

THE PRINCIPAL
ACTS
 OF THE
 GENERAL ASSEMBLY OF THE FREE CHURCH OF SCOTLAND
 MAY MMVI
CLASS I – ACTS WHICH HAVE PASSED THE BARRIER ACT

None

CLASS II – ACTS WHICH ARE OF GENERAL INTEREST TO THE CHURCH

I – Act anent Presbytery Returns under the Barrier Act
 (No I of Class II)

Edinburgh, 22nd May 2006

The General Assembly direct that the following be added to Standing Orders as Standing Order II.8:

That in regard to returns from Presbyteries to any Overture transmitted to them under the Barrier Act the total number of Presbyteries in the Church shall constitute the appropriate base for calculating a majority and a non-return shall be taken as signifying disapproval of the matter contained in the Overture.

II – Act appointing the Assistant Clerk of Assembly to the Assembly Arrangements Committee
 (No 2 of Class II)

Edinburgh 22nd May 2006

The General Assembly amend Act XV, 2004, to the extent that the words “Assistant Clerk” be added after the words “Principal Clerk” in the specification for the membership of the Assembly Arrangements Committee.

III – Act re-appointing the Special Commission anent the Reformed Church in Sweden
(No 3 of Class II)

Edinburgh, 23rd May 2006

The General Assembly reappoint the Special Commission anent the establishing of a Reformed Church in Sweden, consisting of the Convener, Rev. David A. Robertson, Rev. James Maciver and Dr Allan MacPherson, with powers to take all appropriate steps needed to achieve this objective, the Commission to report to the next General Assembly.

IV – Act anent the Stipend and Related Salaries
(No 4 of Class II)

Edinburgh, 23rd May 2006

The General Assembly continue the existing stipend, 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.

V – Act anent Ministerial Arrangements for Clyne
(No 5 of Class II)

Edinburgh, 23rd May 2006

The General Assembly note the steps taken by the Northern Presbytery with regard to the ministerial arrangements in the congregation of Clyne. They authorise the continued payment of the Minister's stipend during 2006. They instruct the Northern Presbytery to facilitate preparations towards linkage between the congregation of Clyne and the congregation of Helmsdale and Kinbrace. They instruct the Northern Presbytery to report their progress to the October meeting of the Sustentation and Ministry Committee and to bring proposals to the General Assembly of 2007 through the Committee.

VI – Act anent Ministerial Arrangements for the Congregation of Lochgilphead and Lochfyneside
(No 6 of Class II)

Edinburgh, 23rd May 2006

The General Assembly, noting the circumstances obtaining in the congregation of Lochgilphead and Lochfyneside, continue the appointment of the present Minister on Special Arrangements for a period of three years, the arrangement to be reviewed by the General Assembly of 2009, on condition that the congregation remit a sum equal to 74% of the stipend.

**VII – Act anent Ministerial Arrangements for the Congregation of
Sleat and Strath**
(No 7 of Class II)

Edinburgh, 23rd May 2006

The General Assembly, noting the special circumstances applying in the case of Rev. W. K. Stewart, minister at Sleat and Strath, extend his appointment for one year, to terminate not later than 30th June 2007, and instruct the Presbytery of Skye and Wester Ross to review the ministerial arrangements for the congregation.

**VIII – Act anent Ministerial Arrangements for the Congregation of
East Kilbride**
(No 8 of Class II)

Edinburgh, 23rd May 2006

The General Assembly direct that the congregation of East Kilbride be continued on the Equal Dividend Platform under Special Arrangements (namely that they remit a sum equivalent to 85% of the stipend annually) in accordance with Act XVIII, 1998, § 5.

**IX – Act anent Ministerial Arrangements for the Congregation of
Buccleuch and Greyfriars, Edinburgh**
(No 9 of Class II)

Edinburgh, 23rd May 2006

The General Assembly note that the Sustentation Committee, in the discharge of their remit from last General Assembly concerning collegiate ministries, prepared draft legislation which was sent both to the congregation of Buccleuch and Greyfriars and to the Presbytery of Edinburgh and Perth in October 2005, but no response was received from either party. The General Assembly continue the Committee's remit until the General Assembly of 2007 and instruct the Presbytery of Edinburgh and Perth and the Kirk Session of Buccleuch and Greyfriars to send their comments to the Committee as soon as possible.

X – Act anent Appointment and Employment of Presbytery Workers
(No 10 of Class II)

Edinburgh, 23rd May 2006

The General Assembly, recognising that Presbyteries and Congregations may wish to engage the services of suitable persons other than ordained ministers in the service of the Church on a local level, approve the following arrangements for Auxiliary Workers. The Assembly declare that such regulations shall be mandatory for Presbytery workers and strongly recommend Kirk Sessions to put them into practice in the appointment of congregational youth workers.

Auxiliary workers may be engaged within the bounds of a single presbytery as Presbytery Workers to undertake a variety of tasks which may include pulpit supply, pastoral visitation, and evangelism.

1.1 Prior to any such appointment the specific duties shall be defined by the Presbytery and detailed in a suitable job description.

1.2 Where the specific duties include pulpit supply Presbytery Workers shall be office bearers of the Free Church of Scotland. In all other cases Presbytery Workers shall be communicant members of the Free Church of Scotland. All such workers shall accept and support the doctrinal position of the Free Church of Scotland as contained in the Westminster Confession of Faith. In the event of a genuine difficulty arising at a later date it will be necessary for the worker to discuss the issue with his / her line manager.

1.3 Appointment shall be by the Presbytery on recommendation by the applicant's Kirk Session. The Presbytery shall be satisfied with the theological and professional competence of the applicant. Workers shall undertake a suitable training course as necessary, prior to or as soon as possible after taking up their appointment.

1.4 Workers shall be answerable to the Presbytery and their duties will be carried out under the immediate oversight of the Presbytery. On taking up their duties workers shall be formally commissioned at a service of public worship arranged by the Presbytery.

1.5 The Presbytery shall appoint a line manager who shall be a minister or elder of the Church. The Presbytery, in appointing a line manager, shall outline in writing the duties, responsibilities and levels of authority of the line manager.

1.6 Presbytery workers shall report on their work to the Presbytery from time to time as the Presbytery may require.

1.7 Appointments shall normally be for periods of not more than three years and shall be subject to review by the Presbytery to be completed not less than six months before the end of that period.

2. Auxiliary workers may also be engaged within the bounds of a single presbytery, or by Presbytery agreement within a single congregation, as Youth Workers to undertake tasks which may include evangelistic and pastoral work among young people.

2.1 Prior to any such appointment the specific duties shall be defined by the Presbytery, or in the case of congregational workers by the Kirk Session and specified in a suitable job description. The Presbytery or the Kirk Session shall advise the Youth Committee on the agreed duties.

2.2 Youth Workers shall be communicant members of the Free Church of Scotland and shall accept and support the doctrinal position of the Free Church of Scotland as contained in the Westminster Confession of Faith. In the event of a genuine difficulty arising at a later date it will be necessary for the worker to discuss the issue with his / her line manager.

2.3 Appointment shall be by the Presbytery on recommendation by the applicant's Kirk Session, or in the case of congregational Youth Workers appointment by the Kirk Session. Workers shall be answerable to the Presbytery or the Kirk Session

according to the particular appointment. On taking up their duties workers shall be formally commissioned at a service of public worship arranged by the Presbytery or the Kirk Session in the case of congregational workers.

2.4 The Presbytery shall be satisfied with the theological and professional competence of the applicant. Youth Workers shall undertake a suitable training course as necessary, prior to or as soon as possible after taking up their appointment.

2.5 The Presbytery, or the Kirk Session in the case of a congregational worker, shall appoint a line manager who shall be a minister or elder of the Church. The Presbytery and the Kirk Session, in appointing a line manager, shall outline in writing the duties, responsibilities and levels of authority of the line manager.

2.6 Youth Workers shall report on their work to the Presbytery, or to the Kirk Session in the case of congregational workers, from time to time as agreed by the Presbytery or Kirk Session.

2.7 Appointments shall normally be for periods of not more than three years and shall be subject to review by the Presbytery or the Kirk Session to be completed at least six months before the end of that period.

2.8 Youth Ministers in the congregation of Aberdeen, hitherto appointed in terms of Act V, 2003, shall be deemed to be Congregational Youth Workers and shall be subject to the terms of this Act.

3. For each person appointed under this Act the Presbytery or Kirk Session shall, in consultation with the Chief Administrative Officer at the Free Church Offices, formulate a contract of employment consistent with this Act and shall give outline guidance for the duties, responsibilities and levels of authority of the line manager. The contract shall take into account *inter alia* salary, annual leave, sick leave provisions, expenses, pension entitlement, grievance and disciplinary procedures, duration and termination of employment, and doctrinal subscription. The contract of employment should be set out as being between the employee and either the Presbytery or the congregation, as appropriate, and not as between the employee and the central Church.

3.1. In the case of both Presbytery Workers and Youth Workers employed by a Presbytery, remuneration shall be met by the Presbytery, with the minimum rate being equivalent to 80% of the stipend where the worker is employed full-time. If there is a shortfall in meeting the necessary funding for the post, application may be made to the Committee on Sustentation and Ministry or the Youth Committee in the case of Youth Workers. Such applications shall only be considered by these Committees when the Presbytery is committed to meeting 75% of the worker's remuneration and a detailed budget is provided, identifying all sources of income and all costs, including salary, national insurance, pension and expenses. Workers whose hours of service are less than full-time shall be remunerated appropriately.

3.2. In order to meet the Church's budgetary timetable, applications to central Committees for funding must be made, at the latest, by 1st February for expenditure starting, at the earliest, on 1st January of the following year. Application by 1st September for expenditure starting 16 months later is preferable and more likely to be successful.

3.3. In the case of Youth Workers appointed by Kirk Sessions remuneration shall normally be met by the Deacons' Court. Kirk Sessions may not make such appointments unless the congregation has met its annual commitment to central funds in each of the previous three years and on the understanding that such appointments will not adversely affect ongoing remittances to central funds.

3.4. Before making an appointment under this legislation, Presbyteries or congregations must ensure that firm, legally enforceable commitments are in place for each source of funding for the duration of the contract of employment.

3.5. Auxiliary Workers shall be entitled to recover approved expenses incurred in the performance of their duties. In the case of mileage expenses, these shall be reimbursed in line with Act XXIII, 2005.

3.6. Accommodation shall not normally be provided.

3.7. Auxiliary Workers shall be entitled to annual leave as agreed in the contract of employment.

3.8. Presbytery workers appointed under this Act shall be entitled to the statutory notice of termination of appointment. Termination of employment shall be determined by the Presbytery, or the Kirk Session in the case of Congregational Youth Workers, subject to appeal in accordance with procedures set out in the contract of employment.

The General Assembly hereby repeals Act XVIII, Class II, 2002, and Act V, Class II, 2003.

XI – Act anent Fee for Pulpit Supply

(No 11 of Class II)

Edinburgh, 23rd May 2006

The General Assembly amend Act XXVI, 2005, § 8, to read:

As from 1st January 2007 a standard fee of £40 shall be paid by the congregation to a weekend supply preacher. This fee shall not be paid to a Minister in a settled charge.

XII – Act anent Board of Pastoral Advice

(No 12 of Class II)

Edinburgh, 23rd May 2006

The General Assembly amend Act XV, Class II, 2004, Section 4.5, as follows:

1. The sentence “The Board shall report to the General Assembly through the Sustentation and Ministry Committee” be amended to read “The Board shall report directly to the Assembly”.

2. The words “*Convener*: member of the Board who is also a member of Group 1 Committees” be amended to read “*Chairman*: member of the Board appointed by the General Assembly on the recommendation of the Nominations Committee”.
3. 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.

XIII – Act placing the Congregation of St Columba’s, Edinburgh, on the Equal Dividend Platform and removing the restriction on the appointment of Rev. Derek M. Lamont
(No 13 of Class II)

Edinburgh, 23rd May 2006

The General Assembly, noting the recommendations of the Executive of the Sustentation and Ministry Committee, to whom powers to dispose of the matter had been conferred at the meeting of the Committee in March 2006, approve of their action in placing the congregation on the Equal Dividend Platform in terms of Act XVIII, 1998, §3.6. They confirm the appointment of Rev. Derek M. Lamont as minister of the congregation.

XIV – Act authorising the Commission of Assembly to receive a Report from the Sustentation and Ministry Committee with regard to the congregation of Dumfries
(No 14 of Class II)

Edinburgh, 23rd May 2006

The General Assembly authorise the Commission of Assembly in October 2006 to consider a Report from the Sustentation and Ministry Committee with regard to Dumfries.

XV – Act uniting the Congregation of Creich, Kincardine and Croich with the Congregation of Lairg and Rosehall
(No 15 of Class II)

Edinburgh, 23rd May 2006

The General Assembly unite the congregation of Creich, Kincardine and Croich with the congregation of Lairg and Rosehall from a date not later than 1st September 2006 to be fixed by the Presbytery, the united congregation to have one Kirk Session and two Deacons’ Courts/Finance Committees, the name of the united charge to be known as Bonar Bridge and Lairg Free Church. They ordain that in normal circumstances separate morning services be held in both congregations, to be conducted by the minister, with joint evening services alternating between each place. They further instruct the Deacons’ Courts/Finance Committees of the new charge to consult with one another so as to secure an equitable sharing of such proportions of congregational funds as may be required for joint local purposes.

**XVI – Act appointing a General Assessor to the
Presbytery of Glasgow and Argyll**
(No 16 of Class II)

Edinburgh, 23rd May 2006

The General Assembly re-appoint Rev. William M. Mackay, retired, Edinburgh, to be a General Assessor to the Presbytery of Glasgow and Argyll, the term of appointment to be until the next General Assembly.

**XVII – Act appointing General Assessors to the
Presbytery of Skye and Wester Ross**
(No 17 of Class II)

Edinburgh, 23rd May 2006

The General Assembly 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 of the Free North Church, Inverness, Mr Kenneth Robertson, Elder at Tain, Mr William Wyllie, Elder at Knockbain, Mr Thomas Cook, Elder at Knockbain, to be General Assessors to the Free Presbytery of Skye and Wester Ross, the term of appointment to be until the next General Assembly.

**XVIII – Act renewing the appointment of Mrs Irene Howat as
the Editor of *The Instructor***
(No 18 of Class II)

Edinburgh, 23rd May 2006

The General Assembly reappoint Mrs Irene Howat as Editor of *The Instructor* for a further term of five years in accordance with the terms of Act XVIII, 1996.

XIX – Act appointing Mrs Christine Nicolson as Editor of *Free*
(No 19 of Class II)

Edinburgh, 23rd May 2006

The General Assembly appoint Mrs Christine Nicolson as Editor of *Free* in accordance with the terms of Act XVIII, 1996, for a period of five years.

**XX – Act anent Relations between the General Trustees
and the Stewardship and Policy Committee**
(No 20 of Class II)

Edinburgh, 23rd May 2006

The General Assembly instruct the General Trustees and the Stewardship and Policy Committee to continue to work together to clarify and simplify overlapping responsibilities, and to bring recommendations to the 2007 Assembly.

XXI – Act anent Review of the Church’s Finances
(No 21 of Class II)

Edinburgh, 24th May 2006

The General Assembly express their disappointment that the Church’s income failed to meet its expenditure in 2005. The General Assembly recognise that the current system of a percentage levy imposed on congregations is unworkable and ultimately may be harmful to the cause of the Gospel. They instruct the Stewardship and Policy Committee to develop a more efficient and biblical method of organising the denomination’s finances.

XXII – Act anent the Church’s Budget for 2007
(No 22 of Class II)

Edinburgh, 24th May 2006

The General Assembly approve the Budget for 2007 appended to the Report of the Stewardship and Policy Committee to the Assembly with a view to remitting any proposed amendments to the Budget, arising from the General Assembly’s deliberations, to the next meeting of the Commission of Assembly and empower the Commission of Assembly to make a final determination of the Budget should such amendments be made.

XXIII – Act amending Act I, Commission of Assembly, October 2005
(No 23 of Class II)

Edinburgh, 24th May 2006

The General Assembly, while recognising the serious state of the Church’s financial position, recognise that Committees have in good faith entered into financial commitments extending to more than one year with regard to the remuneration of individuals serving the Church, and note that such commitments include grants to three presbyteries towards payment of Presbytery workers in terms of Act XVIII, 2002. The General Assembly declare that such commitments should be honoured. They accordingly (i) amend the Finding of the Commission of Assembly of October 2005 with regard to the Sustentation and Ministry Budget by deleting the words “Grants and” from the Table in §2.2 under 2006 Budget of the Stewardship and Policy Committee’s Report to the aforesaid Commission; and (ii) instruct the Committee on Stewardship and Policy

to make the relevant budgetary provision for 2006 and 2007 in order to enable the Committee on Sustentation and Ministry to fulfil its commitment in paying the aforesaid grants.

XXIV – Act appointing a Review of the Church’s Central Governance
(No 24 of Class II)

Edinburgh, 24th May 2006

1. The General Assembly, in the light of the need to comply with current financial, charity and administrative legislation and regulations, direct the Stewardship and Policy Committee to conduct a review of the Church’s central governance and instruct the Committee to bring a Report with proposals to the 2007 General Assembly.
2. The General Assembly to ensure compliance timeously with the new legislative framework and in particular, the new Accounting Regulations, direct the Stewardship and Policy Committee to examine the arrangements governing the relationship between congregations and the Church’s central administration in relation to the preparation and submission of annual accounts to the Charities Regulator, and to report on this matter to a Commission of Assembly, or failing which to the 2007 General Assembly.
3. The General Assembly empower the Commission of Assembly to take up and dispose of a Report from the Committee on the same.

XXV - Act anent Advisers to Committees
(No 25 of Class II)

Edinburgh, 24th May 2006

The General Assembly endorse the view of the Stewardship and Policy Committee that the use of non-elders as advisers to committees is a constitutionally and biblically sound practice. Where non-elders are appointed to committees as a result of their *ex officio* positions in the Church they are to be appointed as advisers without voting powers rather than as members of committees.

XXVI – Act anent Relations with the self-styled Free Church Continuing
(No 26 of Class II)

Edinburgh, 24th May 2006

The General Assembly empower the Stewardship and Policy Committee to take such steps as they think fit to engage in dialogue with the “self-styled Free Church Continuing” 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 an other group.

XXVII – Act anent Sale of Properties and Release of Funds
(No 27 of Class II)

Edinburgh, 24th May 2006

1. The General Assembly receive the Petition of the Deacons' Court of Kinloch Free Church, and grant its crave. They authorise the sale of the Church building at Kershader, the transaction to be carried out under the supervision of the Church's Law Agent, and direct that the proceeds of sale be held by the General Trustees on behalf of the congregation. The General Assembly grant the congregation access to the proceeds of sale for the purpose of major repairs and maintenance of the existing church building and hall at Kinloch.

2. The General Assembly receive the Petition of the Finance Committee of Wick and Keiss Free Church, and grant its crave. They authorise the sale of the church building at Keiss, the transaction to be carried out under the supervision of the Church's Law Agent, and direct that the proceeds of sale be held by the General Trustees on behalf of the congregation. The General Assembly grant the congregation access to the proceeds of sale for the purpose of repairs and improvements to remaining congregational property. The General Assembly amend Act XVIII, Class II, 1995, thereby granting the congregation access to funds from the sale of the Keiss Manse building in 1985 for repairs and improvements to remaining congregational property.

3. The General Assembly receive the petition of the Deacons' Court of Uig, Bernera, and grant its crave. They authorise the sale of the church building, the glebe, and the manse at Bernera, the transaction to be carried out under the supervision of the church's Law Agent, and direct that the proceeds of the sale be lodged with the General Trustees on behalf of the Congregation, with the interest being added to the capital.

4. The General Assembly receive the petition of the Deacons' Court of Poolewe and Aultbea Free Church and grant its crave. They authorise the sale of the Mission House at Poolewe known as 'Fasgadh', the transaction to be carried out under supervision of the Church's Law Agent, and direct that the proceeds of sale be held by the General Trustees on behalf of the Congregation, with interest on the proceeds being added to capital. The General Assembly further direct that the congregation have access to the proceeds for congregational purposes.

5. The General Assembly receive the Petition of the Deacons' Court of Arran Free Church and grant its crave. They amend Act XVII, Class II, 1995, to the extent of authorising £21,000 to be released from the proceeds of the sale of the Corrie Church building and ground for the purpose of purchasing the site on which the Church building at Bennecarigan stands, with a view to its future sale.

XXVIII – Act appointing Assessor Synods to Presbyteries
(No 28 of Class II)

Edinburgh, 24th May 2006

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.

XXIX – Act anent Revision of Pension Provisions
(No 29 of Class II)

Edinburgh, 24th May 2006

1. The General Assembly note with regret the financial difficulties faced by the Free Church of Scotland Pension Scheme and the resultant strain being placed on the activities of the Church. In light of this, they instruct the Committee to (1) close the current Defined Benefit Scheme on 31st December 2006 or such other date thereafter as is practicable, (2) identify and put in place a new Defined Contribution Scheme from that date; (3) prepare a submission for the Pensions Regulator outlining the planned changes to the Pension Scheme and seeking an increased time period over which to pay off the existing deficit; and (4) communicate appropriately with Scheme members.
2. The General Assembly instruct the Stewardship and Policy Committee to engage the appropriate professional advice and to work with such advisers to protect the interests of the Church and of the Pension Trustees by complying with all Pensions related legislation. In particular, they instruct that the necessary steps be taken to resolve the governance issues presented by the current Trustee arrangements.
3. The General Assembly instruct the Stewardship and Policy Committee to report back to the Commission of Assembly with further information on (1) negotiations with the Pensions Regulator, (2) the arrangements for a replacement pension scheme, and (3) steps taken to put in place more robust governance arrangements.

XXX – Act anent Sabbatical Leave for Ministers working under the oversight of the Church Extension and Redevelopment Committee
(No 30 of Class II)

Edinburgh, 24th May 2006

The General Assembly, with a view to permitting ministers working under the oversight of the Church Extension and Redevelopment Committee to apply for Sabbatical leave where they otherwise qualify for such, amend Act IV, 1994, § 2.7 by deleting the reference to § 2.5.

XXXI – Act Granting the Status of a Church Extension Charge to the Congregation of Dunfermline
(No 31 of Class II)

Edinburgh, 24th May 2006

The General Assembly noting the recommendation of the Committee on Church Extension and Redevelopment, designate the congregation meeting at Dunfermline a

Church Extension charge under the oversight of the Kirk Session of Kirkcaldy, Kinglassie, and Glenrothes, in terms of Act XXVII, 1989, para 2.5 (b).

XXXII – Act Granting the Status of a Redevelopment Charge to the Congregation of Badenoch

(No 32 of Class II)

Edinburgh, 24th May 2006

The General Assembly noting the recommendation of the Committee on Church Extension and Redevelopment, designate the congregation of Badenoch (formerly known as Kingussie and Alvie) a Redevelopment Charge in accordance with Act XXXIV, 1988, as amended by Act IV, 1992, Act XIV, 1993, and Act VI, 2005.

XXXIII – Act anent Outreach to Significant Minority Groups

(No 33 of Class II)

Edinburgh, 24th May 2006

The General Assembly instruct Presbyteries to identify significant minority groups within their bounds, paying particular but not exclusive attention to impoverished and socially excluded communities and those actively involved in alternative spiritualities and to assist appropriately placed congregations to reach out to such communities.

XXXIV – Act approving Co-operative Agreement with Mission to the World

(No 34 of Class II)

Edinburgh, 24th May 2006

1. The General Assembly welcome the continued cooperation of MTW workers with congregations of the Free Church of Scotland and express their gratitude for the dedication shown.
2. The General Assembly receive and adopt the Cooperative Agreement as drawn up by the Committee in consultation with Dr Thomas Courtney.

Agreement for Cooperation and Relationship between the Free Church of Scotland of Scotland and Mission to the World of the Presbyterian Church in America

PREAMBLE

Whereas we are churches sharing the same biblical and theological roots, Reformed heritage and confessional standards, especially the Westminster Confession of Faith;

Whereas the Lord Jesus Christ has commissioned his Church with the words: “Go into all the world to preach the Good News to all creation,” (Mark 16:15) “and you will be

my witnesses in Jerusalem, and in all Judea and Samaria and to the ends of the earth” (Acts 1:8), we reaffirm our missionary vocation;

Whereas we are not driven by worldly motives but by the glory of God in the extension of his Church and Kingdom through winning people to faith in Christ;

Whereas the times in which we live present to us great needs, challenges and opportunities that can only be resolved in relation to Christ and his Gospel;

Whereas we are not able to complete the great task of proclaiming the Gospel and expanding the Church of the Lord Jesus Christ in an isolated, unilateral and self-sufficient way but rather as Churches united in one cause;

Whereas we recognise, value and celebrate our different cultural, national, ethnic and historical identities;

Whereas we respect the integrity, jurisdiction and policies of our respective Churches;

Whereas we desire to help, support, encourage and stimulate each other to love and serve Jesus Christ in obedience to the Great Commission;

For that reason, we affirm together the obligation of the Great Commission in its application to the life of our Churches today and enact the following:

PARTNERSHIP AGREEMENT

- I. Purpose – the purpose of this agreement is primarily to foster a spirit of cooperation between the Free Church of Scotland of Scotland (FCS) and Mission to the World (MTW), the missionary organization of Presbyterian Church in America (PCA) in order to utilize the resources of both churches for the extension of God’s Kingdom through church planting and evangelism in areas where both churches have existing ministries or plans for new ministries.
- II. The following principles will govern joint projects in which the FCS and MTW cooperate:
 - A. A Joint Project Committee will be established comprising three MTW representatives and three FCS representatives selected by each church body. In the case of the FCS, the Church Extension and Redevelopment Committee shall appoint representatives for a term of four years, renewable for a further four-year term. Advisors or consultants may be co-opted at the discretion of the Joint Project Committee.
 - B. The members of the Joint Project Committee will appoint the chairman annually. MTW and FCS personnel will hold the chair alternately.
 - C. All projects to be considered by the Joint Project Committee should be presented in writing in a fully detailed and organized manner having gained the prior endorsement of the appropriate church courts.
 - D. Submitted projects will be adopted if approved by a two-thirds majority of the Joint Project Committee.
 - E. Both parties reserve the right to decline participation in or to withdraw from approved projects, subject to 90 days notice and a statement of reasons. However, great care should be taken to avoid such action.

- F. Both parties pledge themselves to encourage a culture of mutual respect for and sensitivity to the history, tradition, organization, ethos and practice of the other.
- G. The Joint Project Committee, informed by six-monthly written reports submitted by the project leader, will evaluate each project annually.
- H. MTW and the FCS will jointly fund agreed projects. The level and balance of such funding will be determined before the project begins.

III. Areas of Mutual Cooperation for MTW and the FCS within Scotland:

- A. The primary area of cooperation will be church planting.
 - a. Church planting opportunities will be evaluated in the light of careful research including demographic studies and such factors as location, neighbourhood needs, perceived spiritual openness, logistic feasibility, etc.
 - b. A church plant project may be initiated by a Kirk Session operating with the approval of a Presbytery of the Free Church of Scotland. The presbytery will reserve the right to satisfy itself as to the academic standing, theological competence, spiritual gifts, leadership ability and general character of all personnel assigned. In the case of non ordained personnel, the presbytery may delegate this right to a Kirk Session also involved in the church plant.
 - c. All personnel working with the FCS in church planting will be accountable in an operational sense to the appropriate church courts.
 - d. All personnel assigned to a church plant will come under the legal and administrative auspices of their sending body, without compromise to the jurisdiction of local church courts. MTW personnel will for all issues of discipline come under the jurisdiction of the relevant PCA Court.
 - e. The joint funding for church plants will be determined before work is begun.
 - f. The Joint Project Committee will establish and monitor measurable criteria appropriate to each church planting project under its supervision, including numerical strength; financial viability judged by Free Church of Scotland legislation regulating the calling of a minister; the training, selection and ordination of office bearers; a sustainable programme of evangelism; and a suitable permanent location. When it is judged the criteria has been met the Joint Project Committee will invite the local Presbytery to appoint an interim moderator to oversee the calling and settlement of a minister. On the appointment of an interim moderator the church planter will become eligible for relocation to another project
 - g. All short term personnel, including interns, from either MTW or the FCS, will have clear job descriptions presented to them by the Joint Committee. These will include details of the reporting structure and their immediate supervisor.
 - h. To satisfy child protection legislation and other important criteria, all short term teams assisting FCS congregations or church plants must be approved both by the receiving body and MTW Atlanta.
- B. The second area of cooperation for MTW and the FCS will be that of assisting church redevelopment (revitalization).
 - a. The Joint Project Committee will receive all requests for assistance in church redevelopment and will carefully determine the feasibility of such projects in relation to its church planting strategy before granting approval.

- b. The Joint Project Committee, as well as the relevant Kirk Session will approve all personnel assigned to a revitalization project, reserving the right to satisfy itself as to the academic standing, theological competence, spiritual gifts, leadership ability and general character of all personnel assigned. In the case of ordained ministers the Presbytery will reserve the right to satisfy itself as to the candidate's academic standing, theological competence, spiritual gifts, leadership ability and general character.
 - c. All personnel assigned to a church revitalization project will come under the legal and administrative auspices of their sending body, without compromise to the jurisdiction of local church courts. MTW personnel will for all issues of discipline come under the jurisdiction of the relevant PCA Court.
 - d. The joint funding for revitalization projects will be determined before the project commences. Normally the FCS will be responsible for bearing the larger proportion of costs.
 - e. Church revitalization projects will come under the oversight of a Kirk Session and Presbytery of the Free Church of Scotland, which may request the assistance of the Joint Project Committee.
 - f. An exit strategy establishing the criteria for redeploying any personnel assigned to the revitalization project will be documented and agreed upon by all parties involved in the revitalization ministry before the project commences.
 - g. All short-term personnel, including summer interns to two-year interns from either MTW or the FCS, will have clear job descriptions presented to them, including the reporting structure and their immediate supervisor.
 - h. To satisfy child protection legislation and other important criteria, all short term teams assisting FCS congregations or church plants must be approved both by the receiving body and MTW Atlanta. -
- C. The third area of cooperation for MTW and the FCS will be in specialized projects (other than church planting or church revitalization) in fields such as theological education, specialized outreach and evangelism, and social welfare (mercy ministry).
- a. All specialized projects must be submitted for approval to the Joint Project Committee where each project will be assessed both on its own merits and in relation to its possible contribution to existing church planting and revitalization projects.
 - b. All personnel assigned to specialized projects will be approved by and accountable to the appropriate FCS courts and MTW management structures.
- D. The fourth area of cooperation for MTW and the FCS is that of developing and maintaining church partnerships between the FCS and the Presbyterian Church in America (PCA).
- a. Congregations of the PCA and FCS are encouraged to enter into partnership relationships without reference to the Joint Project Committee. For the avoidance of unnecessary complications it is strongly advised that the Joint Project Committee be informed of all such relationships.
 - b. The Joint Project Committee is willing to advise, nurture and promote such partnership relationships at the request of Kirk Sessions.
 - c. All short term teams and/or interns coming from the PCA to work with FCS congregations must come through the administrative structure of MTW.
 - d. Once every two years, the Joint Project Committee will host in Scotland a multi-day celebration of the partnership between the PCA, MTW and the FCS

in church planting, revitalisation and other specialised ministry. These events will include thanksgiving to Almighty God and spiritual and biblical stimulus to mission in Scotland and/or Europe in the form of presentations, reports, testimonies and seminars.

- e. The biennial celebration event will be open to all FCS congregations, particularly those involved in ministry with MTW or the PCA. PCA churches involved in ministry in Scotland will be encouraged to send representatives. MTW representatives will also be invited. Attendees will be expected to cover their own travel and accommodation expenses. The expenses of speakers and other active participants, along with general expenses normally will be covered by the Joint Project Committee either through the Scotland partnership account, specific FCS funds or through a reasonable registration fee.

IV. Areas of Mutual Cooperation for MTW and the FCS of Scotland in other countries.

- A. MTW and the FCS International Board shall keep each other informed of work in countries where they have a mutual interest.
- B. It is open to each partner to suggest areas of cooperation in existing areas of work or in developing new fields.
- C. In particular MTW and the International Board of the FCS may explore areas of cooperation in Europe, South Africa, Peru, India and work amongst Muslims.

3. The General Assembly commend this new partnership to the prayers and support of the Church and, in dependence upon the help of Almighty God, call on the Church Extension and Redevelopment Committee and the International Missions Board, as well as Presbyteries and Kirk Sessions, to further the Church's commitment to Church extension, redevelopment and home based cross cultural ministry.

XXXV – Act anent the Loyal and Dutiful Address to Her Majesty the Queen
(No 35 of Class II)

Edinburgh, 25th May 2006

May it please Your Majesty

We, the Ministers and Elders of the Free Church of Scotland met in General Assembly the 25th day of May 2006, respectfully offer Your Majesty this 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 responsibilities and travels involved in Your Majesty's reign.

We regularly offer prayer in all our congregations 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 communicates, charities, the nation and the Commonwealth.

We also pray continually for Your Majesty's Ministers and Government that they may have God-given wisdom, grace and strength for carrying their great responsibilities as God's servants to do good to the people and to punish evildoing.

We also remember in prayer the members of Your Majesty's Armed Forces, particularly as they seek to bring peace and stability to the countries of Iraq and Afghanistan in extremely difficult circumstances, and especially as Your Majesty identifies with those family members serving in the Armed Forces, as Your Majesty's grandsons, Prince William and Prince Harry, are also serving

It gave us great pleasure to join with the nation in celebrating the occasion of Your Majesty's Eightieth Birthday. We thank God for Your Majesty's long life and long reign, and pray that the Almighty will richly bless Your Majesty and Your Majesty may long be spared to rule over us.

We give thanks to God for the 30 years of successful operation of the Prince's Trust under the leadership of His Royal Highness the Prince of Wales. We recognise the valuable contribution the Trust has made to the life of the nation and especially to those who are young and disadvantaged.

In an age of increasing secularisation, we acknowledge with thankfulness Your Majesty's personal expression of Christian faith and public support of services of Christian worship, and we encourage Your Majesty to continue to give leadership to the nation in this, as we consider that not only is this right in itself, but also is fitting in light of our nation's history and guarantees religious liberty for all.

We give thanks for Your Majesty's continued recognition of the contribution to the life of Scotland of the Free Church of Scotland by the annual visit to our Assembly of Your Majesty's Lord High Commissioner to the General Assembly of the Church of Scotland. These visits are always valued and appreciated, but we have particularly enjoyed the two visits of Lord Mackay of Clashfern, who shares our background and heritage, and who made such a contribution to national life as Your Majesty's Lord Chancellor.

May God's richest 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.

XXXVI – Act anent Remit of the Special Committee on Worship
(No 36 of Class II)

Edinburgh, 25th May 2006

The General Assembly note that questions have risen within the Free Church as to whether the ban on the use of instrumental music in public worship has scriptural warrant. They instruct the Special Committee on Worship to investigate this issue and to ascertain whether the use of instrumental accompaniment is in accordance with the scriptures. They instruct the Committee to consult with Presbyteries and to bring proposals to the 2008 Assembly.

XXXVII – Act anent In-Service Training for Ministers
(No 37 of Class II)

Edinburgh, 25th May 2006

The General Assembly repeal Act XXV, 2003 (Act anent In-Service Training amending Act XXIII, 2002), and authorise the Training of the Ministry and Admissions Committee to administer In-Service Training subject to the following terms and conditions:

1. The In-Service Training programme shall be held each year with ministers required to attend every three years.
 2. Each Presbytery shall be responsible for ensuring that all active ministers within its bounds attend once every three years with one third of such members attending each year. New entrants to the ministry will not be eligible for attendance until their third year post-College.
 3. The In-Service Training programme shall take place over three or four days during the month of January each year.
 4. A ‘content’ Co-ordinator and a person responsible for the logistical elements shall be appointed to facilitate the delivery of each course on behalf of the Committee.
 5. The core areas to be covered each year shall be of a theological and pastoral/practical nature and lectures will lead on to discussion, seminars and workshops.
 6. The College Senate shall be part of the lecture team but others who have relevant experience will also be asked to lecture.
 7. The preferred venue for the programmes shall be the Free Church College in Edinburgh.
 8. Those attending shall be reimbursed for accommodation and travelling expenses. The General Assembly instruct the Stewardship and Policy Committee to make appropriate financial provision to expedite the programme.
 9. Resident Lay Agents and those auxiliary workers whose employment involves pulpit supply and work of a pastoral nature shall be required to attend the In-Service Training Programme every three years and will be reimbursed as in paragraph 8 above.
 10. Those involved in long term resident supply who are not Free Church ministers shall be eligible to attend, if nominated by their Presbytery, every three years.
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XXXVIII – Act anent Training for Elders and Deacons
(No 38 of Class II)

Edinburgh, 25th May 2006

The General Assembly recognise the lack of any provision of structured training for the preparation of the Eldership and the Diaconate for ministry throughout the church.

The General Assembly therefore instruct the Committee to examine any existing materials that may be current and available for this purpose, and to report to the 2007 Assembly with recommendations for the provision of formalised training of Elders and Deacons, particularly in the following areas:

- Biblical Basis for Eldership and Diaconate
- Dealing with, and involvement in Church Courts
- Dealing with people
- Preparing to preach

and any other areas that the Committee may see as relevant or otherwise needed.

**XXXIX – Act Admitting Rev. David Karoon as a Minister of
the Free Church of Scotland**
(No 39 of Class II)

Edinburgh, 25th May 2006

1. The General Assembly receive the Supplementary Report of the Training of the Ministry and Admissions Committee.
2. The General Assembly receive the Application from Rev. David Karoon and admit him as an ordained minister of the Free Church of Scotland with effect from his signing of the Formula.
3. The General Assembly charge the Training of the Ministry and Admissions Committee to ensure that, prior to signing the Formula, Mr Karoon has undertaken and satisfied the requirements of the Free Church Ministry Module, and paragraph 6 of Act XXXV, 2005. Upon such satisfaction of the said requirements the Committee are to notify the Presbytery of Glasgow and Argyll to that effect.
4. The General Assembly instruct the Presbytery of Glasgow and Argyll, upon the notification specified in 3. above, to make arrangements for Mr Karoon to sign the Formula under their supervision and thereafter by extract to notify the Principal Clerk of Assembly thereanent.
5. The General Assembly instruct the Principal Clerk of Assembly, upon notification that Mr Karoon has signed the Formula, to place his name on the Register of Ministers Eligible for Call.
6. The General Assembly declare that pension entitlement in the Free Church of Scotland shall date from Mr Karoon's formal induction or appointment in the service of the Church subsequent to his being placed on the Register.

7. The General Assembly order the supporting documents to be held in retentes.

XL – Act anent College Endowment Fund
(No 40 of Class II)

Edinburgh, 25th May 2006

The General Assembly, noting the omission in the text of Act XXXVII, 2005, repeal that Act and substitute therefore the following:

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 capital of 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.

XLI – Act anent Membership of the College Board
(No 41 of Class II)

Edinburgh, 25th May 2006

The General Assembly, noting that the requirement of Act XXIX, 2000, paragraph 1, has now been fulfilled, namely that the College has reverted to the full complement of five professors, hereby repeal that paragraph and reinstate the original terms of Act XVI, 1995, paragraph 2.1.4, that the Senate representation on the College Board shall be ‘the College Principal *ex officio* and two other members of the Senate, appointed annually by the Senate.’

XLII – Act anent Professional Development Performances for College Staff
(No 42 of Class II)

Edinburgh, 26th May 2006

The General Assembly instruct the College Board to enable staff to undertake continued professional development programmes.

XLIII – Act anent Role of the Principal of the College
(No 43 of Class II)

Edinburgh, 26th May 2006

The General Assembly amend Act IV, 1979, § V, by the addition of the following § 5: *‘The Principal is required to provide leadership and is hereby given the authority to take emergency action, appropriate to the office, subject to such action being reported to the relevant body at the earliest opportunity. He shall be a member ex-officio of the Training of the Ministry Committee and the Stewardship and Policy Committee’.*

XLIV – Act anent Pastoral Oversight of Students in the Free Church College
(No 44 of Class II)

Edinburgh, 26th May 2006

The General Assembly request the Professors to investigate the introduction of a more structured arrangement of pastoral support of new students in order to meet the needs expressed by these students.

The General Assembly instruct Presbyteries and Kirk Sessions to take a pro-active interest in the welfare and spiritual well-being of Free Church College students under their care.

XLV – Act anent Practical Training of Students
(No 45 of Class II)

Edinburgh, 26th May 2006

The General Assembly instruct the Professors to consider how the constructive criticism of students in the preaching practice may be contributed to by each of the Professors so as to enhance further the valuable work presently undertaken by the Professor of Practical Theology.

The General Assembly ordain that as from September 2006 the Training of the Ministry Committee in consultation with the Professor of Practical Theology shall arrange for six lectures, together with seminars and tutorials dealing with preaching, pastoral work and other subjects as may be determined to be given by ministers in the active ministry, in accordance with Act XX 1985, such extra-mural lecturers to be appointed and their remuneration fixed by the said Committee in consultation with the Professor of Practical Theology.

XLVI – Act anent Student Placements
(No 46 of Class II)

Edinburgh, 26th May 2006

1. The General Assembly encourage ministers overseeing student placements to make conscience of supplying constructive criticism about all aspects of the student's performance to the Professor of Practical Theology. Similarly they enjoin Kirk Sessions of vacant congregations who have a student for pulpit supply to be diligent in completing the student assessment forms and forwarding these to the Professor of Practical Theology timeously.
2. The General Assembly instruct the Training of the Ministry Committee to include in the next in-service training course for ministers a session with appropriate instruction for those who take part in the supervision of the Student Placement Scheme in order to maximize the benefit derived from the Scheme.
3. The General Assembly enact that students on placement may, at the discretion of local courts, attend any meetings of such local church courts, including kirk sessions, which take place during their placements. Such students shall be required to give a signed undertaking to maintain total confidentiality with respect to the business transacted at such meetings; and the moderator or chairman shall have discretion to require the student to leave the meeting should the sensitive nature of any specific item of business require it; the student to return to the meeting once discussion of the said item is concluded.

XLVII – Act anent Appointments of Assistant Ministers
(No 47 of Class II)

Edinburgh, 26th May 2006

The General Assembly instruct the Training of the Ministry Committee to formulate proposals whereby all Probationers who are under 30 years of age at the completion of their studies are required to serve 6–12 months as an assistant minister in a pastoral charge before they can be inducted to the pastoral charge of a congregation unless they are called to an assistantship under existing legislation or in cases where there are children of school age when the Committee may exercise its discretion.

XLVIII – Act anent Catering Arrangements in the Free Church College
(No 48 of Class II)

Edinburgh, 26th May 2006

The General Assembly instruct the College Board to consider the catering arrangements in the College, with a view to discovering whether (1) the present arrangement needs to continue or (2) if some other arrangement may be more cost effective without any consequent loss of corporate identity.

XLIX – Act anent Membership of the College Board
(No 49 of Class II)

Edinburgh, 26th May 2006

The General Assembly amend Act XV, 2004, § 4.1, section on Membership, Sub-section (5) by deleting the words ‘one of the General Trustees nominated as their representative’ and substituting the words ‘ the Convener of the Stewardship and Policy Committee, or his deputy.’

L – Act anent Quinquennial Review of the College
(No 50 of Class II)

Edinburgh, 26th May 2006

The General Assembly ordain that future Quinquennial Visitations of the College shall not be conducted by the College Board since, as part of the governance, the Board is itself subject to the review process. They direct that a Special Review Committee be appointed by the General Assembly to report directly to the General Assembly and not through the College Board. The Review Committee shall be required to submit its Report first to the Senate, the College Board and Training of the Ministry Committee for their response prior to presenting it to the Assembly. They further declare that the Quinquennial Visitation of the College shall hereafter be termed the Quinquennial Review. They further appoint that the next Review shall be appointed by the General Assembly of 2010 to report to the General Assembly of 2011.

LI – Act anent College Review by the Stewardship and Policy Committee
(No 51 of Class II)

Edinburgh, 26th May 2006

The General Assembly direct that the Stewardship and Policy Committee continue to consult on, and consider the issues raised in the conclusions of their Report in the light of the Assembly’s disposal of the recommendations of the College Board’s Report on the Quinquennial Visitation of the College, and report to the 2007 Assembly with any recommended changes in the Church’s legislation.

LII – Act appointing General Trustees
(No 52 of class II)

Edinburgh, 26th May 2006

The General Assembly appoint Rev. Donald A. Macdonald, Mr Gavin Sutherland and Mr Neil Campbell as General Trustees of the Free Church of Scotland in accordance with the terms of Act XX, Class II, 1999.

LIII – Act appointing the Commission of Assembly
(No 53 of Class II)

Edinburgh, 26th May 2006

The General Assembly did and hereby do, nominate and appoint a Commission consisting of all members of Assembly with the addition of Rev. Iver Martin, 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 a 7 o'clock in the evening, and oftener when and where they shall think fit an 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, same 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 self-styled 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 meeting of the Commission shall have the full powers of a General Assembly to deal with all such matters which 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 due 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 changes, 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 Mission 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 budget for 2007; to take up and dispose of a report from the Stewardship and Policy Committee regarding the arrangements governing the relationship between congregations and the church's central administration in relation to the preparation and submission of annual accounts to the Charities Regulator; to take up and dispose of a report from the Stewardship and Policy Committee relating to (1) negotiations with the Pensions Regulator, (2) arrangements for a replacement Pension Scheme, and (3) steps taken to put in place more robust governance arrangements; to take up and dispose of a report from the Sustentation and Ministry Committee with regard to the congregation of Dumfries, to take up and dispose of a Report on outstanding records from the Assembly Clerk and to receive any reference 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.

**LIV – Act *ad interim* anent Interviewing of Women, Children
and Vulnerable Adults**
(No 55 of Class II)

Edinburgh, 26th May 2006

The General Assembly transmit the following Overture to Presbyteries under the provisions of the Barrier Act:

1. Whereas the General Assembly reaffirm the need to have clearly defined procedures available for all Church Courts to follow;
2. Whereas it is imperative that the Church meets the standards set out in civil regulations for best practice in modern society, particularly with regard to the interviewing of women, children and vulnerable persons, and insofar as these standards do not involve principles or practices in conflict with Scripture;
3. Whereas sensitivity applies in all situations where women appear before an all-male Court, especially in relation to breaches of the seventh commandment or in any matter where questions of an intimate nature are raised;

Wherefore it is hereby enacted and ordained that:

1. Guidance with regard to Accompaniment and Support

At all stages should be advised by the Court as to correct procedure and their rights.

Given that the experience can be stressful to any party it is open to anyone to be accompanied by a friend or supporter who can, if need be, offer them guidance or advice. Depending on the circumstances of the case the supporter may be legally qualified. On these occasions the Court itself should arrange to have legal representation present. The Court should receive no less than seven days notice of such attendance for it to be able to make its own arrangements if required.

2. Cases involving the Interviewing of Women

(1) In all situations where women appear before an all-male Court, especially in relation to breaches of the seventh commandment or in any matter where questions of an intimate nature are raised, a female ought to be present to assist the witness or accused. The Court ought also to have female assistance, preferably with the female conducting the sensitive questioning. Consideration should also be given to having such questioning done outwith the Court (See 3. below for such application), and an

agreed summary prepared for the Court's purposes. No "personal or private interview" of a woman should be conducted by a minister or elder alone. It would be preferable, if at all possible, for an initial interview to be conducted on any Court's behalf by another female.

(2) In all cases, including initial interview, where a female is required to conduct interviews on behalf of church courts or assist church courts with carrying out interviews, the following regulations shall apply:

(a) The female shall preferably be a communicant member of the Free Church of Scotland, or, where this is not possible, a professing Christian. In addition professional qualification and experience of the procedures and issues involved in interviewing women shall be desirable.

(b) Every instance of using a female to conduct interviews on behalf of church courts and in the assisting of church courts with interviews shall be by appointment of the church court involved, such appointments to be duly minuted in the records of the court.

(c) Where a female is required to conduct interviews on behalf of church courts or assist church courts with carrying out interviews, the questions to be put shall be determined beforehand by the church court concerned, preferably with assistance from the female to be involved in the interviews.

(d) To facilitate access by church courts to suitably qualified females who may conduct interviews on behalf of church courts or assist with the same, the Principal Clerk of Assembly shall keep a list of the said females, this list to be by recommendation of Presbyteries and reviewed annually. Church courts shall not be confined to using personnel from this list but Presbyteries should ensure as far as possible that they inform the Assembly Clerk of all suitably qualified females known to them for inclusion in the central list.

3. The Interviewing of Children or other Vulnerable Witnesses

(1) Church Courts should be aware that in the civil and criminal law of Scotland (Vulnerable Witnesses (Scotland) Act 2004) a child under the age of 16 is automatically entitled to "standard special measures". These are (a) the use of a live television link in another part of the Court building; (b) the use of a screen; and (c) the use of a supporter in conjunction with either (a) or (b). "Further special measures" can be applied for, such as the use of a live television link outwith the building, the taking of evidence by a commissioner, the use of a screen, and the use of a supporter. The further special measures may be used in combination where appropriate.

(2) Church Courts should ensure that in all instances of interviewing children the interview should be conducted in a skilled manner but in a low-key environment, with questions being simple and non-leading, and with any child being given a break or rest period at any time requested.

(3) Application to the relevant Court for further special measures for children, or for standard or further special measures for vulnerable adults should be made by their representatives no less than seven days before the relevant appearance. The definition in law of vulnerable witnesses includes persons in situations "where there is a

significant risk that the quality of their evidence will be diminished through fear or distress”.

3. The General Assembly enact in the interim the measures contained in the Overture, in the following terms, the Interim Act to be termed *Interim Act anent the interviewing of women, children and vulnerable persons*:

1. Guidance with regard to Accompaniment and Support

At all stages should be advised by the Court as to correct procedure and their rights.

Given that the experience can be stressful to any party it is open to anyone to be accompanied by a friend or supporter who can, if need be, offer them guidance or advice. Depending on the circumstances of the case the supporter may be legally qualified. On these occasions the Court itself should arrange to have legal representation present. The Court should receive no less than seven days notice of such attendance for it to be able to make its own arrangements if required.

2. Cases involving the Interviewing of Women

(1) In all situations where women appear before an all-male Court, especially in relation to breaches of the seventh commandment or in any matter where questions of an intimate nature are raised, a female ought to be present to assist the witness or accused. The Court ought also to have female assistance, preferably with the female conducting the sensitive questioning. Consideration should also be given to having such questioning done outwith the Court (See 3. below for such application), and an agreed summary prepared for the Court's purposes. No “personal or private interview” of a woman should be conducted by a minister or elder alone. It would be preferable, if at all possible, for an initial interview to be conducted on any Court's behalf by another female.

(2) In all cases, including initial interview, where a female is required to conduct interviews on behalf of church courts or assist church courts with carrying out interviews, the following regulations shall apply:

(a) The female shall preferably be a communicant member of the Free Church of Scotland, or, where this is not possible, a professing Christian. In addition professional qualification and experience of the procedures and issues involved in interviewing women shall be desirable.

(b) Every instance of using a female to conduct interviews on behalf of church courts and in the assisting of church courts with interviews shall be by appointment of the church court involved. No interviews may be conducted by individuals not formally appointed by a church court.

(c) Where a female is required to conduct interviews on behalf of church courts or assist church courts with carrying out interviews, the questions to be put shall be determined beforehand by the church court concerned, preferably with assistance from the female to be involved in the interviews.

(d) To facilitate access by church courts to suitably qualified females who may conduct interviews on behalf of church courts or assist with the same, the Principal Clerk of Assembly shall keep a list of the said females, this list to be by recommendation of Presbyteries and reviewed annually. Church courts shall not be confined to using

personnel from this list but Presbyteries should ensure as far as possible that all suitably qualified females are included on the central list.

3. The Interviewing of Children or other Vulnerable Witnesses

(1) Church Courts should be aware that in the civil and criminal law of Scotland (Vulnerable Witnesses (Scotland) Act 2004) a child under the age of 16 is automatically entitled to “standard special measures”. These are (a) the use of a live television link in another part of the Court building; (b) the use of a screen; and (c) the use of a supporter in conjunction with either (a) or (b). “Further special measures” can be applied for, such as the use of a live television link outwith the building, the taking of evidence by a commissioner, the use of a screen, and the use of a supporter. The further special measures may be used in combination where appropriate.

(2) Church Courts should ensure that in all instances of interviewing children the interview should be conducted in a skilled manner but in a low-key environment, with questions being simple and non-leading, and with any child being given a break or rest period at any time requested.

(3) Application to the relevant Court for further special measures for children, or for standard or further special measures for vulnerable adults should be made by their representatives no less than seven days before the relevant appearance. The definition in law of vulnerable witnesses includes persons in situations “where there is a significant risk that the quality of their evidence will be diminished through fear or distress”.

LV – Act appointing next General Assembly (No 54 of Class II)

Edinburgh, 26th May 2006

The General Assembly appoint the next General Assembly to meet in Edinburgh on Monday 21st May 2007 at 6 o'clock in the evening.

ACTS OF THE COMMISSION OF ASSEMBLY

I - Act anent the Church's Budget for 2006

5th October 2005

1. The Commission of Assembly receive the report of the Stewardship and Policy Committee and thank the Committee.

2. The Commission of Assembly note the increases to budgeted expenditure for 2006, arising in the main from increases to Pension contributions, and support the conclusion that the anticipated shortfall is unsustainable.

3. The Commission of Assembly share the concerns of the Committee over the long term viability of the Pension Scheme in its current form and encourage the Committee to

continue its investigation into the options for providing reasonable pensions in the most cost effective manner.

4. The Commission of Assembly instruct budget holders to make the savings specified in paragraph 2.2 of the Report. The Commission of Assembly instruct that where circumstances prevent these specific savings from being made, budget holders must identify alternative cost saving measures of at least the same financial value.

5. The Commission of Assembly support the Committee in its attempts to promote project-led funding for specific projects within central budgets and instruct the Committee to consult with the other Standing Committees of Assembly to agree on suitable projects.

6. The Commission of Assembly, cognisant of the underlying financial challenges being faced by the Church, and the need to provide enhanced information to contributors, instruct the Committee, in consultation with the Communications Committee, to identify means of raising awareness of the financial needs of the Church and to provide more information to the Church at large as to how the Church's money is being spent.

II – Act appointing a General Assessor to the Presbytery of Glasgow and Argyll

5th October 2005

The Commission of Assembly appoint Rev. W. M. Mackay, Edinburgh, to be a General Assessor to the Presbytery of Glasgow and Argyll, the appointment to continue until next General Assembly.

III – Act Anent Outstanding Records

5th October 2005

The Commission of Assembly receive the Report of the Principal Clerk. They appoint the Assembly Clerks to examine the available records and report to next Commission of Assembly. They instruct the Communications Committee and the Worship Committee to deposit their records with the Assembly Clerks without delay for examination and report to next Commission of Assembly.

IV – Act anent Nominations to Standing Committees

5th October 2005

1. The Commission of Assembly appoint Rev. Douglas MacKeddie, Maryburgh and Killearnan, to serve for three years (including the current year) on Group 2 Committees.

2. The Commission of Assembly appoint Mr Norman Macdonald, 23 Inshes Crescent, Inverness, to serve for three years (including the current year) on Group 1 Committees.

3. The Commission of Assembly appoint Rev Douglas MacKeddie as Vice Convener of the Youth Committee.

V – Act anent Relations with the self-styled Free Church Continuing

23rd March 2005

1. The Commission of Assembly receive and adopt the Report of the Stewardship and Policy Committee and thank its members.

2. The Commission of Assembly note the communication from the Commission of Assembly of the Free Church of Scotland (Continuing) dated 7th March 2006, together with the document entitled “*Proposals for Extra-judicial Settlement of the Dispute*” etc.

3. The Commission of Assembly welcome the decision of the Commission of Assembly of the Free Church of Scotland (Continuing) *viz.* “Noting the instruction given to the Committee by the Commission of Assembly on 2 November 2005 not to embark upon any further legal action in the absence of sufficient funds to cover contingent liabilities, the Commission of Assembly now instruct the Committee to abandon the Reclaiming Motion marked in the Court of Session.” Consequently, the Commission of Assembly expect the FCC to settle the expenses due to the Free Church.

4. The Commission of Assembly, on the understanding that the instruction to abandon their Reclaiming Motion has been carried out, and in order to seize this historic opportunity to resolve the dispute between us, make the following proposals:

1) The Free Church of Scotland will welcome back those members who left the Free Church around the year 2000 because they thought the FCC was the true Free Church of Scotland and who now wish to return to the Church of their fathers. Likewise those who became members subsequently to 2000 may also be received if they so wish. This for the following reasons:

- a) It is right and proper, in the light of New Testament teaching on the unity of the Church, that a Christian Church ought to seek to heal divisions.
- b) The FCC Commission of Assembly have, by abandoning their Reclaiming Motion (Appeal) in the Court of Session, effectively accepted the decision of that Court in Lady Paton’s Opinion that the FCC is not the Free Church of Scotland and is not therefore entitled to any of the assets of the Free Church.
- c) Many members of the Free Church of Scotland (Continuing) may have been under the misapprehension that they, by identifying with the Free Church of Scotland (Continuing) were remaining in the Free Church of Scotland.

2) The Free Church of Scotland invites those office bearers of the Free Church of Scotland (Continuing) who were suspended from office by the Courts of the Free Church of Scotland around the year 2000 to return to the Courts which suspended them in order to have their suspensions dealt with according to the principles of Scriptural discipline as laid down in *The Practice of the Free Church of Scotland*. This for the following reasons:

- a) One of the main purposes of church discipline is the recovery of the offender and restoration on repentance.

- b) This is the time to seize a historic opportunity to do what has seldom been achieved before in Scottish Presbyterianism – to heal a church split.
- c) This is consistent with Lady Paton’s opinion [76]: “...it seems to me that some or all of the pursuers in the present case may be in breach of promises or undertakings made on joining the Free Church. Matters have still to be ruled upon by the General Assembly, but in my view there are at least prima facie grounds of failure by the pursuers (or some of them) to comply with the discipline and government of the church.”

3) While it is our heartfelt desire that the “One Church Solution” would become a reality, we recognise that for some this may prove impossible. Whether because of views strongly and conscientiously held, or simply because “too much water has gone under the bridge”, some may feel they cannot return to the Church of their fathers, and would prefer a “Two Church Solution”. While still urging them to consider the One Church Solution, we recognise that at least in the meantime a Two Church Solution will be desirable for some. If it becomes clear that there remains a group who wish to remain as the Free Church of Scotland (Continuing), separate from the Free Church of Scotland, the Free Church of Scotland is prepared to offer the following five proposals, with the proviso that all five must be accepted together:

- a) The Free Church of Scotland recognises the Free Church of Scotland (Continuing) as a separate denomination, and while making clear that their ministers remain suspended from the ministry of the Free Church of Scotland, the Free Church of Scotland recognises them as office bearers of another denomination, which must make clear by its name that it is not the Free Church of Scotland.
- b) The Free Church of Scotland asks Free Church of Scotland (Continuing) to recognise that they do not have legal title to property held on behalf of the Free Church of Scotland and therefore to return all property which Free Church of Scotland congregations require. The Free Church of Scotland for its part will give an undertaking that where this is done, arrangements for the renting or sharing of church buildings for services will be implemented, where possible and desirable, and for copies to be made of relevant ecclesiastical records.
- c) With regard to buildings which the Free Church of Scotland does not at present require, the Free Church of Scotland is prepared to rent, lease or sell these to the Free Church of Scotland (Continuing).
- d) A joint committee would be appointed to oversee these arrangements in consultation with local congregations.
- e) The Free Church of Scotland expects the Free Church of Scotland (Continuing) to cooperate fully in the removal of any outstanding legal process related to this dispute, and in the release of funds held in suspense, including those held in congregational bank accounts as well as those on joint deposit with our respective law agents.

5. The Commission of Assembly instruct the Clerk of Assembly to send this finding, together with the Report, to the Clerk of Assembly of the Free Church of Scotland (Continuing) with an invitation to appoint, consequent on the acceptance in principle of these proposals by the FCC Commission of Assembly, five representatives to meet with a similar number of representatives of the Free Church to discuss the implementation of these proposals.