIMATION OF ELECTION OF ELDERS**
 - (a) **At a Congregational Meeting**

The Kirk Session has decided that the number of elders in this congregation shall be increased by (number), and the new elders shall be nominated at a meeting of the congregation.

Therefore a meeting of this congregation will be held in (place) on (date) at (time) for this purpose. If the number nominated does not exceed (the same number as above), those nominated will be declared to be elected, subject to the approval of the Kirk Session. If the number nominated exceeds (the same number as above), a vote will be taken by standing up or by voting papers as the meeting may determine.

This intimation is the formal legal notice for this process.

By order of the Kirk Session

..... *Session Clerk*

(b) By Signed Lists

The Kirk Session has decided that the number of elders in this congregation shall be increased by (number), and the method of election shall be by means of signed lists. Members are therefore requested to hand in lists, signed by the members giving them in. Such lists should contain the names of members of the congregation suitable for the office of eldership, and each list should not exceed (same number as above) names in all (there should follow details of the arrangements for the receiving of lists, including a time limit).

By order of the Kirk Session

..... *Session Clerk*

Note: Amend wording appropriately where any of the elders are to have fixed term membership of the Kirk Session in terms of section 6.

B. INTIMATIONS FOR THE ELECTIONS OF DEACONS

(A) Life-Appointment. The same forms shall be used, *mutatis mutandis*, as for election of elders.

(B) Appointment for a term of years.

(a) A meeting of this congregation will be held (place) on (date) at (time) to consider whether the office of deacon in this congregation shall be held by communicant members of the congregation over 18 years of age, who without ordination will be set apart to office for three years.

(b) The Kirk Session has decided to take a vote of the congregation on the question whether the office of deacon in this congregation shall be held by communicant members of the congregation over eighteen years of age, who without ordination will be set apart to office for three years. The vote will be by voting papers and (there follow the arrangements for the issuing and receiving of voting papers, including a time limit).

By order of the Kirk Session

..... Session Clerk

Note. – When deacons are elected by the latter manner, the election may take place either at the Annual Business Meeting or by means of voting papers in accordance with a plan which the congregation shall appoint.

C. EDICT FOR ORDINATION AND ADMISSION OF ELDERS

(List the names in alphabetical order using the normal first name, not initials), members of this congregation have been elected to be ruling elders (and the Kirk Session has judged them to be qualified for that office and has sustained their election)*; (list the names) have accepted office as elders: if anyone has any objections why any of these members should not be ordained (or (if any of those elected are already ordained elders) admitted) to office, they state their objection at the meeting of the Kirk Session in (place) on (date) at (time); if no relevant objection regarding life or doctrine is made and substantiated, the Kirk Session will proceed to the ordination (or ordination and admission).

By order of the Kirk Session

..... Session Clerk

**Omit words in brackets when election is made in terms of Regulation 2*

*Notes. – (1) The same form is used, mutatis mutandis, when deacons are to be ordained.
(2) Amend wording appropriately where any of the elders are to have fixed term membership of the Kirk Session in terms of section 6.*

D. ATTESTATION OF EDICT BEING SERVED

Church, the day of , 20
The above edict was this day duly served by me, in the face of the congregation.

..... Minister (or, preacher)

E. PREAMBLE, QUESTION AND FORMULA FOR USE AT ORDINATION AND ADMISSION OF ELDERS

Preamble

The narrative shall be read and, the elders-elect having taken their places before the Session, the Moderator shall declare as follows:-

In the name of the Lord Jesus Christ, the King and Head of the Church, Who, being ascended on high, has given gifts to God's people for the edifying of the body of Christ, we are met here as a Kirk Session to ordain A, B, C, D, etc., to the eldership, and to admit E, F, G, H, etc., into that office in this congregation.

In this act of (ordination and/or) Admission the Church of Scotland, as part of the Holy Catholic or Universal Church worshipping One God – Father, Son and Holy Spirit – affirms anew its belief in the Gospel of the sovereign grace and love of God, wherein through Jesus Christ, His only Son, our Lord, Incarnate, Crucified, and Risen, He freely offers to all people, upon repentance and faith, the forgiveness of sins, renewal by the Holy Spirit, and eternal

life, and calls them to labour in the fellowship of faith for the advancement of the Kingdom of God throughout the world.

The Church of Scotland acknowledges the Word of God, which is contained in the Scriptures of the Old and New Testaments, to be the supreme rule of faith and life.

The Church of Scotland holds as its subordinate standard the Westminster Confession of Faith, recognising liberty of opinion on such points of doctrine as do not enter into the substance of the Faith, and claiming the right, in dependence on the promised guidance of the Holy Spirit, to formulate, interpret, or modify its subordinate standards: always in agreement with the Word of God and the fundamental doctrines of the Christian Faith contained in the said Confession – of which agreement the Church itself shall be sole judge.

Then the Moderator, addressing the elders-elect, who are to stand and make answer to the question put to them, shall say:-

In view of this Declaration you are now required to answer this question:-

Do you believe the fundamental doctrines of the Christian faith; do you promise to seek the unity and peace of this Church; to uphold the doctrine, worship, government, and discipline thereof; and to take your due part in the administration of its affairs?

The question having been answered to the satisfaction of the Session and the Formula having been signed by the elders-elect, the Moderator, by prayer, shall ordain them to the office of the eldership.

Thereafter the Moderator shall add these words:-

(I now declare you to have been ordained to the office of the eldership, and) in the name of the Lord Jesus Christ, the King and Head of the Church, I admit you to office in this congregation. In token thereof we give you the right hand of fellowship.

Note. – The words in brackets shall be omitted when the elders-elect have been formerly ordained.

F. ORDINATION OF DEACONS

The same preamble shall be read, mutatis mutandis, and the same question shall be put to deacons as to elders.

G. FORMULA TO BE SIGNED BY ALL OFFICE-BEARERS

I believe the fundamental doctrines of the Christian faith contained in the Confession of Faith of this Church.

I acknowledge the Presbyterian government of this Church to be agreeable to the Word of God, and promise that I will submit thereto and concur therewith.

I promise to observe the order of worship and the administration of all public ordinances as the same are or may be allowed in this Church.