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Question and Answer Document on Local Mission Church

Mission Church

For the purposes of the note the following terms are used:

- “PB” the predecessor body, and registered charity, that will be wound up in order to create a local mission church
- “MC” the local congregation and leadership team together, being the mission church
- “PC” the parent/supervising church of which the MC is a branch

- “MCR” Mission Church Regulations (Regs II 2021)

Presbytery Mission Plan Act: Guidance and Code of Practice

The MCR state that a mission church is ***a Christian community whose purpose is to worship, witness and serve in a distinct geographical setting.***

However, the MCR go on to define a much more restricted status for a MC, which will be entirely subject to the authority of the PC, although a local Leadership Team (LT) will be responsible for organising worship week by week and, In particular, state:

7. The following further provisions shall apply to a Local Mission Church:

- (a) Neither a Leadership Team nor any person acting on behalf of a Local Mission Church shall have any authority or power to enter into contracts or to incur liabilities on behalf of the Kirk Session.*
- (b) Neither a Leadership Team nor any person acting on behalf of a Local Mission Church shall conduct themselves in such a way (including silence) that might cause an inference contrary to section 7(a) to be drawn by any person*

It is clear therefore that a MC has no legal status in its own right, other than the limited rights of representation contained in the regulations. Any further powers might be obtained either by agreement as it enters into the arrangement (and then adjustable only by agreement of both continuing parties) or as approved and granted by the Session of the PC.

Please note that the Kirk Session cannot delegate its responsibilities for the oversight of church life in its parish; they could, for example, ask the Leadership Team to coordinate worship leaders, they could encourage the LT to develop the prayer or social life of the MC, they could “sign off” on a proposal to have a fund-raising event but would not need to be involved in the details. But in all these things the Kirk Session retains responsibility. The remit of the Leadership Team is wider than suggested above; 6(2) The life and witness of the Local Mission Church shall be co-ordinated by its Leadership Team, subject to the oversight of the Kirk Session and the Presbytery. Without prejudice to this generality, the Leadership

Team shall be responsible for: (a) developing appropriate expressions of worship, witness and service; (b) ensuring that the Local Mission Church is adequately organised; (c) ensuring good communication with the Kirk Session; and (d) assisting with the upkeep of buildings (if any), subject always to strict adherence to sections 7(a) and (b) (of the Local Mission Church Regulations).

This has been confirmed in email correspondence with Rev. Angus Mathieson, Partnership Development Secretary, who wrote:

*“You are correct in your assumption that a mission church being used purely for worship **wouldn’t have its own bank account**; given that the Kirk Session would be that of the church into which the predecessor charge/congregation unites, they would be the designated trustees. The mission church has **no standing as a separate legal entity**. If the Presbytery wishes to continue a congregation as a separate legal entity, then **linkage or guardianship** is the way forward – but for guardianships, Presbytery needs to find an interim moderator, and the Kirk Session of the congregation needs to find the required office bearers as well.”*

(Emphasis added)

The place and life of the Local Mission Church are more than just Sunday worship.

The MCR also state; *“The process to create a Local Mission Church shall be as specified in the Guidance accompanying the Presbytery Mission Plan Act.”* As far as we can see there is no specific reference to setting up a Mission Church and how it will operate with respect to the PC.

Our local mission is the maintenance and growth of the only remaining church congregation on the island, currently a viable local church with all administrative offices filled, within the 1/3 of congregations that make a net contribution to the national church, and are up to date with all financial contributions, both to presbytery and the national church. The settled view of our trustees is that our current guardianship status works well for a physically remote community and is sustainable.

As a church whose future is considered by our local Presbytery Mission Plan to be that of a MC, our charity trustees are seeking answers, therefore, to a number of questions, on very practical but nonetheless critical matters, that will help them assess whether this course of action is *“acting in the best interests of the charity”*.

I note the commitment of your local charity trustees to assessing whether this course of action is one which would be “in the best interests of the charity.” I would draw your attention to the fact that while that responsibility clearly exists, local trustees are also accountable to the Presbytery, and to the General Assembly. Further guidance on creating a Local Mission Church will be forthcoming.

Any decision by our charity trustees must be made in the context of how best to secure the future of our local mission. In order to fulfil this together with our legal obligations, our trustees require further information on how a Mission Church will operate in practice, including an understanding of what local leadership teams can, or may be permitted to, do as a branch of a PC.

Questions arising:

1. Delegation of authority

1.1. Are the trustees of the controlling church, acting as the Kirk Session, empowered to delegate authority to the mission church?

Only within certain parameters; remembering too that delegation still requires the KS to retain its responsibility for such delegation.

1.2. If so, might this power extend to permitting the local team to enter into contracts, subject to previously agreed limits?

The LMC Leadership Team has no legal "personality" and, therefore, cannot be party to a contract.

1.3. Can a MC operate a bank account set up by the Session (of the PC) specifically for the purposes of the mission church, including paying in monies received?

Yes and no; anyone can pay monies into the account of the parish church, and subject to assurances of good governance, local signatories from within the mission church could act as signatories to a bank account if the Kirk Session approved but the MC cannot open its own bank account.

2. Ministry and Mission

2.1. It has been indicated locally (and to our potential PC) that the income of the MC as reported within the PC will fall outside of the scope of income assessed for Ministry and Mission contributions. Is this correct?

No – the income from the MC is part of the income of the parish church.

2.2. Will the funds of the PB surrendered to the PC, as well as those raised by the MC, be held as a **restricted** fund within the PC accounts, or as a **designated** fund within the general funds?

These funds would be held as a designated (not restricted) fund if the trustees of the Parish Church choose to designate them specifically for the MC, otherwise they would be held in the General Fund.

2.3. If the latter, what protections for the operations of the MC are considered necessary, bearing in mind that the MC will have only limited and minority representation at Session meetings, and that the duty of the Session is to act in the best interests of the PC - which may be in conflict with the best interests of the MC.

The Kirk Session has ultimate responsibility, and, in turn, is accountable to Presbytery and to the General Assembly for work and witness within the parish which includes the area served by the MC. They are also bound by the terms of the Basis of Mission Church

2.4. At completion, will all of the assets and liabilities of the PB be transferred directly to the PC without any leakage to General Trustees?

The assets and liabilities of the predecessor body will be dealt with depending on the option chosen -dissolution of a charge has its own framework, and in some cases, where property is disposed of, the GT's may exercise a levy depending on decisions of the General Assembly. Where it is a union, all assets and liabilities will transfer direct to the PC.

3. Membership and appointments

Para 6(1) of the MCA states that "A Local Mission Church shall have a Leadership Team as set out in the Basis and this Team shall include one or more representatives of each of the Kirk Session and the Presbytery."

3.1. As an individual cannot be a **member** of a MC, please confirm that membership is of the PC and is of equal status to any other member of the PC.

Yes – equal status

3.2. How will the leadership team of the MC be appointed? For example, local elections by the “members” of the MC who are also members of the PC?

By negotiation and mutual agreement, deliberately not provided for in the Regs as local context will determine what is appropriate. This could be set out in the Basis of Local Mission Church.

3.3. It is clear from the regulations that a member of the Session of the PC will be a member of the MC leadership team. Please confirm whether our understanding that all elders of the PB at the time of the union will become elders of the PC automatically is correct.

In unions, it is normal that elders in churches uniting will jointly form the KS of the new charge.

3.4. As it is not a “charge”, who is empowered to decide that a MC is to be wound up?

Presbytery to decide on the winding up of a local mission church, given that Presbytery ultimately agrees the Basis of Local Mission Church. The Basis should set out the timing and parameters of the review.

4. Ministerial and Pastoral Support

4.1. As a MC is unlikely to have a minister of word and sacrament in its congregation, please confirm that it is the responsibility of the PC to provide these services to the MC.

It is not axiomatic that the local mission church will require the services of an ordained minister of word and sacrament at the same level as the predecessor congregation. Many congregations function adequately with locums who are readers, and others with local worship tams, and arrangements as required for sacramental ministry.

4.2. How will the arrangements for communion and pastoral support for a MC be determined? (For example, directly with the minister of the PC or via the Session of the PC?)

Communion – fixing times of worship and the celebration of the sacraments is a KS responsibility. There will be a variety of ways in which arrangements for pastoral care can be made. See the work from Faith Nurture on new ways of being church, and the need for pastoral care to be shared widely.

5. Process for uniting with a PC

5.1. We have been told that, as part of the uniting process, a “covenant” (in legal terms, a contract) will be drawn up between the parties (presumably the PC, PB and MC). Will this deal *inter alia* with the relationship between the MC and PC?

A Basis of Local Mission Church will be drafted, discussed, and voted on, as with other bases. Much of the relationship will be determined in discussion and be reflected in the Kirk Session minutes, and, where required, in the Presbytery minutes.

5.2. Is there a recommended “pro-forma” for this contract?

There will be a Template for such a basis; this is currently being worked on between the Law Department, the Principal Clerk’s Office, and the Faith Nurture Forum.

5.3. Will the following matters be considered acceptable for inclusion in the contract?

- 5.3.1. Security of tenure for the congregation of the MC with regard to the church building and the local manse and glebe? For example, will a majority vote of the “members” of the MC be required before any sale of property?
See above comments about the MC not being a legal entity, and members being part of the parent congregation.
- 5.3.2. Delegated authority
See answer to 5.1
- 5.3.3. Ministerial support for the MC, including sacramental and pastoral functions
See answers to 4
- 5.3.4. Representation rights on/at Session meetings, for example a requirement that Session meetings should offer the option of remote attendance.
These are two separate issues – representation is one issue, and it is appropriate, particularly in the light of the last two years, to consider the question of remote attendance.
- 5.3.5. Managing potential conflicts between the best interests of the PC and those of the MC
Being aware that potential conflicts might emerge is a good thing; how to encapsulate a dispute resolution mechanism in writing is a greater challenge. See also the General Assembly’s Act 6, 2014, on alternative dispute resolution, [here](#).