

Legal questions convener's speech as at 250420

Marjory MacLean, Corresponding Member 479, one of the Team Ministers in the Orkney Islands Church of Scotland, and Convener of the Legal Questions Committee

Moderator, the Legal Questions Committee is one of those blessings to the Church, its small procural committees; this one consists of specialists whose collective experience and skill help to safeguard the Church's activities as a legal institution.

This year, I would characterise the committee's work as falling into three types.

First, we have supported those who have had responsibility for designing some of the largest changes in the Church's life in recent years, and will report on their work elsewhere in the course of this week; often our role is to spot the consequences for existing regulations when innovation takes place elsewhere. Our task then becomes the drafting of new Acts or Regulations to assist our friends, and the necessary amendment of existing laws to keep everything consistent.

In that category of activity I would include the completion of the legislative passage of the Presbytery Review Act, several small amending Acts prompted by changes in our practice in various areas, and our raising of some queries relating to Act 1 2015 (the Act regulating the ministry of those in same sex marriages or civil partnerships), queries raised especially by developments in Team Ministry. And I should thank the Principal Clerk and her staff particularly for undertaking the drafting of the legislation that appears in the Reports of other bodies this week.

Second, we have done several pieces of work which should improve the effectiveness of the General Assembly, and also of its disciplinary bodies. This of course includes the redrafting of the Standing Orders already dealt with today; it also included the major piece of work-undertaken by one of our working groups over two years-to improve the complaints and disciplinary processes of the Church, to benefit both those implementing them and those subject to them. Also in this category comes the small adjustment to the regulation of the Commission of Assembly – that's the body that meets to transact business belonging to the General Assembly itself but too urgent to be left until May of the following year; this minor change will enable the Commission for the first time to pass legislation but only provided that its necessity was within view of the previous General Assembly.

Third, we are always keen to assist those who find themselves involved in the courts of the Church, especially those suddenly having to learn the ropes as brand new elders or perhaps as commissioners to this court for the first time. We very much hope that the rewriting of the Standing Orders makes them clearer and easier to understand, whilst also slightly

simplifying some of the processes of the General Assembly itself. The same motivation, to help everyone to feel confident and comfortable in their roles in the courts and agencies of the Church, lies behind the planned production of a book designed to be given to those at the outset of their involvement in our governance. It will be an introduction to the general principles of how we do things, rather than a summary of all its detailed regulations and practices. Those change more often, so they are much better contained in the wealth of information that is to be found in the legal pages of the Church's website.

The members of this committee are 'behind the scenes' people, in common with those who serve on the other technical trusts and committees that will bring the smaller reports of this week. But it is still our privilege to play this kind of supportive role alongside more visible colleagues in the larger bodies, as we help them in their very difficult tasks.

Present report and ask PC to move Deliverance.