

## **II REGISTRATION OF MINISTRIES ACT (ACT II 2017) (AS AMENDED BY ACTS VIII AND XIV 2018, I 2019, V 2020 and II 2024)**

*Edinburgh, 20 May 2017, Session I*

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

### **Definitions**

1. a) “the Register” shall mean the Register of Ministry, created and maintained in terms of this Act.
- b) “the Rules of Procedure” shall mean the Rules of Procedure applying to the Registration of Ministries Committee, as specified in Schedule 1 of this Act. The Legal Questions Committee shall have powers to make subsequent amendments to the Rules of Procedure, and such amendments shall be reported to the following General Assembly.
- c) the “Criteria for Assessment” shall mean the criteria used by the Registration of Ministries Committee when assessing applications related to the Registration of Ministry, as specified in Schedule 2 of this Act. The Legal Questions Committee shall have powers to make subsequent amendments to the Criteria for Assessment, and such amendments shall be reported to the following General Assembly.
- d) “the Registration of Ministries Committee” (“the Committee”) shall mean a Committee appointed by the General Assembly as a Standing Committee, in terms of the Standing Orders of the General Assembly, which Committee shall be constituted as specified in the Rules of Procedure and shall have the task of dealing with various applications related to the Registration of Ministry.
- e) “Minister of Word and Sacrament” shall be understood to include the following sub-categories:
  - (i) “Minister” shall mean an individual who has been ordained to ministry as defined in section 1(d) of the Selection and Training for Full-Time Ministry Act (Act X 2004).
  - (ii) “Ordained Local Minister” shall mean an individual who has been ordained to ministry as defined in the Ordained Local Ministry Act (Act IX 2011).
  - (iii) “Auxiliary Minister” shall mean an individual who has been ordained to ministry as defined in the Auxiliary Ministry Act (Act XIII 2003).
- f) “Deacon” shall mean an individual who has been ordained to ministry as defined in the Deacons Act (Act VIII 2010).

### **The Registration of Ministries Committee**

2. There shall be a Registration of Ministries Committee and it shall operate according to the Rules of Procedure.

### **The Register of Ministry**

3. There shall be a Register of Ministry, which shall list all individuals who hold status as Ministers of Word and Sacrament, or as Deacons, within the Church of Scotland.
4. For each individual, the Register shall specify:

- (i) the name, address and contact details of the individual,
- (ii) the Presbytery having jurisdiction over the individual according to the Church Courts Act (Act III 2000),
- (iii) the ministry to which the individual has been ordained,
- (iv) the Category of registration for that individual, by specifying for that individual the Category **O**, **E**, **R**, **I**, **L**, or **S**, with the meaning stated below, and
- (v) the date from which that Category of registration applies.

### **Initial creation of the Register**

- 5. The provisions contained in sections 6 and 7 shall apply to the initial creation of the Register, in the period following implementation of this Act.
- 6. Upon the implementation of this Act, each Presbytery shall proceed to compile its section of the Register in respect of individuals within its jurisdiction. Each Presbytery shall ensure that all Ministers of Word and Sacrament, and Deacons, within its jurisdiction shall be entered on the Register in a Category **O**, **E**, **R**, **I**, **L** or **S**, as appropriate to their type of ministry and circumstances, as specified below. Each Presbytery shall submit their section of the Register to the Faith Nurture Forum by 1 October 2017, with a view to the Faith Nurture Forum commencing operation and maintenance of the Register from 1 January 2018. On that date all provisions of Acts of the General Assembly dealing with Practising Certificates or Qualified Practising Certificates shall cease to have effect.
- 7. The initial decision as to the Category in which each individual Minister of Word and Sacrament, or Deacon, should be entered shall lie with the relevant Presbytery. Any individual dissatisfied with that initial decision shall be entitled to query the Presbytery's decision with a view to having his or her categorisation amended to his or her satisfaction through discussion. In the event of any such individual remaining dissatisfied with the Category in which he or she has been entered, then he or she shall have the right of appeal to the Ministries Appeal Panel in terms of section 33 of this Act.

### **Maintenance of the Register**

- 8. Once the Register has been initially compiled, the Faith Nurture Forum shall maintain the Register, with the assistance of Presbyteries.
- 9. Upon ordaining an individual, as a Minister of Word and Sacrament or as a Deacon, or upon admitting the holder of a Certificate of Eligibility awarded in accordance with the Admission and Readmission of Ministers Act (Act XIII 2022) to membership of Presbytery, the Presbytery concerned shall send a relevant extract minute to the Faith Nurture Forum. On receipt of such an extract minute, the Faith Nurture Forum shall enter the individual on the Register of Ministry according to the Category specified by Presbytery, subject to the following provisos:
  - (i) A Minister of Word and Sacrament shall upon ordination or admission be entered in Category **O**, but if he or she is not appointed to a post which requires Category **O** registration within three years thereafter, then his or her Category **O** registration shall lapse on the third anniversary of the date on which the relevant Exit Certificate, or Certificate of Eligibility, was first granted. Thereafter the said individual shall either be registered in Category **E** in accordance with section 24, or else shall be entitled to choose between Category **R** or Category **I** registration and shall inform Presbytery of his or her choice.
  - (ii) A Deacon shall initially be entered in Category **E** or in Category **R**.

Any individual dissatisfied with that initial decision shall be entitled to query the Presbytery's decision with a view to having his or her categorisation amended to his or her satisfaction through discussion. In the event of any such individual remaining dissatisfied with the Category in which he or she has been entered, then he or she shall have the right of appeal to the Ministries Appeal Panel in terms of section 33 of this Act.

10. Upon written request by an individual, the Faith Nurture Forum shall provide to that individual a certified extract of his or her entry on the Register.

### Categories of registration for different types of ministry

11. All Ministers, as defined in section 1(e)(i) above, shall be entered on the Register in one of the following categories, with the following meanings:

Category	Meaning	Examples
<b>O</b>	Authorised to hold a pastoral charge and to perform the functions of ministry generally. For the avoidance of doubt, an individual who holds Category <b>O</b> registration is authorised to perform the functions of ministry in Category <b>E</b> or Category <b>R</b> .	Parish ministers; Interim ministers, Transition ministers and Associate Ministers.
<b>E</b>	Authorised to perform the functions of ministry in connection with an employed ministry post, which is either defined within sections 11 – 13 of the Church Courts Act (Act III 2000), or has been agreed by the Presbytery of the bounds to be a post of equivalent nature in which the functions of ministry would be legitimately discharged. Also authorised to perform the functions of ministry in other circumstances, but not to hold a pastoral charge.	Chaplains (including Regular Forces' Chaplains); Ministers with employment contracts, with the exception of those listed under Category <b>O</b> above.
<b>R</b>	Retaining status as a minister and authorised to perform the functions of ministry outwith an appointment covered by Category <b>O</b> or Category <b>E</b> .	This may include retired ministers whose Category <b>O</b> registration has lapsed and those who have retired in accordance with the Long-Term Illness of Ministers Act (Act XV 2002).
<b>I</b>	Inactive – retaining status as a minister but no longer authorised to perform the functions of ministry, save where authorised under section 16 of this Act.	This may include an individual who declares to Presbytery that he/she no longer intends to perform the functions of ministry. It may also include a person so registered by Presbytery.
<b>L</b>	Authorised to perform the functions of ministry on a limited basis, as specified in a Legally Binding Agreement, in terms of section 29 of this Act.	
<b>S</b>	Suspended judicially in terms of the Discipline of Ministry Act (Act III 2001) or the Discipline Act (Act I 2019). For the avoidance of doubt,	

	this does not include an individual who has been administratively suspended under Act III 2001 or Act I 2019.	

12. All Ordained Local Ministers and Auxiliary Ministers, as defined in sections 1(e)(ii) and 1(e)(iii) above, shall be entered on the Register in one of the following categories, with the following meanings:

Category	Meaning	Examples
<b>O</b>	Authorised to hold a designated appointment as an OLM, or as an Auxiliary Minister and to perform the functions of ministry generally. For the avoidance of doubt, an individual who holds Category <b>O</b> registration is authorised to perform the functions of ministry in Category <b>R</b> .	For an OLM this would be an appointment made in accordance with section 12(1) of Act IX 2011, and for an Auxiliary Minister this would be an appointment made in accordance with section 2(a) of Act XIII 2003.
<b>R</b>	Retaining status as a minister and authorised to perform the functions of ministry outwith an appointment covered by Category <b>O</b> .	
<b>I</b>	Inactive – retaining status as a minister but no longer authorised to perform the functions of ministry, save where authorised under section 16 of this Act.	This may include an individual who declares to Presbytery that he/she no longer intends to perform the functions of ministry. It may also include a person so registered by Presbytery.
<b>S</b>	Suspended judicially in terms of the Discipline of Ministry Act (Act III 2001) or the Discipline Act (Act I 2019). For the avoidance of doubt, this does not include an individual who has been administratively suspended under Act III 2001 or Act I 2019.	

13. All Deacons, as defined in section 1(f) above, shall be entered on the Register in one of the following categories, with the following meanings:

Category	Meaning	Examples
<b>E</b>	Authorised to hold a recognised diaconal appointment or post and to perform the functions of the diaconate generally.	This will include any Deacon holding a recognised diaconal appointment in accordance with section 11 of Act VIII 2010.
<b>R</b>	Retaining status as a Deacon and authorised to perform the functions of the diaconate outwith an appointment covered by Category <b>E</b> .	
<b>I</b>	Inactive – retaining status as a Deacon but no longer authorised to perform the functions of	This may include an individual who declares to

	the diaconate save where authorised under section 16 of this Act.	Presbytery that he/she no longer intends to perform the functions of the diaconate. It may also include a person so registered by Presbytery.
<b>S</b>	Suspended judicially in terms of the Discipline of Ministry Act (Act III 2001) or the Discipline Act (Act I 2019). For the avoidance of doubt, this does not include an individual who has been administratively suspended under Act III 2001 or Act I 2019.	

### Functions of ministry

14. The functions of ministry referred to in sections 11 and 12 above shall be:

- (1) the conduct of public worship;
- (2) the administration of the sacraments; and
- (3) the solemnisation of marriage.

### Functions of the diaconate

15. The functions of the diaconate referred to in section 13 above shall be:

- (1) the exercise of a ministry of an evangelistic, pastoral, educational or social nature, including the conduct of public worship as need arises; and
- (2) 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. For the purposes of the conduct of marriages, section 4 of the Parish Ministry Act (Act II 2018) shall apply to Deacons.

### Occasional exercise of the functions of Ministry or functions of the diaconate by persons having Category I registration

16. A person holding Category I registration may on a particular occasion undertake the functions of ministry or the functions of the Diaconate, as the case may be, subject to first having obtained the permission of the Presbytery Clerk.

### Locum Tenens

17. Any Minister of Word and Sacrament, or Deacon, with an **O, E or R** registration shall be entitled to work as a locum tenens, subject to the following proviso: an Ordained Local Minister or Auxiliary Minister may only work as a paid locum tenens where he or she is already working in a designated Ordained Local Ministry, or Auxiliary Ministry, appointment and has already fulfilled the requirements of that appointment.

### Forces' Chaplains

18. The Faith Nurture Forum, in consultation with the Committee on Chaplains to Her Majesty's Forces, shall arrange appropriate input to the annual conference for Forces' Chaplains, with a view to keeping Regular Chaplains up to date with ongoing developments in ministry and in relevant aspects of practice and procedure, and

thereby facilitating applications for Category **O** registration from any such Chaplains upon leaving the Forces.

### **Specific provisions applying to Category **O** registration**

19. At the date on which an individual ceases to hold an appointment requiring Category **O** registration, thereafter he or she may choose to retain his or her Category **O** registration for a period of up to two years, subject to the following exceptions which shall result in immediate re-categorisation:
- (i) Where Categories **L** or **S** pertain.
  - (ii) Where an individual is added to the supplementary lists **G**, or **D** as outlined in section 34.
  - (iii) Where an individual is leaving a post for reasons of ill health, in which case he or she shall be entitled to choose between Category **R** or Category **I** registration and shall inform Presbytery of his or her choice,
  - (iv) Where an individual is demitting his or her first charge within the first five years of ministry and the Presbytery is not satisfied that there are exceptional circumstances which justify this in accordance with section 4(2) of the Vacancy Procedure Act (Act VIII 2003), in which case he or she shall be entitled to choose between Category **R** or Category **I** registration and shall inform Presbytery of his or her choice.
  - (v) Where an individual is retiring at the age of seventy three (73) or thereafter, in which case Category **O** registration shall not be granted for a full two years but only until the date of his or her seventy-fifth birthday, subject always to the possibility of extension of that Category **O** registration to a date determined in accordance with the Continuing Parish Ministry Beyond the Age of 75 Regulations (Regs II 2018).

In the event of such an individual not taking up a relevant appointment within that two year period, then his or her Category **O** registration shall lapse. Thereafter he or she shall either be registered in Category **E** in accordance with section 24, or else shall be entitled to choose between Category **R** or Category **I** registration and shall inform Presbytery of his or her choice.

If an individual chooses not to retain Category **O** registration, then he or she shall be entitled to choose between Category **R** or Category **I** registration and shall inform Presbytery of his or her choice.

20. At the date on which an individual has been newly granted Category **O** registration by the Registration of Ministries Committee, thereafter he or she shall remain qualified to seek a relevant appointment for a period of two years. In the event of an individual not taking up such an appointment within that time, then his or her Category **O** registration shall lapse. Thereafter he or she shall either be registered in Category **E** in accordance with section 24, or else shall be entitled to choose between Category **R** or Category **I** registration and shall inform Presbytery of his or her choice.

### **Annual Review of Categories of registration**

21. There shall be a process of annual review of the Categories of registration then appearing on the Register for each individual, to determine whether any changes are necessary or appropriate, which process of annual review shall proceed as set out in this section 21. The first process of review shall commence in March 2018.

- (1) Not later than 31 March each year, the Faith Nurture Forum shall send to each Presbytery Clerk an extract from the Register, listing all individuals within the

jurisdiction of that Presbytery whose names appear on the Register and providing for each individual the existing registration information specified in section 4 of this Act.

- (2) Not later than 30 April each year, the Presbytery Clerk shall write to:
- (i) Any individual who still holds Category **O** registration, but without holding a relevant post, informing him/her of the date on which his/her Category **O** registration shall lapse in terms of section 20 above. If the relevant date is reached without the individual obtaining a Category **O** post, then the individual concerned shall then be entitled to choose between Category **R** or Category **I** registration and shall inform Presbytery of his or her choice.
  - (ii) Any individual who still holds Category **E** registration, but without holding a relevant post, informing him or her that his or her Category **E** registration has lapsed. The individual concerned shall then be entitled to choose between Category **R** or Category **I** registration and shall inform Presbytery of his or her choice.
  - (iii) Any individual holding Category **R** registration enquiring whether or not they wish such registration to be renewed and requesting details of ministerial functions exercised during the preceding year. Upon receipt of such information, Presbytery shall determine whether to allocate Category **R** or Category **I** to that individual.
  - (iv) Any individual holding Category **I** registration and whose circumstances are not known to the Presbytery, asking him or her to inform Presbytery if during the previous twelve months he or she has left the communicant membership of the Church of Scotland. On receiving such notice, then the name of that individual shall be removed from the Register.

In each such case the Presbytery Clerk shall specify to the individual concerned that any relevant information must be submitted to Presbytery by 31 May.

- (3) After 31 May each year, each Presbytery shall assign each and every individual on its section of the Register to a Category of registration for the following year commencing 1 July, based upon the information supplied in terms of sub-section (2) above. For the avoidance of doubt, where Presbytery requests information but that is not forthcoming, Presbytery shall be entitled to allocate a Category of registration as it sees fit. An individual shall generally remain in the same Category of registration unless there has been a change of circumstances which makes another Category more appropriate. Presbytery shall submit the said section of the Register to the Faith Nurture Forum by 30 June.

### **Appeals arising from annual review process**

22. Any individual who is dissatisfied with his or her Category of registration as annually allocated by Presbytery may appeal to the Ministries Appeal Panel in terms of section 33 of this Act.

### **Intermediate re-categorisation by Presbyteries or by the Faith Nurture Forum**

23. Each of the Presbytery and the Faith Nurture Forum shall have the right to re-categorise any individual's entry on the Register immediately upon becoming aware of a change in his or her circumstances. If such re-categorisation is made by Presbytery it shall immediately advise (i) the individual and (ii) the Faith Nurture Forum. If such re-categorisation is made by the Faith Nurture Forum it shall immediately advise (i) the

individual and (ii) the Presbytery. For the avoidance of doubt, (i) a re-categorisation may include removal of the individual from the Register, in which case sections 34 and 35 below may apply, (ii) any Minister of Word and Sacrament or Deacon may also have his or her registration adjusted or removed at any time as a consequence of judicial process and (iii) where an individual completes a transfer from one type of ministry to another in terms of the Transfer Between Ministries Act (Act V 2019), the individual concerned may promptly be re-categorised accordingly on the Register of Ministry.

24. If a Minister or Deacon currently holding Category **O**, **R** or **I** registration takes up an employed post as defined in section 11 or section 13 of this Act, that individual shall be re-categorised as Category **E** except in the following circumstances:
- (i) if he or she is choosing to retain Category **O** registration under section 19 of this Act; and
  - (ii) if he or she left a post for reasons of ill-health, then an application for Category **E** registration must be made to the Registration of Ministries Committee under section 30 of this Act before any re-categorisation can occur.
25. Any individual dissatisfied with their Category of registration as re-categorised by Presbytery or the Faith Nurture Forum may appeal to the Ministries Appeal Panel in terms of section 33 of this Act.

### **Moving Presbytery**

26. If an individual wishes to move to the bounds of another Presbytery then he or she shall first obtain a certified extract of his or her entry on the Register in terms of section 10 of this Act. Such extract shall be exhibited by the individual to the Clerk of the Presbytery to which he or she wishes to transfer. On accepting an individual under its jurisdiction, a Presbytery shall be entitled to re-categorise that individual's entry on the Register in terms of section 23, subject always to the individual's right of appeal under section 25.

### **Applications for change of Category of registration**

#### **Application for Category **O** registration**

27. All applications for Category **O** registration, from individuals registered in categories **E**, **R**, or **I**, or from individuals whose existing Category **O** registration is due to expire, shall be dealt with in terms of this section 27.
- (1) Applications shall be made to the Registration of Ministries Committee on a form specified by that Committee. In considering such applications, the Committee shall:
    - (i) invite the Presbytery to which the individual is accountable to comment on the application.
    - (ii) be entitled to obtain an Occupational Health Report in relation to the applicant. Furthermore the Committee shall be obliged to obtain such a report if the applicant left his or her previous appointment for reasons of ill health.
    - (iii) consider the personal circumstances of the applicant in accordance with paragraph 1 of the Criteria for Assessment which are outlined in Schedule 2 of this Act.
    - (iv) be entitled to ask the applicant to attend a meeting of the Committee for an interview.



- (2) In giving its decision on the application, the Committee may specify what, if any, programme of mentoring, familiarisation, further education, or training, the applicant should be required to undergo. In such cases the Committee shall further specify:
- (i) which, if any, aspects of this specified programme must be completed prior to Category **O** registration being granted.
  - (ii) which, if any, aspects of this specified programme may be completed subsequent to Category **O** registration being granted.
- In each such instance the Committee shall prescribe a timescale within which such aspects of the programme should be completed.
- (3) Having completed any aspects of the specified programme outlined in accordance with section 27(2)(i), an individual may be granted Category **O** registration, subject to signing a binding agreement that he or she will make all reasonable efforts to complete any remaining aspects, outlined in accordance with section 27(2)(ii), within the prescribed timescale. Subsequent failure to abide by such a binding agreement may be considered to constitute a disciplinary offence.
- (4) In order to grant Category **O** registration the Committee must be satisfied that the individual in question is fit to perform the duties of the relevant post. The Committee may refuse to grant Category **O** registration, subject to the grounds for such a decision being clearly stated.

#### **Applications from individuals registered in Category S**

28. Any applications for a change of registration from individuals registered in Category **S** shall be dealt with in terms of this section 28.
- (1) Applications shall be made to the Registration of Ministries Committee on a form specified by that Committee. In considering such applications, the Committee shall:
- (i) invite the Presbytery to which the individual is currently accountable, and, if different, also the Presbytery to which the individual was accountable at the time when the relevant suspension was imposed, to comment on the application.
  - (ii) instruct the applicant to provide two character references from individuals within the membership of the Church, at least one of whom must be a serving Minister or Deacon.
  - (iii) consider the personal circumstances of the applicant in accordance with the relevant sections of paragraph 2 of the Criteria for Assessment which are outlined in Schedule 2 of this Act.
  - (iv) invite the Safeguarding Service, as defined in the Safeguarding Act (Act XVI 2018), to consider the application and if that Service thinks it appropriate, it shall have the Recruitment Sub-Committee (as defined in the said Act) comment on the application; provided always that if the Sub-Committee makes any recommendations, the Service shall report those to the Committee and the Committee shall adhere to them.
- (2) In giving its decision on the application, the Committee shall clearly state the grounds on which it has been taken.

- (3) For the avoidance of doubt, where the Committee decides that a suspension is to be lifted and Category **O** registration is being sought, the application shall be considered in terms of section 27 in addition to this section 28.

### **Applications from individuals registered in Category L**

29. Any applications for a change of registration from individuals registered in Category **L** shall be dealt with in terms of this section 29.
  - (1) Where a Minister has agreed to demit his or her charge in the interests of peace of the Church and has entered into a legally binding written agreement with the Presbytery and the Faith Nurture Forum (a "Legally Binding Agreement") in terms of which he or she agrees to specified limitations upon his or her eligibility to perform the duties of a Minister for a specified period, the said minister shall be entered on the Register in Category **L**.
  - (2) A Minister who is entered on the Register in Category **L** may undertake only those functions of ministry which are defined in his or her Legally Binding Agreement.
  - (3) The Minister shall be entitled to a review (or reviews) of the terms and conditions of the Legally Binding Agreement after expiry of a period (or periods) specified within the Legally Binding Agreement. Such a review (or reviews) shall be conducted by the Faith Nurture Forum at the point(s) indicated in the Legally Binding Agreement.
  - (4) The Faith Nurture Forum shall inform the Minister concerned and also the Presbytery of the outcome of all such reviews. Subject to satisfactory fulfilment of all of the terms and conditions specified in the Legally Binding Agreement, the Faith Nurture Forum may resolve that the Minister shall be re-registered in Category **R**. Thereafter such Minister shall be eligible to apply for a further change of Category of registration in accordance with the provisions of this Act. For the avoidance of doubt, no Minister registered in Category **L** may apply for a change of Category of registration and an application for change of Category of registration shall be possible only if the Faith Nurture Forum has first resolved that such Minister shall be re-registered in Category **R**.
  - (5) A Minister shall have a right of appeal to the Ministries Appeal Panel in terms of section 33 of this Act in respect of any resolution from the Faith Nurture Forum with which he or she is aggrieved.

### **Applications for change of Category of registration from persons who left a post for reasons of ill health**

30. Any individual who left a post for reasons of ill health must, if wishing to obtain a Category **O** or **E** registration, apply to the Registration of Ministries Committee on a form specified by that Committee, which Committee must obtain an Occupational Health Report on the individual and in order to grant such registration, must be satisfied that the individual in question is fit to perform the duties of a parish minister, or of the relevant employment, as the case may be. All other relevant provisions of this Act, as contained in sections 27 and 31 of this Act, shall also apply.

### **Other applications for change of Category of registration**

31. All applications for a change of Category of registration other than those specified in sections 27 to 30 above shall be made to the Presbytery having jurisdiction over that

individual. Applications shall be made to the Presbytery on a form specified by the Faith Nurture Forum for all Presbyteries. In considering such applications, the Presbytery shall:

- (i) consider the personal circumstances of the applicant, and
- (ii) be entitled to ask the individual in question to attend a meeting of representatives of the Presbytery for an interview.

Any individual who is dissatisfied with a decision of Presbytery in terms of this section 31 shall have the right of appeal to the Ministries Appeal Panel in terms of section 33 of this Act.

### **Appeals from sections 27 to 31**

32. Any individual who is dissatisfied with a decision of the Registration of Ministries Committee in terms of sections 27 to 30 of this Act, or with a decision of Presbytery in terms of section 31 of this Act shall have the right of appeal to the Ministries Appeal Panel in terms of section 33 of this Act.

### **Appeals to Ministries Appeal Panel**

33. An appeal to the Ministries Appeal Panel shall be heard in terms of the Ministries Appeal Panel Act (Act VI 2007). Such appeal shall be intimated to the Principal Clerk within fourteen days of the relevant decision of the Committee. An appeal may only be brought on one or more of the following grounds: (a) error in Church law; (b) that in the course of the registration procedure, or in the case of the Faith Nurture Forum, in the course of making a resolution, there was a breach of the principles of natural justice or there were irregularities in the process; or (c) that the final decision was influenced by incorrect material fact. The decision reached by the Ministries Appeal Panel in relation to such an appeal shall be final.

### **Supplementary Lists**

34. The Faith Nurture Forum shall compile and maintain three supplementary lists, **G**, **D** and **T**, as specified below, which shall be considered to stand apart from the Register of Ministry.
  - (1) List **G** shall contain the names of individuals who were previously Ministers of Word and Sacrament or Deacons of the Church of Scotland but who voluntarily demitted their status.
  - (2) List **D** shall contain the names of individuals who were previously Ministers of Word and Sacrament or Deacons of the Church of Scotland but who were judicially deprived of status.
  - (3) List **T** shall contain the names of individuals who currently hold Temporary Certificates of Eligibility issued under the Admission and Re-admission of Ministers Act (Act IX 2002).
35. Any individual recorded on lists **G**, or **D**, who wishes to resume practice as a Minister of Word and Sacrament or as a Deacon, of the Church of Scotland, must make application in accordance with the Admission and Re-admission of Ministers Act (Act IX 2002). Any individual recorded on list **T** who wishes to become a Minister of Word and Sacrament of the Church of Scotland, must make application in accordance with the Admission and Re-admission of Ministers Act (Act IX 2002).

## **Amendments and Repeals**

- 36.** With effect from 1 January 2018, the Ministry Act (Act II 2000) shall be amended as shown in Schedule 3, and other Acts of the General Assembly shall be amended or repealed as specified in Schedule 4.

## SCHEDULE 1: Rules of Procedure of the Registration of Ministries Committee

1. The Registration of Ministries Committee (“the Committee”) shall be appointed by the General Assembly as a Standing Committee, in terms of the Standing Orders of the General Assembly.
2. The purpose of the Committee shall be to deal with various applications related to the Register of Ministry.
3.
  - (1) The Committee shall be a committee of seven persons, consisting of a Convener, Vice-Convener and five other members. One member shall be appointed by the Legal Questions Committee, one by the Faith Nurture Forum and the other five members shall be appointed by the General Assembly on the nomination of the Nomination Committee.
  - (2) The General Assembly shall appoint a Convener and Vice-Convener, both of whom shall be proposed by the Nomination Committee and selected from its own five nominees. The five nominees proposed by the Nomination Committee shall include one member who is legally qualified, at least one Minister of Word and Sacrament and at least one elder.
  - (3) The quorum of the Committee shall be three including either the Convener or Vice-Convener.
  - (4) All members of the Committee shall comply with the provisions of the Conflict of Interest Policy operated by the Assembly Trustees and the various agencies of the General Assembly (“the Policy”). Where a real or perceived conflict of interest exists (for example where an application is received from an individual within the same Presbytery as one or more members of the Committee, or from an individual with close ties to one or more members of the Committee such that a conflict of loyalty may arise) the conflict of interest shall be declared and evaluated by the Committee, which shall decide how it is to be managed in terms of the Policy. If necessary, where it is resolved that a conflict cannot be satisfactorily managed, a substitute member may be co-opted to the Committee by appointment from the Legal Questions Committee or the Faith Nurture Forum. In all circumstances, the minutes of the Committee meeting shall record the members’ discussion, the decision taken and the reasons for it all in terms of paragraph 4.4 of the Policy.
  - (5) The following persons shall also attend the Committee *ex officio*s in an advisory capacity (i) one or other of the Clerks of the General Assembly and (ii) the Head of the Faith Nurture Forum. These persons shall not be members of the Committee.
  - (6) Where the Act specifies that a Presbytery may comment on a particular application, a representative of that Presbytery shall be entitled to attend the relevant Hearing. The Clerk of the Committee shall provide any such Presbytery with at least fourteen days’ notice of such a hearing taking place. For the avoidance of doubt, a representative of Presbytery shall be entitled to comment on the application, but shall not vote when a decision is made. In the event of a Presbytery representative failing to attend, the Committee shall be entitled to proceed with the Hearing.

- (7) When the Committee is considering an application under section 27 of this Act from a chaplain to HM Forces, either the Convener of the Committee on Chaplains to HM Forces, or a substitute person designated by the Convener, shall be invited to attend that part of the Committee's Hearing. The Clerk of the Committee shall forward a list of proposed Hearing dates, in advance, to the Convener of the Committee on Chaplains to HM Forces.
4. The Committee shall be clerked by the appropriate official within the Faith Nurture Forum. The Clerk shall not be a member of the Committee. If the Clerk is not present at a Hearing, the Committee shall appoint a substitute, whether or not a member thereof, to act as Clerk of the Committee during that Hearing.
  5. The Committee shall hold Hearings as required to deal with its business. Hearings shall be called by the Clerk thereof. A Hearing may last for as long as business requires, and may deal with various applications.
  6. The procedure of the Committee at its Hearings shall be in accordance with the Standing Orders of the General Assembly so far as applicable and consistent with this Act. The Committee shall act in accordance with the Constitution of the Church and the Acts of the General Assembly and nothing in this Act shall be construed as conferring power to contravene or amend existing legislation, or to legislate. The Committee shall be accountable to the Ministries Appeal Panel for its decisions.

## **SCHEDULE 2: Criteria for Assessment by the Registration of Ministries Committee**

The Committee shall apply the following criteria when assessing applications made in accordance with this Act.

1. Any application which is made in accordance with section 27 of the Act shall be assessed against the following criteria:
  - (1) The extent to which the applicant has recent experience of leading worship within, or beyond, the Church of Scotland.
  - (2) The extent to which the applicant has recent experience of undertaking pastoral work within, or beyond, the Church of Scotland.
  - (3) Whether the applicant has recent experience of the dynamics involved when working with volunteers.
  - (4) The extent to which the applicant has recently participated in the courts, of the Church, and/or the Standing Committees of the General Assembly, in ways which have kept him or her familiar with current practice.
  - (5) The applicant's current knowledge of Church Law, particularly any areas of Church Law where changes have occurred since he or she was last engaged in the relevant field of ministry, and those areas of Church Law which govern current practice in ministry and mission.
  - (6) The applicant's knowledge of matters of civil law, as it currently affects congregations, and Ministers of Word and Sacrament working within them.
  - (7) If relevant, the circumstances which led to the applicant demitting his/her first charge within the first five years of ministry.
  - (8) Any other matter which the Committee reasonably considers pertinent in relation to the application in question.
  
2. Any application which is made in accordance with section 28 of the Act, shall be assessed against the following criteria:
  - (1) Where the relevant suspension was imposed for a fixed period, in accordance with section 1(1)(j)(ii) of the Discipline of Ministry Act (Act III 2001) or section 40 of the Discipline Act (Act I 2019), the Committee shall consider:
    - (i) The determination of the Presbyterial Commission, the Discipline Tribunal and/or the Judicial Commission, as the case may be.
    - (ii) Whether or not the fixed period of the suspension has been served.
    - (iii) Whether or not the information provided in accordance with section 28(1)(i) and section 28(1)(ii) provides satisfactory assurance in relation to the current good conduct of the applicant.
    - (iv) Any other matter which the Committee reasonably considers pertinent in relation to the application in question.
  
  - (2) Where the relevant suspension was imposed without limit of time but subject to a minimum period of suspension, in accordance with section 1(1)(j)(iii) of the Discipline of Ministry Act (Act III 2001) or section 40 of the Discipline Act (Act I 2019), the Committee shall consider:
    - (i) The determination of the Presbyterial Commission, the Discipline Tribunal and/or the Judicial Commission, as the case may be.
    - (ii) Whether or not the information provided in accordance with section 28(1)(i) and section 28(1)(ii) provides satisfactory assurance in relation to the current good conduct of the applicant.
    - (iii) Whether or not the specified minimum period of suspension has been completed.

- (iv) Whether or not the period of suspension which has been served is considered to be adequate.
- (v) Any other matter which the Committee reasonably considers pertinent in relation to the application in question.



**SCHEDULE 3: Amended Act II 2000**

*Superseded: the Ministry Act (Act II 2000) was repealed when the Parish Ministry Act (Act II 2018) was enacted.*

## SCHEDULE 4: Amendments and Repeals

### Act III 2000 (Church Courts)

*In section 11,*

- (1) *Insert a new subsection (3) “a Pioneer Minister” and renumber accordingly*
- (2) *At subsection (6), delete “hospital” and substitute “healthcare”; and*
- (3) *Insert a new subsection (9) “a university chaplain” and renumber accordingly.*

*Delete the existing section 14 and substitute the following:*

“Any individual who has the status of minister of the Church of Scotland, and who does not fall into any of the categories listed in section 11 to 13 above, shall be entitled to apply for membership of Presbytery on the basis of being registered in the Register of Ministry (as defined in the Registration of Ministries Act (Act II 2017)) in category **O** or **R**. Such minister should be registered with the Presbytery within the bounds of which is situated the congregation of which the minister is a member, or the Presbytery within the bounds of which he or she lives, or (only in the case of any appointment for which the status of ordained minister is a requirement) the Presbytery within the bounds of which the appointment is based, as he or she may choose.”

*Delete the existing section 18 and substitute the following:*

“A minister who has been permitted to resign his or her seat in Presbytery shall remain under the supervision and jurisdiction of the Presbytery which accepted the resignation, and may continue to exercise the functions of the ministry as defined in the Registration of Ministries Act (Act II 2017), as permitted according to his or her listing and categorisation on the Register of Ministry.”

*In section 20 delete the words “satisfactory evidence of status and good standing” and substitute the following: “a certified extract of his or her entry on the Register of Ministry in the Presbytery from which he or she transferred or was most recently a member,”*

### Act III 2001 (Discipline of Ministry)

*Delete the existing sections 1(1)(j)(ii) and (iii) and substitute the following:*

- (ii) suspension from the status and functions of ministry for a fixed period. Suspension may only be lifted in accordance with section 28 of the Registration of Ministries Act (Act II 2017) upon application by the Respondent.
- (iii) suspension from the status and functions of ministry without limit of time but subject to a minimum period of suspension to be determined by the Presbyterial Commission when passing censure upon the Respondent in terms of section 18(2) hereof. Suspension may only be lifted in accordance with section 28 of the Registration of Ministries Act (Act II 2017) upon application by the Respondent.”

### Act IV 2001 (Ministers and Deacons in Public Office)

*Delete the existing section 2(2) and substitute a new section 2(2) as follows:*

“It shall not be necessary for such a minister to make formal application to demit, but the Presbytery shall allow the demission unless there be special ground to refuse to do so, and shall appoint an Interim Moderator. If at the time of the demission the minister holds Category

○ registration, he or she may opt to retain that under section 19 of the Registration of Ministries Act (Act II 2017), failing which the Presbytery shall re-register the minister on the Register of Ministry in Category R or Category I, the minister in question being entitled to choose between Category R or Category I registration.”

### **Act XV 2002 (Long-Term Illness of Ministers)**

*Delete section 12 and insert a note in italics to say that these provisions are superseded by the RoM Act.*

### **Act VIII 2003 (Vacancy Procedure)**

*Delete the existing section 18 (Eligibility for Election) and substitute the following:*

#### **“18. Eligibility for Election**

The following categories of persons, and no others, are eligible to be nominated, elected, and called as ministers of parishes in the Church of Scotland, but always subject, where appropriate, to the provisions of Act IX 2002:

- (1) A minister holding Category ○ registration, in terms of the Registration of Ministries Act (Act II 2017);
- (2) A minister who has applied for Category ○ registration, whose application is currently under consideration, provided that before the call can be sustained or the minister in question inducted, Category ○ registration must have been granted;
- (3)
  - (a) A licentiate of the Church of Scotland who has satisfactorily completed, or has been granted exemption from, his or her period of probationary service.
  - (b) A Graduate Candidate holding a Graduate Candidate’s Certificate in terms of section 22 of Act X 2004.
- (4) The holder of a Certificate of Eligibility in terms of Act IX 2002. The holder of a Certificate of Eligibility who is a national outside the European Economic Area and Switzerland shall be eligible to apply for charges only in terms of section 27 of Act VIII 2003.
- (5) For the avoidance of doubt anyone who has served as an Interim Moderator in the current vacancy shall not be eligible to apply or to be considered as an applicant.
- (6) Notwithstanding subsections (1) to (4) above, an individual shall not be eligible to apply, or to be considered as an applicant, while he or she is the subject of ongoing proceedings being undertaken in accordance with the Discipline of Ministry Act (Act III 2001).”

*Delete the existing section 21(3) (Nomination) and substitute the following:*

- “(3) Before reporting the Nomination to the Vacancy Procedure Committee, the Presbytery Clerk shall obtain from the nominee or Interim Moderator evidence of the eligibility of the nominee to be appointed to the charge.
  - (a) In the case of a minister being a member of Presbytery, this shall constitute a certified extract from the Register of Ministry showing that the minister has Category ○ registration.
  - (b) In the case of a minister not being a member of any Presbytery of the Church of Scotland, this shall constitute an Exit Certificate or Graduate Candidate’s Certificate in terms of Act X 2004, or a Certificate of Eligibility in terms of Act IX 2002.”

*Amend section 28(c)(ii) (Failure to Nominate) to read as follows:*

“The Presbytery Clerk shall thereupon intimate to the person concerned the fact of his or her appointment, shall request him or her to forward a letter of acceptance along with a certified extract from the Register of Ministry showing that the minister has Category **O** registration, and shall arrange with him or her to conduct public worship in the vacant church or churches on an early Sunday.”

*Add the following wording at the end of section 29(1):*

“and evidence of Category **O** registration in the form of a certified extract from the Register of Ministry.”

*In section 29(2), delete the words “and the letter of acceptance” and substitute “, the letter of acceptance and evidence of Category **O** registration in the form of a certified extract from the Register of Ministry”.*

*Add a new subsection (4) to section 30 (Sustaining the Call):*

“No Call shall be sustained until evidence that the new minister has Category **O** registration, in the form of a certified extract from the Register of Ministry, has been laid before the Vacancy Procedure Committee.”

### **Act XIII 2003 (Auxiliary Ministry)**

*Delete the existing section 2(d) and substitute the following:*

“When an Auxiliary Minister ceases to serve in a designated appointment then he or she shall become subject to section 19 of the Registration of Ministries Act (Act II 2017).”

### **Act X 2004 (Selection and Training)**

*Insert a new subsection (6) to section 22 as follows and renumber the existing subsection (6) as subsection (7):*

“A Presbytery may issue a Graduate Candidate’s Certificate on up to three occasions only. Thereafter, in order to obtain a Graduate Candidate’s Certificate, the Graduate Candidate must apply for such a Certificate to the Registration of Ministries Committee, following an application procedure equivalent *mutatis mutandis* to that set out in section 27 of the Registration of Ministries Act (*Applications for Category **O** registration*) (Act II 2017).”

### **Act VI 2007 (Ministries Appeal Panel)**

*The second sentence of section 5 shall be deleted and the following shall be substituted:*

“The Ministries Appeal Panel shall also hear appeals by ministers and deacons taken against decisions of the Registration of Ministries Committee in terms of the Registration of Ministries Act (Act II 2017), in accordance with section 33 of that Act.”

### **Act VIII 2010 (Deacons)**

*Add the following sentence at the end of section 8(d):*

“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.”

*Delete the existing section 11 and substitute the following:*

#### **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 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 Ministries Council and the Presbytery concerned.

*Delete the existing section 14 and substitute the following:*

#### **“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.”

*Delete the existing section 16 and substitute the following:*

#### **“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).”

*Delete the existing section 17 and insert a note in italics to say that these provisions are superseded by the RoM Act.*

*In Appendix A, delete the section currently headed “**Constitution**” and substitute the following:*

#### **“Constitution**

The Council shall consist of:

- (i) All Deacons registered on the Register of Ministry in Category **E** or **R**
- (ii) Deacons registered on the Register of Ministry in Category **I** may attend Council at their own expense and be non-voting members.
- (iii) Two members appointed by the Ministries Council
- (iv) Deacons ordained or commissioned by the Church of Scotland who are serving overseas as members of another Church shall be entitled when on furlough to attend all meetings of the Council as corresponding members without the right to vote.”

*In Appendix C, delete section 4. currently headed “**Membership**” and substitute the following:*

#### **“4. Membership**

All Deacons registered on the Register of Ministry in Category **E** or **R** shall be full members of the Association.

All Deacons registered on the Register of Ministry in Category **I** shall be associated but without voting power.

Deacons serving a probationary period shall be associated but without voting power. Deacons ordained/commissioned by the Church of Scotland who are serving overseas as members of another Church may be corresponding members, and when on furlough may attend meetings but may not vote. Deacons of other denominations may be associated.”

### **Act VII 2011 (Protection of Vulnerable Groups)**

*Delete the existing section 1(c) and substitute the following:*

- (c) *Minister*, for the purposes of this Act only, refers to all Ministers of Word and Sacrament (as defined in the Registration of Ministries Act (Act II 2017) undertaking regulated work with children and young people and/or protected adults and specifically includes retired Ministers of Word and Sacrament who are actively involved in ministerial functions in a congregation or congregations, *locum* Ministers, and Ministers registered on the Register of Ministry in Category R; however, the term *Minister* does not include ministers employed by external employers/agencies.

### **Act IX 2011 (Ordained Local Ministry)**

*Delete the existing section 21(4) and substitute the following:*

“When an Ordained Local Minister ceases to serve in a designated appointment he or she shall become subject to section 19 of the Registration of Ministries Act (Act II 2017).

*Delete the existing section 22(2) and substitute the following:*

“When an Ordained Local Minister moves from one Presbytery to another he or she shall be subject to the terms of section 26 of the Registration of Ministries Act (Act II 2017).”

*Delete the existing section 22(3).*

### **Act II 2016 (International Presbytery)**

*In sub-paragraphs 1.2 and 1.3 of Schedule 2, delete the last sentence of each sub-paragraph and substitute the following:*

“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.”