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THE PRINCIPAL
ACTS
OF THE
GENERAL ASSEMBLY OF THE FREE CHURCH OF
SCOTLAND

MAY MMV

**CLASS I - ACTS WHICH HAVE PASSED THE
BARRIER ACT**

None.

**CLASS II - ACTS WHICH ARE OF GENERAL INTEREST
TO THE CHURCH**

I - Act anent Loyal and Dutiful Address to Her Majesty The Queen
(No 1 of Class II)

Edinburgh, 24th May 2005

May it please Your Majesty

We, the Ministers and Elders of the Free Church of Scotland met in General Assembly the 24th day of May 2005, respectfully offer Your Majesty the expression of our continual loyalty to Your Majesty's Person and Throne and to the Constitutional Monarchy of which you are the honoured Head and Representative.

We thank Almighty God for his continued protection and gracious care of Your Majesty in all the many duties and journeys involved in Your Majesty's work as Sovereign.

Prayer is regularly offered in our Churches for Your Majesty's Person and family, both for personal blessing and for strength and wisdom in all the many duties performed on behalf of communities, charities, nation and Commonwealth.

We also pray continually for Your Majesty's Ministers and Government that they may

have God-given wisdom, grace and strength for carrying out their great responsibilities as God's servants to do good.

We recall with pleasure Your Majesty's opening of the new Scottish Parliament building at Holyrood, when some of our ministers and members were among the Lewis Psalm-singers who sang Psalm 121 in Gaelic, as a participation in the event both by the Gaelic-speaking community and by the Christian community in Scotland.

In this year commemorating the 60th Anniversary of the end of the Second World War, we recall with thankfulness the Christian faith of Your Majesty's father, King George VI, during the darkest days this nation has faced, and his giving a Christian lead and example, particularly in his broadcast talks, as in his VE Day Broadcast when he said: "In the hour of danger we humbly committed our cause into the Hand of God, and He has been our Strength and Shield. Let us thank Him for His mercies, and in this hour of Victory commit ourselves and our new task to the guidance of that same strong Hand." In the present spiritually dark days, we long to see a return of the nation to such faith and witness.

We also remember in prayer the members of Your Majesty's Armed Forces, particularly as they seek to bring peace and stability to the troubled land of Iraq in extremely difficult circumstances, and we express our pleasure at Your Majesty's honouring Private Johnson Beharry with the Victoria Cross for self-sacrificial bravery in saving his comrades.

While we recognise and welcome the great racial and cultural diversity of our nation, we are glad that Your Majesty continues to honour your Scottish Coronation Oath to "inviolably maintain and preserve the settlement of the true Protestant Religion, with the Government, Worship, Discipline, Rights and Privileges of the Church of Scotland", for we believe it is in this Protestant basis that there is freedom and toleration for all.

May the Divine Blessing rest upon your Majesty's Person and Throne, upon His Royal Highness Prince Philip, Duke of Edinburgh, and upon every member of Your Royal House.

So pray Your Majesty's most faithful subjects, the Ministers and Elders of the Free Church of Scotland, in General Assembly convened.

II - Act appointing Delegates to the ICRC Conference
(No. 2 of Class II)

Edinburgh, 24th May 2005

The General Assembly approve the appointment of Rev. Alex J. MacDonald and Rev. James Maciver as voting delegates, together with Rev. Fergus A.J. Macdonald and Rev. David A. Robertson as attending delegates, to the ICRC Conference in Pretoria, South

Africa, in October 2005. The General Assembly note with approval the application for membership of the ICRC by the United Reformed Churches in Myanmar and the Committee's pledge of support for their application.

III - Act appointing General Assessors to the Presbytery of Skye and Wester Ross
(No. 3 of Class II)

Edinburgh, 24th May 2005

The General Assembly receive the Petition of the Presbytery of Skye and Wester Ross and grant its crave. They appoint Mr Farquhar Renwick, Minister at Knockbain, Mr Ranald F. Morrison, Minister at Tain, Mr Kenneth MacDonald, Retired from Rosskeen, Mr Murdo Macleod, Retired from Duirinish, Mr Angus Campbell, Elder at the Free North: Inverness; Mr Kenneth Robertson, Elder at Tain, Mr William Wyllie, Elder at Knockbain, Mr Thomas Cook, Elder at Knockbain, to be assessors to the Free Presbytery of Skye and Wester Ross, the terms of the appointment to be until next General Assembly.

IV - Act revising the Remit of the Ecumenical Relations Committee
(No. 4 of Class II)

Edinburgh, 24th May 2005

The General Assembly approve of the proposals of the Ecumenical Relations Committee regarding its remit. They amend Act XV, 2004, paragraph 2.4 to read as follows:

Remit: to promote relations with other Churches and religious bodies, and with delegates to and from these to the General Assembly, and to take steps to promote and protect the position of the Free Church of Scotland with respect to her place in the wider Church, and other functions previously discharged by the Assembly Arrangements and Ecumenical Relations Committee under its ecumenical relations remit, unless otherwise provided for in this Act; and as the General Assembly may appoint. In particular the Committee's remit as regards categories of relationship with other churches shall be exercised in the manner set out below:

- 1 Mutual eligibility - involving mutual exchange of ministers.
- 2 Fraternal relations - all member churches of the ICRC - involving mutual exhortation and cooperation.
- 3 Recognition - churches with an unqualified subscription to the Reformed Faith - involving working towards closer relationships.

- 4 Acknowledgement - including acceptance of baptism and disjunction certificates, although serious questions may exist about the ecclesiastical *bona fides* of these churches - involving issue-related interaction where appropriate.

V - Act anent Governance and Financial Operation of the Free Church College
(No. 5 of Class II)

Edinburgh, 24th May 2005

The General Assembly, cognisant of the significant proportion of income assigned to support training and the operation of the College, conscious of the fact that the College Board has not

attained the financial targets set for the College by a previous Assembly, and aware of the complex governance arrangements which exist for the College, empower the Committee to appoint a working group of appropriate persons drawing on the expertise within the College Board and the Training of the Ministry Committee to review the governance and financial operation of the College, to report on the value for money which the present arrangements represent and the degree to which the training provided meets the requirements for training of the Church and to report to the May 2006 Assembly thereon.

VI - Act constituting the Church Extension and Redevelopment Committee
(No. 6 of Class II)

Edinburgh, 24th May 2005

The General Assembly approve the inclusion of Redevelopment Charges in the remit of the Church Extension Committee and remove it from the remit of the Sustentation and Ministry Committee. They rename the Church Extension Committee as the Church Extension and Redevelopment Committee. The General Assembly amend Act XV, 2004, to the extent that (1) the “Church Extension Committee” be renamed “Church Extension and Redevelopment Committee” throughout; (2) the following be added to the remit of the said Committee, “to give practical effect to the Church’s concern for situations where the cause is weak through the creation and supervision of Redevelopment Charges”; (3) the corresponding item in the remit of the Sustentation and Ministry Committee be adjusted to read “to give practical effect to the Church’s concern for situations where the cause is weak through the appointment of District Ministers.” The General Assembly instruct the Committee to make appropriate budgetary adjustments in the light of these changes.

VII - Act anent Conditions of Work of Ministers
(No. 7 of Class II)

Edinburgh, 24th May 2005

The General Assembly, having reaffirmed their commitment to the principle whereby ministers are not employed by the Church and also their desire that ministers are given working conditions which are as consonant as possible with good practice in other areas of work, encourage the Committee to monitor carefully the Government's legislative activities in this area and authorise the Committee in consultation with the Sustentation and Ministry Committee to draw up a Statement of Best Practice in relation to the conditions of work of ministers.

VIII - Act anent Relations with the self-styled Free Church (Continuing)
(No 8 of Class II)

Edinburgh, 24th May 2005

1 The General Assembly express their gratitude for deliverance from the threat posed by the legal action of the self-styled 'Free Church Continuing' (hereafter referred to as the FCC) and note that the Court found no evidence of the so-called constitutional principle referred to as the "Right of Continued Protest" nor any evidence that if such a principle had existed the Free Church had breached it.

2 The General Assembly empower the Stewardship and Policy Committee to take such steps as they think fit to engage in dialogue with the FCC with a view to removing the reproach to the cause of Christ caused by the dispute and seeking the settlement of local difficulties in a manner which is just and reflects the fact that the assets seized are in fact the assets of congregations of the Free Church of Scotland and do not belong to another group.

3 The General Assembly endorse the proposals put to the representatives of the Free Church (Continuing) (FCC) and recorded in the minute of the meeting with the FCC held on 3rd May 2005, and urge the FCC to accept the proposals as a means for settling the dispute between the two Churches and engage with the Free Church of Scotland (FCS) in seeking to implement these proposals.

4 Accordingly in the light of the proposals the General Assembly urge the FCC to desist from appeal against the judgement of Lady Paton, and to fall from all related actions, and engage with the Free Church of Scotland in the terms of the proposals.

5 The General Assembly empower the Stewardship & Policy Committee to take

such steps as they think fit to respond to the events which may occur if the FCC persist in appealing against the judgement, in a manner which protects the position of the Free Church of Scotland and the assets which belong to it. In the event of the Court going to proof, the General Assembly instruct the Stewardship and Policy Committee to prepare proposals for submission to the General Assembly or to the Commission of Assembly as appropriate.

IX - Act anent Sales of Property and Release of Funds
(No. 9 of Class II)

Edinburgh, 24th May 2005

1 The General Assembly receive the Petition from the Finance Committee of Helmsdale and Kinbrace Free Church and grant its crave. They authorise the sale of the church building and ground at Kinbrace, the transaction to be carried out under the supervision of the Church's Law Agent. They direct that the proceeds of the sale be held by the General Trustees on behalf of the congregation and that the congregation have access to the funds when required for the maintenance, improvement or replacement of the church building in Helmsdale.

2 The General Assembly receive the Petition of the Finance Committee of Glenelg, Arnisdale, Lochalsh and Glenshiel and grant its crave. They authorise the sale of the Mission house at Arnisdale, the transaction to be carried out under the supervision of the Church's Law Agent. They direct that the proceeds of the sale be held by the General Trustees on behalf of the congregation, to be made available for the care, improvement and maintenance of existing congregational buildings, and for congregational purposes.

3 The General Assembly receive the Petition of the Deacons' Court of Paisley Free Church and grant its crave. They authorise the sale of the Manse of the Free Church congregation of Paisley, the transaction to be carried out under the supervision of the Church's Law Agent. They direct that the proceeds of sale be held by the General Trustees on behalf of the congregation, to be made available to the congregation for the purchase of a new Manse.

X - Act appointing Assessor Presbyteries to Synods
(No. 10 of Class II)

Edinburgh, 24th May 2005

In accordance with the requirements of Act V, 2002, paragraph 2.1, the General Assembly appoint the Northern Presbytery as Assessor Presbytery to the Western Synod; the Presbytery of Inverness, Lochaber and Ross as Assessor Presbytery to the Southern Synod; and the Presbytery of Edinburgh and Perth as Assessor Presbytery to the Northern

Synod. The General Assembly remind the North American Synod that such cases as require either of the two Presbyteries comprising that Synod to be at the bar of Synod should be forwarded directly to the General Assembly, or Commission of Assembly, whichever is the more appropriate.

**XI - Act uniting the Congregations of Duthil-Dores and Inverness: Free Greyfriars
and authorising the Appointment of an Assistant Minister**
(No. 11 of Class II)

Edinburgh, 25th May 2005

1 The General Assembly authorise the union of Duthil-Dores and Inverness: Free Greyfriars as one charge with one Kirk Session and one Deacons' Court, presently under the ministry of Rev. Dr John S. Ross, the consolidated charge to be known as Greyfriars-Stratherrick; the union to take place as from a date to be appointed by the Presbytery of Inverness, Lochaber and Ross not later than 30th April 2006.

2 The General Assembly receive the Petition from the Presbytery of Inverness, Lochaber and Ross regarding the congregations of Duthil-Dores and Inverness: Greyfriars and, noting the recommendation of the Committee on Sustentation and Ministry, grant its crave to the extent that in the event of these congregations uniting they authorise the appointment of an Assistant Minister to the consolidated charge in accordance with Act XIX, 2000, such permission to have effect from the date of the union of the congregations.

XII - Act anent Stipend and Related Salaries
(No. 12 of Class II)

Edinburgh, 25th May 2005

The General Assembly declare a stipend of £17,000 from 1st April 2005, this figure being based on the variation permitted by Act XII, 1989. The General Assembly approve the continuance of the other categories of salary that are paid at a fixed proportion of the stipend.

XIII - Act anent Ministerial Arrangements for Clyne
(No. 13 of Class II)

Edinburgh, 25th May 2005

The General Assembly note that the congregation of Creich has entered into a financial

arrangement to give financial assistance to the Clyne congregation for the period until 31st December 2005 to permit consideration of other options, Rev. Kenneth Hunter to officiate at Creich once a month whenever possible, and approve this arrangement. They continue the ministry at Clyne on this basis until the General Assembly of 2006 and instruct the Northern Presbytery to formulate further long term proposals for the two congregations to be reported to next General Assembly through the Sustentation and Ministry Committee.

XIV - Act amending Act XVIII, 1998

(No. 14 of Class II)

Edinburgh, 25th May 2005

The General Assembly amend Act XVIII, 1998, § 3.10 to read:

When any congregation given permission to call a minister (whether with or without restriction) fails to remit 120% of the Equal Dividend or less as promised on admission to the Platform, then the Sustentation Committee shall draw the attention of the Congregation and Presbytery to this fact, and the Presbytery shall report to the Committee what steps are being taken to rectify the situation. The Committee shall report to the General Assembly annually which congregations, if any, failed to meet their commitment in the previous year.

The Amended Act now reads:

The General Assembly desiring that arrangements regarding the Sustentation Fund be clarified and updated ordain as follows:

1. Congregations

1.1 A Schedule drawn up by the Sustentation Committee shall be filled up on behalf of each congregation seeking to be given permission to call a minister.

1.2 It shall be the duty of the interim-moderator of a vacant congregation in consultation with the Kirk Session, the Deacons' Court and Congregation to fill up the Schedule and submit it to the Sustentation Committee through the Presbytery of the bounds.

1.3 The Schedule shall require the Congregation to promise that in the event of a settlement it shall, as a minimum, remit to Central Funds a fixed percentage of the stipend. The minimum percentage promised shall be 100 per cent of the stipend. The promise should be adequate in relation to the Congregation's resources and prospects. Consideration shall also be taken of the percentage of its ordinary income a congregation has been remitting to Central Funds.

1.4 The Sustentation Committee may also require questions to be answered in the Schedule which will enable them to assess the Congregation's remittances to Central

Funds, the provision the Congregation intends to make to meet the minister's expenses, the suitability of the manse and of the property used for holding services, and any anticipated major Congregational expenses.

2. Presbyteries

2.1 Each Schedule shall be submitted to the Presbytery of the bounds for approval.

2.2 In the light of its knowledge of local circumstances the Presbytery shall be asked if it considers the financial commitment promised and the proposals made to be adequate in the light of the Congregation's resources and prospects.

2.3 When a Congregation's commitment lies between 100 and 120 per cent of the stipend in effect when the Presbytery gives consideration to the Schedule, the Presbytery shall be required to report to the Committee on why the Congregation should be given permission to call a minister, and to state what steps have been taken, or are proposed, to increase the Congregation's remittances to 120 per cent of the stipend.

2.4 A Presbytery shall not moderate in a call until the Sustentation Committee have intimated that the Congregation has been given permission to call a minister.

3. The Sustentation Committee

3.1 The Committee shall not consider a Schedule until it has been approved by the Presbytery of the bounds.

3.2 The Committee shall scrutinise each schedule to ensure that the requirements of 1.3 above are met, and that the responses given in terms of 1.4 and 2.3 are satisfactory. The Committee may only approve Schedules which have been validly completed in all these respects.

3.3 If a Congregation has promised to remit at least 120% of the stipend, and if the Committee is satisfied with the responses given to the other questions asked in the Sustentation Schedule, then the Congregation will be given permission to call a minister without further restriction, but subject to the requirements of Act XIII, 1984.

3.4 If a Congregation undertakes to remit between 100% and 120% of the stipend, and if the Committee is satisfied with the responses given to the other questions asked in the Sustentation Schedule, then the Committee may give restricted permission to call a minister (subject to the requirements of Act XIII, 1984). In these circumstances, a minister inducted to the charge shall be on a five-year renewable appointment, and a review of the congregation's situation shall take place four years after an appointment has been made.

3.5 When the congregation's remittances to Central Funds as a percentage of the stipend are reviewed four years after an appointment is made, the Congregation shall submit a

fresh Schedule through the Presbytery of the bounds.

3.6 If when a fresh Schedule is submitted the Congregation promise to remit at least 120% of the current stipend and if the Committee are satisfied with the Schedule in other respects, then the Congregation may be placed on the Equal Dividend platform without restriction (as in 3.3). The Committee will report on the matter to the next ensuing General Assembly and the minister's induction to the charge shall be declared to be free of time-restriction.

3.7 If when a fresh Schedule is submitted the Congregation promise to remit between 100% and 120% of the stipend and if the Committee are satisfied with the Schedule in other respects, then the Committee may extend the minister's appointment for a further five years from the date of termination of the original appointment. A review similar to that of 3.5 shall be carried out nine years after the appointment to the charge was made, and every five years thereafter.

3.8 If at the time of a review a Congregation is unable to promise to remit at least 100% of the stipend, or if the Committee adjudge the congregation's promised commitment to be unrealistic, the Committee shall report this to the next General Assembly, and unless exceptional circumstances are shown to exist, the Committee shall recommend that the minister's appointment be not renewed at the end of his current appointment.

3.9 When the contract of a minister in a terminable appointment is not renewed by resolution of the General Assembly, the Presbytery of the bounds shall direct that his name be added to the Register of Ministers without Charge, eligible for call.

3.10 When any congregation given permission to call a minister (whether with or without restriction) fails to remit 120% of the Equal Dividend or less as promised on admission to the Platform, then the Sustentation Committee shall draw the attention of the Congregation and Presbytery to this fact, and the Presbytery shall report to the Committee what steps are being taken to rectify the situation. The Committee shall report to the General Assembly annually which congregations, if any, failed to meet their commitment in the previous year.

4. Union of Neighbouring Congregations

4.1 Where the main church buildings of two vacant congregations or a vacant congregation and a settled charge, one or both of these congregations not remitting at least 120% of the stipend, are not more than 15 miles apart, the Presbytery shall be required to take all possible steps to bring about a linkage.

5. Special Arrangements

5.1 Notwithstanding the above regulations, the Committee may recommend to the General Assembly that in special circumstances congregations be given permission to call a minister on conditions to be submitted by the Committee to the Assembly. These

special circumstances shall have regard to: (a) the geographical position of the Congregation; and (b) the potential for growth perceived to exist.

5.2 Each such case passed by the Assembly shall be reviewed every five years.

5.3 The Schedule submitted by such a congregation must express its financial commitment as a percentage of the stipend in terms of 1.3 above, and its remittances shall be monitored by the Committee in terms of 3.10 above.

5.4 Before a Presbytery gives its approval to a Schedule seeking permission to call a minister in terms of special consideration, the Presbytery shall carry out a visitation of the Congregation and submit to the Committee, along with the Schedule, a report on the prospects of a continued ministry in the Congregation.

6. Scope of this Act

6.1 The terms of this Act shall apply to all congregations for which Sustentation Fund Schedules come before the Presbytery of the bounds for scrutiny and approval after the approval of this Act.

6.2 Where a Schedule has already been forwarded by the Presbytery of the bounds to the Committee, the Schedule shall be approved in terms of the regulations in force at the time when the Presbytery agreed to pass the Schedule on to the Committee.

6.3 Settlements that have taken place under previous regulations shall continue to be monitored in terms of the then prevailing regulations, but a congregation with the consent of its minister and of the Presbytery may apply to come under the provisions of this Act.

XV - Act anent Discussions with Presbyteries and with Smaller Congregations (No. 15 of Class II)

Edinburgh, 25th May 2005

The General Assembly authorise the Sustentation and Ministry Committee to meet with Presbyteries and with the Deacons' Courts of local congregations whose gross ordinary income falls below £30,000 to discuss what steps should be taken to provide appropriate ministerial arrangements in such congregations.

XVI - Act anent Congregational Review of Lochgilphead and Lochfyneside
(No. 16 of Class II)

Edinburgh, 25th May 2005

The General Assembly, noting the difficulty arising in the implementation of Act XVIII, 1998, § 3.4, in the case of the congregation of Lochgilphead and Lochfyneside due to the shortage of time available for the required review between January 2005 and the meeting of the Committee in March 2005, continue the appointment of Rev. D. M. Morrison until the General Assembly of 2006 and instruct the Committee to bring their proposals as required in the Act, to that Assembly.

XVII - Act granting Redevelopment Status to the Congregation of Gairloch and Kinlochewe
(No. 17 of Class II)

Edinburgh, 25th May 2005

The General Assembly, noting the recommendation of the Committee on Sustentation and Ministry, designate the congregation of Gairloch and Kinlochewe a Redevelopment Charge in accordance with Act XXXIV, 1988, as amended by Act IV, 1992, and Act XIV, 1993.

XVIII - Act granting Redevelopment Status to the Congregation of Harris
(No. 18 of Class II)

Edinburgh, 25th May 2005

The General Assembly, noting the recommendation of the Committee on Sustentation and Ministry, designate the congregation of Harris a Redevelopment Charge in accordance with Act XXXIV, 1988, as amended by Act IV, 1992, and Act XIV, 1993.

XIX - Act anent Special Arrangements for the Congregation of Arran
(No. 19 of Class II)

Edinburgh, 25th May 2005

The General Assembly, noting the recommendation of the Committee on Sustentation and Ministry, place the congregation of Arran on the Equal Dividend Platform under Special Arrangements in accordance with Act XVIII, 1998, § 5, on condition that (1) the congregation remit 48.5 % of stipend to central funds annually; and (2) the Committee

approve the name of the minister to be appointed.

**XX - Act anent the Appointment of an Assistant Minister for the
Congregation of Inverness: Free North**
(No. 20 of Class II)

Edinburgh, 25th May 2005

The General Assembly, noting the recommendation of the Committee on Sustentation and Ministry, authorise the appointment of an Assistant Minister for the congregation of the Free North Church, Inverness, in accordance with the terms of Act XIX, 2000.

**XXI - Act anent the Appointment of an Assistant Minister for the Congregation of
Rosskeen**
(No. 21 of Class II)

Edinburgh, 25th May 2005

The General Assembly, noting the recommendation of the Committee on Sustentation and Ministry, authorise the appointment of an Assistant Minister for the congregation of Rosskeen in accordance with the terms of Act XIX, 2000.

**XXII - Act anent Appointment of an Assistant Minister for the
Congregation of Stornoway**
(No. 22 of Class II)

Edinburgh, 25th May 2005

The General Assembly, noting the recommendation of the Committee on Sustentation and Ministry, extend the appointment of Rev. Kenneth I. Macleod as Assistant Minister at Stornoway for a further three years from 9th September 2005 under Act XIX, 2000, renewable in terms of Section 8 of the said Act.

XXIII - Act anent Ministers' Car Expenses
(No. 23 of Class II)

Edinburgh, 25th May 2005

The General Assembly approve the following arrangements as regards Ministers' Car Expenses:

- 1) The minimum rate at which ministers' car expenses shall be met is 25p per mile. A congregation may pay at a higher rate if they so desire. The cost of ferry travel and bridge tolls shall be met in addition where appropriate.
- 2) A minister shall be remunerated in respect of all valid car expenses incurred on church business. All expenses incurred on congregational travel shall in normal circumstances be reimbursed by the congregation in accordance with Act XV, 1983. Such expenses shall include: home visits, hospital visits, travel for church services and meetings, weddings and funerals (where expenses are not otherwise met).
- 3) Car expenses incurred in respect of travel to church courts or committees shall be met by the Presbytery or Committee concerned.
- 4) Ministers whose total annual mileage in respect of travel covered by paragraphs 2 and 3 above exceeds 12,000 miles per annum shall be entitled to receive the excess mileage over 12,000 at an enhanced rate of 30p per mile.
- 5) Every minister shall submit to his Deacons' Court annually particulars of his total mileage in the designated categories for the year, and the Court shall be responsible for meeting expenses in accordance with the rates set in 1 and 4 above.
- 6) While Deacons' Courts are required to review their minister's expenses annually, these expenses may be met monthly, quarterly or on another basis agreed locally with the minister.
- 7) Where congregations are unable to meet their obligations as outlined above from their funds, an application form for the shortfall shall be submitted to the Presbytery by the Minister.
- 8) Presbyteries shall scrutinise each such application form and investigate discrepancies.
- 9) Where the Presbytery is satisfied after due inquiry that the congregation's financial situation and other commitments genuinely preclude their paying the full amount due, then the Presbytery shall transmit a certified application to the Sustentation and Ministry Committee not later than 15th February each year for the balance of expenses.
- 10) The Sustentation and Ministry Committee shall consider such expenses at their March meeting, and if so resolved, shall pay the appropriate sums to the minister concerned, subject to the availability of finance. Budgetary allowance shall be made for this each year.
- 11) The Scheme shall be known as the Ministers' Car Expenses Scheme.
- 12) In the case of vacant congregations, ministers acting as Interim Moderators shall be eligible for the repayment of their expenses which relate to the vacant congregation by that congregation and the same procedure outlined above shall be followed *mutatis mutandis*.
- 13) Where a Resident Lay Preacher is appointed to a congregation, he shall be eligible

for repayment of car expenses under the scheme, and the same procedure outlined above shall be followed *mutatis mutandis*.

14) Ministers in Church Extension and Church Planting appointments shall receive grants, where necessary, from the Church Extension Committee.

15) Nothing in the above legislation is to be construed as relieving congregations of their obligation to meet ministers' other expenses besides that of travelling.

16) Presbyteries shall do their utmost to encourage Ministers to take advantage of this scheme where the funds of the local congregation are known to be limited, and shall investigate its application when they make enquiry about payment of other ministerial expenses at Quinquennial Visitations.

17) Act XX, 2000, is hereby repealed.

XXIV - Act anent Appointment of Chaplains to Forces
(No. 24 of Class II)

Edinburgh, 25th May 2005

The General Assembly authorise the Sustentation and Ministry Committee to consider any applications for appointment as a Chaplain to Forces as part of their remit.

**XXV - Act anent Appointment and Employment
of Presbytery Workers and Youth Workers**
(No. 25 of Class II)

Edinburgh, 25th May 2005

Edinburgh, 24th May 2005

Edinburgh, 26th May 2005

1 The General Assembly instruct the Committee to monitor applications for appointment as Presbytery Workers in accordance with Act XVIII, 2002. They continue the remit to the Committee to consider the workings of the said Act in consultation with the Stewardship and Policy Committee and also with the Youth and Church Extension Committees as appropriate and to bring revised proposals where necessary to next General Assembly. They further instruct the Committee to include within their terms of reference the regulations for the appointment and employment of Congregational Youth Workers.

2 The General Assembly instruct the Youth Committee to consult with the Sustentation and Ministry Committee and other relevant parties to prepare new legislation which will cover both Presbytery Workers and Youth Workers.

3 The General Assembly discharge the Training of the Ministry and Admissions Committee from further involvement in this matter.

XXVI - Act anent Occupation of Manses of Vacant Congregations
(No. 26 of Class II)

Edinburgh, 25th May 2005

The General Assembly amend Act XXI, 2000, by addition of the following Paragraph 9 and renumbering of existing Paragraph 9 as Paragraph 10:

The General Assembly, while recognising the rights of interim moderators to make appropriate arrangements for the supply of vacant congregations, including residential supply where this is seen to be desirable, enact that no such appointment involving the occupation of the manse for a period of longer than three months shall be entered into without prior approval of the Presbytery who shall be responsible for ensuring a lease is drawn up in proper form to safeguard the rights of the Church, such lease to be approved by the Stewardship and Policy Committee.

The Amended Act now reads:

The General Assembly approve the following revised arrangements for pulpit supply:

1 Only persons in the following categories may be employed for Weekend or Temporary Resident Supply: Ministers whose names appear on the Register of Ministers without charge; retired ministers of the Free Church; Probationers; recognised students of the Free Church; and students sponsored by the Presbyterian Church of Eastern Australia.

2 In all vacant congregations preaching fees shall be not less than the Scale of Fees approved by the General Assembly.

3 In special circumstances persons outwith the above categories may be employed by the authority of an Interim Moderator or the local Presbytery and shall be eligible for the appropriate fees and expenses.

4 Congregations shall be responsible for providing accommodation and board for weekend supply; and accommodation and travelling expenses for Temporary Resident Supply.

5 The Committee is authorised to negotiate an increased fee for resident supply with any recognised student as above.

6 Where supply involves the conduct of only one service on the Lord's Day the fee to be paid shall be at half the level that would otherwise obtain.

- 7 *Travelling expenses of Supply Preachers*
- a. Congregations in Groups I and II shall be responsible for meeting the travelling expenses of supply preachers in full.
 - b. The Committee shall be responsible for meeting the supply expenses of vacant congregations in Groups III and IV.
 - c. Exceptional cases shall be considered on their merits.
 - d. Supply preachers shall make use of public transport wherever available. Where such transport is not available and suitable a refund shall be allowed at the rate of 20p per mile to a maximum of £50.
- 8 *Scale of Fees from 1st January 2001* As from 1st January 2001 a standard fee of £30 shall be paid by the congregation to a weekend supply preacher. This fee shall not be paid to a Minister in a settled charge.
- 9 The General Assembly, while recognising the rights of interim moderators to make appropriate arrangements for the supply of vacant congregations, including residential supply where this is seen to be desirable, enact that no such appointment involving the occupation of the manse for a period of longer than three months shall be entered into without prior approval of the Presbytery who shall be responsible for ensuring a lease is drawn up in proper form to safeguard the rights of the Church, such lease to be approved by the Stewardship and Policy Committee.
- 10 Act XII, 1995, Act X, 1999 and any other legislation inconsistent with these enactments are hereby repealed.

XXVII - Act anent Ministers' Holidays and Other Purposes
(No. 27 of Class II)

Edinburgh, 25th May 2005

- 1 The General Assembly call upon all ministers to ensure that they take adequate time off and that they take up their full quota of holidays each year.
- 2 The General Assembly urge all Deacons' Courts to ensure that they pay for pulpit supply during ministers' holiday periods.
- 3 The General Assembly urge all Presbyteries to ensure that those who act as Mentors report regularly in regard to the carrying out of their responsibility.
- 4 The General Assembly remind all Presbyteries and ministers that the Board of Pastoral Advice is always willing to be consulted on any perplexing pastoral problems.

**XXVIII - Act anent Ministerial Arrangements for the Congregation of
Buccleuch-Greyfriars, Edinburgh**
(No. 28 of Class II)

Edinburgh, 25th May 2005

The General Assembly, noting the recommendation of the Committee on Sustentation and Ministry (1) instruct the Sustentation and Ministry Committee to consider the implications of collegiate ministry with reference both to Buccleuch and Greyfriars congregation and also as a form of ministry in the Church in general, and to bring proposals to next General Assembly; (2) continue the appointment of Rev. Dr R.J. Akroyd as Assistant Minister in Buccleuch and Greyfriars congregation for a period of three years in terms of Act XIX, 2000, the arrangement to be reviewed by the General Assembly of 2008.

XXIX - Act anent Use of the Scottish Paraphrases in Public Worship
(No. 29 of Class II)

Edinburgh, 25th May 2005

The General Assembly note, in respect of the Reference forwarded by the Northern Presbytery to the General Assembly in 2004 and in the light of the Report of the Committee on Worship at present before it, that former General Assemblies of the Free Church of Scotland considered it inadvisable to legislate on the use of the Scottish Paraphrases in public worship, noting only that the Church's position was to avoid uninspired materials of praise. Consequently the General Assembly advise the Northern Presbytery that the former usage and decisions of the Church do not provide competent grounds for making the use of the Scottish Paraphrases a matter of discipline.

XXX - Act anent Agreement with *Mission to the World*
(No. 30 of Class II)

Edinburgh, 25th May 2005

The General Assembly acknowledging concerns that the use of American Missionaries should be properly organised, instruct the Stewardship and Policy Committee, in consultation with the Church Extension Committee, to bring proposals for a more formal partnership agreement between the Free Church and Mission to the World to the 2006 Assembly.

XXXI - Act anent Guidelines for Church Extension and Outreach
(No. 31 of Class II)

Edinburgh, 25th May 2005

The General Assembly instruct the Church Extension Committee to produce guidelines for local church evangelism and outreach. They stipulate that each Presbytery should ensure that each congregation within their bounds has a suitable, contextual and adequate programme for local outreach and evangelism.

XXXII - Act anent the work of Asian Outreach in Glasgow
(No. 32 of Class II)

Edinburgh, 25th May 2005

1 The General Assembly continue the work of Asian Outreach in Glasgow until 2010. They renew the appointment of the Rev. Duncan Peters until the General Assembly of 2010.

2 The General Assembly instruct the Church Extension Committee to investigate, in consultation with the Presbytery of Glasgow and Argyll and the Kirk Session of Govanhill Free Church, the possibilities of more team-work in their approach, and in particular to consider the use of students in summer placements. The General Assembly encourage the Free Church College to send students for such placements, and to ensure that awareness of Muslim and Asian culture be included in the College course. In addition the General Assembly authorise the Church Extension Committee to investigate the possibility of securing a suitable worker from organisations such as Impact (Mission to the World's Muslims ministry) or other Christian groups working in this field.

**XXXIII - Act anent the Church Extension Charge of
South Uist and Benbecula**
(No. 33 of Class II)

Edinburgh, 25th May 2005

The General Assembly, continue the congregation of South Uist and Benbecula as a Church Extension Charge under the ministry of Rev. I. MacAskill for a further five years from the date of the rising of this General Assembly in accordance with Act XXVII, Class II, 1989.

XXXIV - Act anent In-Service Training for Ministers
(No. 34 of Class II)

Edinburgh, 26th May 2005

The General Assembly thank the Training of the Ministry and Admissions Committee for the successful organisation of the third In-Service Training Course; and, having regard for the need for a comprehensive review of the first three years of the scheme, suspend the operation of Act XXI, par. 1, 2002, in relation to the year 2006, to permit the Committee to carry out a full appraisal of the scheme with a view to its resumption in the year 2007.

XXXV - Act anent Admission of Ministers and Probationers from other Churches
(No. 35 of Class II)

Edinburgh, 26th May 2005

The General Assembly amend the Preamble of Act XXVI, 2004, to read:

The General Assembly, having regard to the need for clearly defined procedures with reference to the admission of Ministers or Probationers from other denominations, hereby ordain as follows.

The Amended Act now reads:

The General Assembly, having regard to the need for clearly defined procedures with reference to the admission of Ministers or Probationers from other denominations, hereby ordain as follows:

- 1 Authority to grant any such application lies solely with the General Assembly.
- 2 All such applications must be made, in the first instance, to the Presbytery within whose bounds the applicant has his ordinary residence; or, if the applicant's residence be not within a Presbytery of this Church, it shall be made to a Presbytery to whose members the applicant is well known.
- 3 All applications shall be made on an official Schedule of Application drafted by the Training of the Ministry and Admissions Committee and shall be accompanied by a certificate of good standing from the church or denomination with which the applicant is connected.
- 4 This Schedule shall be in two parts, one part to be completed by the Applicant and the other by the Presbytery, and attested by their Clerk. As well as containing requests for such information from the applicant and the Presbytery as the Admissions Committee

deems appropriate, this schedule shall require (a) that the applicant indicate his willingness to subscribe to the questions put to licentiates, these questions being incorporated in full in the Schedule; and (b) that the Presbytery state that they are satisfied that the applicant is a suitable person to hold a ministerial charge in the Free Church of Scotland.

5 The Presbytery shall transmit the completed Schedule of Application to the Training of the Ministry and Admissions Committee; and the Clerk of the Committee, on receipt of the application, shall inform all Presbytery Clerks, stating the name and denominational affiliation of the minister concerned and advising them that the application will be disposed of by the General Assembly.

6 Before considering an application for admission to the ministry of the Free Church of Scotland, the Admissions Committee shall (a) obtain a report from one of the Committee's panel of medical examiners on the applicant's state of health and medical fitness for the ministry and (b) satisfy itself that the applicant has made appropriate disclosure in terms of the Protection of Children (Scotland) Act 2003 and Police Act 1997 or any statutory modification or re-enactment thereof for the time being in force.

7 The Committee shall arrange to interview the applicant. Through this interview the Committee shall:

7.1 Assure itself that the minister is prepared to give an unqualified subscription to the Formula; and to do so in accordance with the explanation as to 'Purity of Worship' required by Act V, 1932.

7.2 Satisfy itself that the minister's educational qualifications and professional training are comparable to those required of applicants for Licence by the Free Church of Scotland.

7.3 Ensure that the minister has such a knowledge of the *Practice of the Free Church of Scotland* as to render him a competent person to act as Moderator of a Kirk Session and to assume the responsibilities which normally fall upon Free Church ministers in the courts of the Church.

7.4 Ascertain that the minister is fully committed to maintaining the peace and unity of this Church and does not hold opinions or follow practices likely to be divisive.

8 The Committee, having interviewed the applicant and considered all aspects of the application (including the medical report) shall forward the Application Schedule to the Assembly Clerk together with an Extract Minute detailing the Committee's recommendation in relation to the application.

XXXVI - Act anent Conditions of Employment of Professors
(No. 36 of Class II)

Edinburgh, 26th May 2005

The General Assembly amend Act XXI, 1988, as follows:

- (1) In section 1.2.1 for “the Training of the Ministry Committee” substitute “the College Board”; for “three per cent per annum” substitute “two and one-half per cent per annum”; and for “one percentage point higher” substitute “one-half percentage point higher”.
- (2) In section 1.2.2 for “four times the Equal Dividend” substitute “six times the Equal Dividend”.
- (3) Delete sections 1.3 and 1.4.
- (4) In section 2.1, for “Professors appointed prior to this Assembly shall continue to” substitute “All Professors shall”.
- (5) The pensions of all Professors shall be based on one-and-three quarter times the Equal Dividend, subject to this being remitted to the Stewardship and Policy Committee for their immediate attention, with powers to implement if possible.
- (6) Delete section 2.3 and substitute “No retrospective payments shall be made of the disturbance allowance of 1.1, and Professors appointed prior to this Assembly shall not be eligible for any increase in the capital sum allowed by 1.2.2 or for retrospective payments of the interest subsidy of 1.2.1, but they may from this date be eligible for interest subsidy under 1.2.1 for the remaining term of any bond.”

The Amended Act now reads:

The General Assembly in accordance with Act XX, 1985, section V, paragraph 1.4, which requires the salaries of professors to be kept under review, enact as follows:

1.1 All Professors appointed by this or subsequent General Assemblies shall receive a disturbance allowance to reimburse them for expenditure necessarily incurred as a consequence of appointment, up to a maximum of one-quarter of the Equal Dividend. The provisions of Act VI, 1979, in relation to removal costs, shall continue in force.

1.2.1 In respect of bonds granted by the General Trustees on security of a house which shall hereafter be purchased by a newly appointed Professor, the College Board are directed to subsidise from the College Fund the rate of interest paid so that in the period from a Professor’s induction up to 31st December of the following year he shall pay interest at two and one-half per cent per annum, and that in each subsequent calendar year he shall pay at a rate of interest one-half percentage point higher until the rate of interest

he pays equals that which the General Trustees charge, after which no subsidy shall be made.

1.2.2 The capital sum in respect of which the subsidy of 1.2.1 is paid shall not exceed six times the Equal Dividend current at the date of the Professor's induction.

2.1 All Professors shall be paid a salary equivalent to the Equal Dividend plus three-quarters of the Equal Dividend, plus a non-pensionable supplement equal to one-quarter of the Equal Dividend.

2.2 No retrospective payments shall be made of the disturbance allowance of 1.1, and Professors appointed prior to this Assembly shall not be eligible for any increase in the capital sum allowed by 1.2.2 or for retrospective payments of the interest subsidy of 1.2.1, but they may from this date be eligible for interest subsidy under 1.2.1 for the remaining term of any bond.

2.3 The pensions of all Professors shall be based on one-and-three quarter times the Equal Dividend, subject to this being remitted to the Stewardship and Policy Committee for their immediate attention, with powers to implement if possible.

XXXVII - Act anent College Endowment Fund
(No. 37 of Class II)

Edinburgh, 26th May 2005

The General Assembly repeal Act XXVII, 2000 (Act anent College Endowment Fund), and declare the College Endowment Fund a separate fund from the College Fund. They authorise the College Board to administer the Endowment Fund subject to the following terms and conditions:

1. All donations to the College Endowment Fund shall be added to the Endowment Fund.
2. At the end of each financial year the College Board will, at its discretion, decide on the amount of the Endowment Fund which is to be invested in the Share Pool.
3. The College Board may, at its discretion, allocate sums from the College Endowment Fund to cover College Board approved Special Projects or any unforeseen items of College related expenditure not provided for in the annual budget of the College Fund Account.
4. At the discretion of the Board, annual interest on the College Endowment Fund shall either be credited to the Ordinary Revenue of the College Fund or be added to the capital held on behalf of the Endowment Fund in the Share Pool.

5. The College Board shall engage in appropriate activities to solicit contributions to the College Endowment Fund.
6. These terms and conditions shall come into effect from 1st January 2006.

XXXVIII - Act anent Quinquennial Review of Free Church College
(No. 38 of Class II)

Edinburgh, 26th May 2005

The General Assembly authorise the Quinquennial Review Committee to continue its remit and bring its Report to next General Assembly.

**XXXIX - Act transferring Rev. Dr Alistair Wilson to the
Register of Ministers without Charge Eligible for Call**
(No. 39 of Class II)

Edinburgh, 26th May 2005

The General Assembly authorise the transference of the name of Rev. Dr Alistair Wilson from the Roll of Resigned and Retired Ministers to the Register of Ministers without Charge eligible for call in terms of Act XIII, 1990, Paragraph 9.

**XL - Act appointing Professor of Church History and Church Principles
to the Free Church College**
(No. 40 of Class II)

Edinburgh, 26th May 2005

1. The General Assembly appoint Rev. Dr John R. McIntosh, Minister at Poolewe and Aultbea, to be Professor of Church History and Church Principles, in accordance with existing regulations.
2. The General Assembly hereby release Dr McIntosh from his present pastoral charge and instruct the Presbytery of Edinburgh and Perth to take the necessary steps for his induction to the Chair of Church History and Church Principles on a date not later than 31st July 2005, his relationship to the congregation of Poolewe and Aultbea to subsist until he be actually admitted to the charge aforesaid.

**XLI - Act appointing Mr Norman Smith, Ayr, to the
Special Committee on Worship**
(No. 41 of Class II)

Edinburgh, 27th May 2005

The General Assembly appoint Mr Norman Smith, Ayr, to be a member of the Special Committee on Worship in place of Mr J.M. Graham.

XLII - Act appointing Commission of Assembly
(No. 42 of Class II)

Edinburgh, 27th May 2005

The General Assembly did, and hereby do, nominate and appoint a Commission consisting of all members of Assembly with the addition of Rev. W.D. Graham, named by the Moderator: To be a Commission of this General Assembly with power to the said Commission or their quorum which is declared to be any fifteen or more of their number, whereof eight at least are always to be ministers, to meet and convene at Edinburgh on the first Wednesday of October and the first Wednesday of March next to come at 7 o'clock in the evening, and oftener when and where they shall think fit and convenient, and with power to choose their own Moderator; and the General Assembly fully empower the said Commission, or their quorum above-mentioned, to cognosce and finally determine as they shall see cause in every matter referred to them, or which shall be referred to them, by, or in virtue of, any act or order of the Assembly; and to do everything contained in, and conform to the instructions given, or to be given, by the General Assembly; and to advert to the interests of the Church on every occasion, that the Church do not suffer or sustain any prejudice which they can prevent, as they will be answerable; provided always that, save as hereafter stated, this general clause be not extended to particular affairs or processes before Synods or Presbyteries that are not of universal concern to, or influence upon, the whole Church. And further, in view of the ongoing question of relations with the self-styled Free Church Continuing, the matter of legal issues in relation to the occupation of property belonging to the Free Church of Scotland by the said Free Church Continuing, the freezing of bank accounts, and the processing of legal action in the civil courts, the General Assembly empower the Commission to take all steps necessary and proper to take in the interests of the Church in connection with these matters, and declare that meetings of the Commission shall have the full powers of the General Assembly to deal with all such matters that may arise, provided always that notice of proposals in terms of this empowerment shall be sent to commissioners at least ten days before the Commission is to convene, this requirement not implying any curtailment of amendment to such proposals. And further, the said Commission are hereby particularly empowered to receive and fully dispose of applications that may be forwarded to them for raising preaching stations or suppressed

charges to fully sanctioned charges, for consolidating congregations into one charge, for the appointment of Ministers overseas and Foreign Missionaries in the Mission Fields of the Church, to appoint teachers seconded by the Reformed Missions League as missionary teachers to Colegio San Andres, for authority to sell such property as is not held under the Model Trust Deed, or to sell such properties being under the Model Trust Deed as are to be sold in order to provide for new buildings, to take up and dispose of a Report from the Stewardship and Policy Committee anent the Church's budget for 2006 and a Report from the Assembly Clerk with respect to the Minute Book of the Presbytery of Edinburgh and Perth, and any other outstanding Records, and to receive any references and appeals that shall be made to them from Synods in matters of doctrine, and ripen such affairs for next General Assembly, and to contribute what they can to the suppression of vice and immorality, and to give all needful advice and assistance to Synods, Presbyteries and Committees of Assembly upon application to them for that end. And the said Commission are hereby strictly prohibited and discharged to meddle in any other matters than what are

committed and referred to them as above-mentioned. And in all their actings they are to proceed according to the Acts and Constitution of this Church, and to do nothing contrary thereto, or to the prejudice of the same, declaring that, in and for all their actings, they shall be accountable to, and censurable by, next General Assembly, as they shall see cause. And this Commission shall continue and endure until another Commission is appointed. And members are required to attend the diets of the said Commission.

XLIII - Act appointing next General Assembly
(No. 43 of Class II)

Edinburgh, 27th May 2005

The General Assembly appoint the next General Assembly to meet in Edinburgh on Monday 22nd May 2006 at 6 o'clock in the evening.

ACTS OF THE COMMISSION OF ASSEMBLY

I - Act anent Relations with the self-styled Free Church (Continuing)

Edinburgh, 8th September 2004

1 The Commission of Assembly receive the report of the Stewardship and Policy Committee and thank the Committee. They thank those who took part in the mediation

talks on behalf of the Church.

2 The Commission of Assembly affirm peace and reconciliation as guiding principles in the relations between the Free Church of Scotland and the Free Church of Scotland (Continuing).

3 The Commission of Assembly recognise substantial agreement between the Free Church of Scotland and the Free Church of Scotland (Continuing) on the Constitution with the exception of the “right of continued protest”.

4 The Commission of Assembly regret that no reunion can take place at the present time while the issue of the “right of continued protest” is in dispute between the Free Church of Scotland and Free Church of Scotland (Continuing).

5 The Commission of Assembly affirm their belief that both the Free Church of Scotland and the Free Church of Scotland (Continuing) assent to the principle of spiritual independence.

6 The Commission of Assembly note that the Free Church of Scotland (Continuing) believe that the Civil Court has no locus in relation to the intrinsic merits of what may be claimed to be the fundamental principles of the Free Church of Scotland. However, the Commission of Assembly recognise that, in determining questions of temporalities, the Civil Court may be asked to determine what are the fundamental principles of the constitution of the Free Church of Scotland and who adheres to them – the “right of continued protest” being one such issue. The Commission of Assembly note that this is also the position of the Free Church of Scotland (Continuing).

7 The Commission of Assembly affirm that Christian Churches are obligated to explore every alternative avenue to the law court in seeking to settle disputes.

8 The Commission of Assembly acknowledge that hurt, distress and harm has been caused to individuals, families and communities arising from the dispute and division, and express sorrow and regret for any harm caused. The Commission of Assembly welcome the Free Church of Scotland (Continuing)’s reciprocal expression of regret.

9 The Commission of Assembly acknowledge that people on both sides have suffered distress at the loss of use of buildings.

10 The Commission of Assembly acknowledge, with hindsight, that there could have been a better management of difficult and complex situations.

11 The Commission of Assembly affirm that the Free Church of Scotland acted sincerely and in good faith and acknowledge the affirmation by the Free Church of Scotland (Continuing) that they also acted in this manner.

12 The Commission of Assembly acknowledge that at the present time the Free Church of Scotland and the Free Church of Scotland (Continuing) each hold different views on the “right of continued protest”.

13 In the light of the acknowledgments and affirmations in points 2 to 12 above the Commission of Assembly resolve to implement the measures contained in subparagraphs (a) to (i) below, subject to the conditions set out in paragraph 14 below:

(a) The Commission of Assembly declare that the Free Church of Scotland recognise the Free Church of Scotland (Continuing) as a separate Church and call upon the Free Church of Scotland (Continuing) to reciprocate, and affirm that the Free Church of Scotland is committed to identifying itself clearly at national and local level as the Free Church of Scotland, and call upon the Free Church of Scotland (Continuing) to identify itself clearly at national and local level so as to avoid confusion of the two Churches.

(b) The Commission of Assembly declare that the Free Church of Scotland will not obstruct Free Church of Scotland (Continuing) membership of Affinity and ICRC as a separate Church from the Free Church of Scotland.

(c) The Commission of Assembly, in virtue of the powers given to it by Act XLII, Class

II, 2004, resolve and declare that the sentences of suspension *sine die* currently in place upon Free Church of Scotland (Continuing) ministers and office-bearers are, in consequence of the recognition specified in (a) above, rendered void, effective from the date at which the Free Church of Scotland (Continuing) Commission of Assembly adopt the terms of this settlement as set out in paragraphs 13 and 14. The Commission of Assembly further declare that all the Free Church of Scotland (Continuing) ministers and office-bearers who thus far have been regarded by the Free Church of Scotland as under suspension *sine die* will then be regarded by the Free Church of Scotland as of good standing in a Christian Church.

(d) The Commission of Assembly affirm (i) that everyone who was a member of the FC pension scheme before 20th January 2000 will receive their pension entitlement in respect of service prior to that date; (ii) that the Free Church of Scotland will use every reasonable endeavour to finance the pension gap attributable to the ministers in the Free Church of Scotland (Continuing) who were in Free Church service before January 2000 and (iii) that the Free Church of Scotland accept this liability, but in the context of the costs likely to be incurred by the Free Church of Scotland in the settlement of local property issues, the Free Church of Scotland enjoin the Free Church of Scotland (Continuing) to consider making some appropriate tangible contribution to the Pension Fund.

(e) The Commission of Assembly endorse the principle that property issues should be resolved in such a manner that no minister will be rendered homeless, and that the work of the Gospel be unhindered. The Commission of Assembly, bearing in mind that the

Free Church of Scotland cannot concede title to property held in Trust, affirm that, subject to local agreement and the reciprocal goodwill and co-operation of the Free Church of Scotland (Continuing), the Free Church of Scotland is committed to achieving some workable arrangement about the use of Churches and Manses where Free Church of Scotland (Continuing) congregations currently exist, such an arrangement to include the cessation of forced entry into buildings, the releasing of frozen assets, the discouragement of actions which generate tensions over properties, and the encouragement of local congregations to withdraw present legal actions and to desist from raising new ones.

(f) The Commission of Assembly appoint a committee on local arrangements to assist congregations in achieving settlements which embody the principles enunciated above regarding property matters, and to set up such financial arrangements as are considered appropriate to achieve this.

(g) The Commission of Assembly enjoin all Free Church of Scotland ministers and office-bearers to encourage a spirit of conciliation, including the cessation of derogatory statements and every form of misrepresentation, and call upon the Free Church of Scotland (Continuing) to reciprocate.

(h) The Commission of Assembly remit to the Committee on Review of Disciplinary Procedures the task of investigating the meaning and extent of dissent and protest; the relation of dissent and protest to liberty of conscience; and the disputed “right of continued protest”. The Commission of Assembly empower the Committee to consult as it deems fit and authorise the Committee to consult an equivalent committee of the Free Church of Scotland (Continuing) with a view to reporting to their respective commissions.

(i) The Commission of Assembly direct the Stewardship and Policy Committee to consult with the appropriate committee of the Free Church of Scotland (Continuing) from time to time on matters of mutual concern.

14 The Commission of Assembly affirm that the measures set out above in 13 (a) to (i) will be implemented only on the condition that the Free Church of Scotland (Continuing) Commission concur in the acknowledgements and affirmations set out in paragraphs 2 to 12 of the Deliverance above, and the Free Church of Scotland (Continuing) Commission resolve to implement on their part the measures contained in 13 (a), (d), (e), (g), (h) and (i); and further that the Court of Session action set down for hearing on 12th October 2004 together with the two associated petitions be dismissed, with no expenses being due to or by either party and with any interim awards of expenses being withdrawn, by Joint Minute of the Parties by 20th September 2004.

15 The Commission of Assembly direct the Clerk of Assembly to communicate this finding to the Free Church of Scotland (Continuing) along with a copy of the Committee’s Report. The Commission further direct the Stewardship and Policy Committee, on receipt of a note from the Free Church of Scotland (Continuing) of their

concurrence with this finding, including notification that the Free Church of Scotland (Continuing) have approved the proposals anent the Court of Session action together with the two associated petitions as set out in paragraph 14 of the Proposed Deliverance, report the same to the Commission forthwith, such report also to contain any additional proposed deliverances as may be needed to give effect to the agreed proposals.

II - Act anent Sales of Property and Release of Funds

Edinburgh, 6th October 2004

1 The Commission of Assembly authorise the sale of the manse building at Shiskine, the transaction to be carried out under the supervision of the Church's Law Agent, the proceeds of the sale to be held by the General Trustees on behoof of the congregation. They direct that the proceeds of sale be made available to the congregation for the erection or purchase of a new manse, with any surplus to be applied to congregational funds.

2 The Commission of Assembly the sale of the manse building at Glenurquhart, the transaction to be carried out under the supervision of the Church's Law Agent, the proceeds of the sale to be held by the General Trustees on behoof of the congregation. They direct that the proceeds of sale be made available to the congregation for the erection or purchase of a new manse, with any surplus to be held by the General Trustees for the benefit of the congregation

III - Act anent Sales of Property and Release of Funds

Edinburgh, 2nd March 2005

The Commission of Assembly receive the Petition of the Deacons' Court of Gairloch and Kinlochewe Free Church, and grant its crave. They authorise the sale of the Free Church Meeting House at Strath, Gairloch, subject to there being no impediment to sale in the title, the transaction to be carried out under the supervision of the Church's Law Agent. They direct that the proceeds of the sale be held by the General Trustees for behoof of the congregation, and that the congregation have access to the funds for the provision of a suitable hall with any excess funds to be made available for congregational purposes.