

II CONTINUING PARISH MINISTRY BEYOND THE AGE OF 75 REGULATIONS (REGS II 2018)

Edinburgh, 22 May 2018, Session 11

The provisions for continuation as a Parish Minister beyond the age of seventy five (75), as referred to in section 18(4) of the Parish Ministry Act (Act II 2018), are as follows:

1. In operating the process set out in these Regulations and making a decision on whether or not to continue the tenure of the Parish Minister in question, the Presbytery shall have primary regard to the mission of the Church, both in the Parish in question and in the Presbytery. The Presbytery shall not take into account any personal reasons put forward by the Parish Minister to support his or her request.
2. The process shall be initiated by the Parish Minister, by lodging with the Presbytery Clerk, not less than six months before the Parish Minister's seventy fifth birthday, a request for consideration in terms of these Regulations. Such a request shall be copied to the Ministries Council for their interest. The process can be terminated at any time by the Parish Minister withdrawing his or her request to have tenure continued.
3. The Parish Minister may request a continuation of his or her tenure as minister of the charge which he or she currently serves for a period of not less than one year and not more than two years from his or her seventy-fifth birthday.
4. Upon receipt of the Parish Minister's request, the Presbytery shall establish a Consultative Committee of three persons, of whom at least one shall be a Minister and one shall be an elder but which shall not include the Presbytery Clerk. If required, the Presbytery may use the Co-operation among Presbyteries Act (Act VI 2002) to fulfil the appointments. The Committee shall choose one of its own number to act as Clerk.
5. The Committee shall consult with all interested parties (including, for the avoidance of doubt, the Session Clerk(s) of the charge and the Presbytery Clerk) and shall take into account the following issues before making a recommendation to Presbytery:
 - (a) The effect upon implementation of the current Presbytery Plan of a continuation of the tenure of the Parish Minister in the current charge;
 - (b) The state of the charge and future plans for the charge, both as assessed and as anticipated through Local Church Review and through the Presbytery's general superintendence of the charge;
 - (c) Whether it is likely to be effective and beneficial for the charge in the longer term if tenure is continued;
 - (d) The opinion of the congregation(s) and its/their office bearers which shall be gauged by meeting with the Kirk Session(s) in the absence of the Parish Minister; and
 - (e) The terms of an Occupational Health Report on the Parish Minister, instructed by the Ministries Council and assessing the fitness of the Parish Minister to continue in post in the current charge for the period for which the request has been made. The terms of the Report shall be kept strictly confidential among the members of the Committee and shall be shared only with the Parish Minister. If relevant to any recommendation made by the Committee, the Report shall be referred to only in terms of being or not being a factor in their decision and no detail shall be shared outwith the Committee.

6. The Committee shall make its recommendation to a meeting of the Presbytery, where the Parish Minister shall be entitled to be heard in his or her interest. The Presbytery meeting shall be held in private and proceedings shall be recorded in a Record Apart. In making its recommendation, and in reaching its decision, the Committee and the Presbytery shall be obliged to have primary regard to the aims set out in paragraph 1 of these Regulations.
7. The Presbytery itself shall decide whether or not to continue the Parish Minister's tenure as Minister of the charge which he or she currently serves and for what period (declaring always that this may be different from the period for which request is made but may not be less than one year or more than two years).
8. Any person with a legitimate interest who is aggrieved by the Presbytery's decision shall have the right to dissent and complain or appeal the decision to the Ministries Appeal Panel by lodging intimation with both the Presbytery Clerk and the Principal Clerk within fourteen days of the decision. The only grounds for dissent and complaint or appeal shall be that there was a material irregularity of process or that the decision was influenced by an incorrect material fact.
9. The process specified in these Regulations may be repeated not less than six months before expiry of the period for which any continuation of tenure is granted.