

Legal Questions Committee Speech, Session 5, Item 11 – General Assembly 2020

Moderator,

Every Assembly is enriched by the presence and contribution of youth representatives. The Legal Questions Committee wished in no way to reduce the number of voices available to the Assembly and suggests that the ten places which would otherwise have been lost following the cessation of the National Youth Assembly be selected by the Faith Nurture Forum. It makes sense to leave the mechanics of selection to that Forum but to affirm the number of youth representatives shall not diminish. It may be that Presbytery reorganisation may impact on this in time, but that should not lessen the voice of younger people in the Assembly in the meantime.

The past eight or so weeks, since the Commission of Assembly on 7th July, have allowed some limited insight into the operation of the Protocols which were then passed and which have allowed vacancy procedures to continue and meetings of Presbyteries and Kirk Sessions to take place remotely. These appear to have operated in a satisfactory way and so the Committee proposes that these Protocols shall be continued until the next General Assembly.

We are aware of some benefits which might flow from extending this principle of taking decisions where not all those eligible are gathered together in the one space, and the further Protocols presented in Appendices E and F, and G in the Supplementary Report, permit decisions to be taken in remote ways on specific issues, namely considering a Basis of Adjustment, agreeing Unitary constitutions and selling church buildings. Some of these practical out-workings mean the processes differ from those normally used and which are detailed in past Acts of the Assembly.

These Protocols are interim measures intended to allow decisions to be made in the current circumstances. They are exceptional and do not attempt permanently to alter the way decisions are made. The Legal Questions Committee, and particularly the staff in the Office of the General Assembly, have worked swiftly to produce these Protocols as a response to the restrictions placed on, among other things, our decision-making. It is, though, only right that the Assembly should make the final decision. These various Protocols are, then, presented so that the Assembly may take a view whether, on balance, the benefit of being able to proceed in this way outweighs the change which is necessarily required to some

processes. Sections 9 and 10 of the Deliverance and sections 2 and 3 of the Supplementary Report's Deliverance provide a means for the Assembly to consider these matters.

I'd like to say just a little more about the Protocol for the sale of buildings, since Commissioners have had little time to consider this. This is for use in situations where a congregation requires to vote on a building sale, not in terms of adjustment under Act VII 2003 but under the General Trustees (Delegated Powers) Act 1995. In order to ensure transparency in decision-making concerning possibly substantial congregational assets, it is prudent to cover this situation as well. I apologise for bringing this somewhat late in the day, though you will understand that this is due to the speed at which complex matters are presently moving. If this Protocol were not presented now, the effect may be to delay perhaps until next year the sale of some buildings. This protocol, like all the others, is for the Assembly to consider further.

I present the Supplementary Report and ask the Principal Clerk to move sections 9 and 10 of the Deliverance in the Report as well as sections 1 to 3 in the Supplementary Report.