

# THE CODE



**The book of**

**The Constitution and Government**

**of**

**The Presbyterian Church in Ireland**

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**INTRODUCTION****Enactment of the Code**

- (i) This Code of the Constitution and Government of the Presbyterian Church in Ireland is enacted by the General Assembly on the 7th day of June, 1979, pursuant to an overture dated the 7th day of June, 1978, approved by the Presbyteries of the Church.
- (ii) Subject to paragraph 140(3) this Code comes into operation on the 1st day of January, 1980, and supersedes the version of the Code of the Constitution and Government of the Church in force immediately before that day.
- (iii) Every court, congregation and members of the Presbyterian Church in Ireland is governed and protected by this Code.

Previous editions of the Code were published as follows

General Synod of Ulster: 1825

General Assembly: 1841, 1859, 1887, (1896), 1912, 1948, 1963.

## **Part I**

### **The Basic Code**

# CHAPTER 1 - GENERAL PRINCIPLES

## SECTION 1 - THE NATURE OF THE CHURCH

1. **The one catholic or universal Church of Jesus Christ** is both invisible and visible.
2. **The invisible Church** consists of all those who have been, are being or shall be gathered into one under Christ, the Head.
3. (1) **The visible Church** consists of all those throughout the world who profess to believe on the Lord Jesus Christ for salvation and to live obedient to God's Word, together with their children.  
 (2) The visible Church was established by the Lord Jesus Christ for the glory of the Father and the advancement of His Kingdom in the world. These great purposes are to be accomplished by the proclamation of the Gospel, by witness-bearing to the truth as it is in Jesus Christ and by the promotion of Christian fellowship and mutual edification among all believers.
4. (1) **Many particular Churches** are included in the visible Church. Each of these consists of a congregation of persons who are associated for the administration and observance of ordinances according to the Scriptures or a number of such congregations under a common government.  
 (2) **The Presbyterian Church in Ireland** is thus a particular Church of the visible catholic or universal Church of Jesus Christ.

## SECTION II - THE MEMBERSHIP OF THE CHURCH

*(See Pars. 175, 176 for Qualified Voters)*

5. **All who profess faith in Jesus Christ as Lord and Saviour** are called to be members of the visible Church in the fellowship of a congregation, with all the rights and responsibilities attached thereto.
6. **Church members are called** to make diligent use of the means of grace, to share faithfully in the worship and work of the Church, to give of their substance as the Lord may prosper them, to render whole-hearted service to Christ and His Kingdom throughout the world and to continue in the peace and fellowship of the people of God.
7. **The children of believers** are, through God's covenant and promise, called to be part of the visible Church. Hence they are entitled to baptism and to nurture by the Church and pastoral care, to the end that they may personally embrace Christ and claim the benefits of the covenant.
8. **All baptised persons**, even though they are adults and have made no personal profession of their faith in Christ, are entitled to the pastoral care and instruction of the Church and are subject to its discipline.
9. **The whole Church**, in its ministry and membership, is called to proclaim to all people by word and deed the Christian Gospel of salvation.

## SECTION III - THE STANDARDS OF THE CHURCH

10. **The Word of God** as set forth in the Scriptures of the Old and New Testaments is the only infallible rule of faith and practice, and the supreme standard of the Church.
11. **It is the privilege, right and duty of every person** to examine the Scriptures, and each individual is bound to submit to their authority. Having formed a definite conviction as to what the will of God is upon any subject, it is each person's duty to accept and obey it. In exercising this God-given right of private judgment, individual Christians are not to set their reason above the Word of God, or to refuse light from any quarter. Guided by the Holy Spirit, they are to use their reason to ascertain the divine will, as revealed in Scripture, and are to refuse to subject conscience to any authority except that of the Word of God. In the words of the Westminster Confession "God alone is Lord of the conscience, and has left it free from the doctrines and commandments of men which are in anything contrary to His Word, or beside it, in matters of faith or worship."

12. **The Presbyterian Church in Ireland**, as a witness for Christ, has adopted subordinate standards. In these are found what the Church understands the Word of God to teach on certain important points of doctrine and worship. These subordinate standards are a testimony for truth and against error, and serve as a bond of union for members of the Church.
13. **The Confession of Faith** (as approved by the Church of Scotland in her Act of 1647), and the Larger and Shorter Catechisms, prepared by the Westminster Assembly of Divines, are the subordinate standards of the Presbyterian Church in Ireland. Accepting these subordinate standards, the Church holds that civil rulers must be obedient to Christ in their own area of authority, yet they ought not to attempt, in any way, to constrain any person's religious beliefs or intrude upon their rights of conscience.
14. **The Church alone** has the right to interpret and explain her standards, under the guidance of the Spirit of God.

## SECTION IV - THE GOVERNMENT OF THE CHURCH

15. (1) **The Lord Jesus Christ is the sole King and Head of the Church**, whether invisible, visible or particular; and He has appointed therein a government distinct from civil authority. The Kingdom of Christ is not of this world, its laws are founded on His authority, they are specially directed to the conscience and their sanctions are spiritual.  
 (2) Christ is always present in His Church and governs it by God's Word and Spirit through the ministry of men. This government is both representative and corporate. Accordingly, voting members have the inalienable right to choose their own officers; and such officers are under obligation to serve together in the courts of the Church.
16. (1) **The permanent officers in the Church** are Presbyters (that is elders), who in Apostolic times were also called bishops or overseers, and Deacons. In each apostolic Church there was a plurality of Presbyters: all ruled and some also laboured in Word and doctrine, hence the titles Teaching Elder and Ruling Elder.  
 (2) The Teaching Elder, who is also called preacher, evangelist, teacher, pastor or minister, in addition to the oversight of the Church which he exercises in conjunction with the Ruling Elders, is commissioned to preach God's Word, to administer the sacraments of the Gospel and to instruct the people, and is set for the defence of the Gospel.  
 (3) The Ruling Elder is appointed to watch for souls and to exercise government and discipline in conjunction with the Teaching Elder. This shall include the oversight of the care of those in need and the management of the temporal affairs of the congregation, with the direct responsibility for these two matters delegated to the Congregational Committee.  
 (4) Members of the Congregational Committee are appointed to fulfil the biblical role of deacons by discharging the duties delegated to them of caring for those in need and managing the temporal affairs of the congregation.
17. **Calling to office in the Church** is an act of God by the Lord Jesus Christ in the Holy Spirit. This calling is ordinarily made manifest through the inward testimony of a good conscience on the part of the person, the approval of God's people on the part of the Church and the concurring judgment of a court of the Church.
18. (1) **In discharging their various duties** the officers of the Church are entitled to receive the assistance of other members of the Church. Scripture directs Christians to know those who labour among them and are over them in the Lord, to esteem them very highly in love for their work's sake, and to obey them that have the rule over them.  
 (2) The authority of any officer in the Church is derived from Christ and belongs not to the officer, therefore any person appointed to office may not assume any spiritual pre-eminence over others, but be only minister, disciple and servant. Teachers or rulers are not warranted on their own authority to publish any doctrine nor to prescribe any ceremony; nor is submission to them obligatory, except in so far as their doctrine and decisions are consistent with the Word of God.

## SECTION V - THE COURTS OF THE CHURCH

19. (1) **The Presbyterian Church in Ireland shall be governed by Presbyters in representative assemblies**, otherwise known as the courts of the Church. These courts comprise Kirk Sessions, Presbyteries and the General Assembly.
- (2) Each congregation and each member of a congregation (except members of Kirk Session) in all matters of doctrine, discipline, worship and order, is under the immediate jurisdiction of the Kirk Session of the congregation; each Kirk Session, in these matters, is under the immediate jurisdiction of the Presbytery; each Presbytery is similarly under the jurisdiction of the General Assembly.
- (3) The Moderator of each Church court shall preside at its meetings as the first among equals.
- (4) Any member of the Church may be present at proceedings of Church courts; but when a court deems it expedient, and no law of the Church interferes, it may transact its business in private, excluding all but members of the court and any others whose attendance the court considers necessary (but see also sub-paragraph 6).
- (5) A barrister or solicitor shall not be permitted to represent or appear on behalf of any minister or office-bearer or member of a congregation in any inquiry or other proceedings whatsoever conducted by any court of the Church or by any commission thereof.
- (6) Meetings of Kirk Session shall normally be held in private and all discussions kept in confidence.
20. (1) **A superior court may**, subject to this paragraph -
- (a) direct any court subordinate to it (in this section referred to as an "inferior court") to investigate any matter properly falling within the jurisdiction of the inferior court;
- (b) remove any matter from an inferior court and itself or by a commission with the powers of the superior court investigate and adjudicate thereon;
- (c) call for and examine the records of an inferior court;
- (d) amend those records or pronounce such judgment on the actions of the inferior court and give that court such directions, conformable with the law and standards of the Church, as the superior court deems right;
- (e) exercise all the powers, authority and jurisdiction of an inferior court and, in particular, may -
- (i) confirm, reverse or vary any decision, determination or pronouncement of the inferior court; or
- (ii) remit any appeal to it from an inferior court, or any matter arising thereon, to the inferior court with such declaration or directions as the superior court may think proper;
- (f) appoint one or more of its ministers or of the ruling elders within its jurisdiction to be a member or members of an inferior court for the purposes of any matter arising before the inferior court, but an appointment under this paragraph shall not prejudice any right of appeal or reference exercisable in relation to the inferior court.
- (2) Before pronouncing judgment or making any declaration with respect to any decision, determination or pronouncement of an inferior court or giving any direction to an inferior court, the superior court shall have before it the inferior court or representatives of that court together with the inferior court's records or authenticated copies thereof. The inferior court shall comply with any direction given to it.
- (3) The Assembly, or any commission or committee with Assembly powers, shall not adjudicate in any matter of discipline except by way of reference or on appeal; and if, before or on the hearing of any such reference or appeal, fresh charges or complaints emerge, they shall be remitted for investigation in the first instance to the appropriate inferior court.
21. (1) **An inferior court may** refer any matter, or any point of difficulty arising in connection with any matter, coming before it to the next superior court for directions or determination or advice. Such a reference may be without the expression of any opinion on the matter by the inferior court. The inferior court shall comply with any direction given to it.
- (2) In addition, an inferior court may petition or complain to a superior court with respect to the proceedings of any court exercising co-ordinate or lower authority over which the superior court has jurisdiction.
- (3) A petition or complaint shall not lie under sub-paragraph (2) unless, at least ten days before the superior court meets, written notice of intention to petition or complain, together with particulars of the

subject-matter of the petition or complaint, shall have been given to the Clerk of the co-ordinate or lower court by the Clerk (or, if he is unavailable, by a member) of the court complaining.

(4) Except to the extent provided for in sub-paragraphs (2) and (3), no inferior court has a right to review the proceedings of a superior or co-ordinate court.

(5) An inferior court, or a committee thereof, shall not meet during any sitting of a superior court to which it is subordinate without leave of that court.

**22. (1) The acts of a Church court** shall be treated as valid, subject to sub-paragraphs (2) and (3), notwithstanding -

(a) any defect that may afterwards be discovered in the appointment or qualification of a member of the court; unless it shall be shown that the vote of such a member was decisive, particularly in cases of discipline;

(b) any accidental omission to give notice of a meeting to a member of the court, or non-receipt by a member of a notice duly sent; or

(c) the presence at any sitting of a court of a person not entitled to be present.

(2) Where, on the ground of irregularity arising by reason of any such defect or failure as is mentioned in sub-paragraph (1), an appeal is made to set aside the proceedings in which the defect or failure occurred, or any step taken in connection with or in consequence of those proceedings, the court appealed to may either -

(a) grant the appeal upon such conditions; or

(b) allow amendments to be made; or

(c) make such other orders or issue such directions with respect to the proceedings generally, as the court may, in all circumstances and in keeping with the rules of natural justice, think just and proper.

(3) an appeal under sub-paragraph (2) shall not be allowed unless it is made before the party appealing has taken any fresh steps after becoming aware of the irregularity.

**23. (1) Any Church court** may appoint a commission or committee, the latter being sometimes called a council, for such purposes as the court may determine, or may resolve itself into a committee of the whole court.

(2) In every case the commission, committee or council shall report to the court.

(3) Nothing in sub-paragraph (2) shall operate to prejudice any powers conferred on commissions of the Assembly under paragraphs 126-128.

**24. Rules may make** such provision as the Assembly shall think proper for the holding and functioning of Church courts, including provisions for:

(a) the appointment, powers and duties of commissions, committees, councils or members or officers of such courts and the fixing of a quorum for, or the appointment of an assessor to, any such court, commission, committee or council;

(b) the practice and procedure to be followed in or in connection with proceedings before such courts, commissions, committees or councils, or on appeals or references arising therefrom; or

(c) the records to be kept and reports to be made by such courts, commissions, committees or councils.

## CHAPTER II - THE KIRK SESSION

### SECTION 1 - MEMBERSHIP AND MEETINGS

25. (1) **The Kirk Session shall consist of** the ordained minister or ministers and the ruling elders of the congregation except that a ruling elder may be given permission by the Kirk Session not to carry out the duties of the eldership for a specified time. All members, including the Moderator, are entitled to propose, speak to and exercise equal votes, except that the Moderator shall have no deliberative but only a casting vote. Where a ruling elder has been temporarily released from the duties of the eldership in the Congregation for a specified time, that elder shall not act as a member of the Kirk Session and shall not be entitled to attend, speak or exercise a vote in the Kirk Session.
- (2) It is recommended that deaconesses working in a congregation be invited to sit and deliberate with the Session when matters affecting their work are under discussion.
- (3) Remunerated employees of the congregation may be members of the Kirk Session but shall not sit and deliberate with the Session when matters affecting their employment, and that of other remunerated employees, are under discussion.
26. (1) **In a congregation not having two ruling elders** able for active duty, the Presbytery shall, if it sees fit, take measures to have elders elected by the congregation: but, until a Kirk Session be thus obtained, the Presbytery shall associate one or more of the ministers or ruling elders under its jurisdiction with the minister and ruling elder or elders of the congregation, as the case may be; and these together shall constitute its interim Session.
- (2) An interim Session of a congregation shall have all the powers and responsibilities of a regular Session.\*
27. (1) **The Moderator shall be** the minister who is in active duty in the congregation. In his absence, or if it seem expedient, any other minister of the Church may, at his request, act as Moderator for the time being. (*See also Par. 198 (6)*).
- (2) Where the minister in active duty is incapacitated, or temporarily suspended from ministerial functions, or where the congregation is vacant, that is without a minister in active duty, the Presbytery shall appoint one of its ministers to be interim Moderator of Kirk Session.
- (3) Without a minister to act as Moderator there cannot be a meeting of Kirk Session.
28. **Each Kirk Session shall appoint a Clerk** from its members, and he shall continue in office during the pleasure of the Session.
29. (1) **Stated meetings of the Kirk Session** shall be held at least twice in each year and, in addition -
- (a) the Moderator may convene the Session on his own authority and shall do so upon the written request of any two members of Session; and
- (b) the Session shall meet when directed to do so by the Presbytery or General Assembly.
- (2) A meeting of Session may be convened by announcement from the pulpit at a public service in the congregation, or by notice given to every member of the Kirk Session, on the authority of the Moderator.
- (3) Subject to sub-paragraph (4) the Moderator and any two members shall form a quorum of the Session.
- (4) The Session may by resolution fix its quorum to include more than two members in addition to the Moderator.
30. (1) **The duty of ruling elders** as members of Kirk Session is to work together with the minister in the oversight and government of the congregation, for the upbuilding of God's people in spiritual fruitfulness and holy concord, and for the extension of Christ's kingdom among all people. In exercising this leadership the Kirk Session shall oversee and work along with other members who have leadership roles in the congregation.
- (2) Ruling elders, by their calling, share equally with ministers in responsibility for practical witness both within the congregation and in the wider world.

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\* (For procedure in a new cause see rules regulating Formation of Congregations, pars. 227-234).

(3) In the discharge of their duties each elder should be assigned by the Kirk Session pastoral responsibilities and/or other leadership roles in the congregation.

(4) The Kirk Session, along with the Minister, should seek to ensure that all elders are equipped to fulfil their duties.

31. (1) **To be chosen for the office of the eldership** in a congregation a person must be a voting member of that congregation and a regular attendant on its ordinances. He should be circumspect and exemplary in his conduct, both in the Church and in the world, of acknowledged piety, endeavouring to maintain the worship of God in his family and held in esteem by the people. Women shall be eligible for election on the same conditions as men.
- (2) A ruling elder shall not hold office in more than one congregation at the same time, except as a member of an interim Session.
- (3) Sub-paragraph (2) shall not apply to retired ministers who may be members in the congregation.
32. (1) **Procedure in the election** or co-option of ruling elders, and their subsequent ordination or installation by Presbytery, shall be in accordance with rules. (*See Pars. 175-182*).
- (2) Subject to rules, it devolves normally upon the Session to determine when an election of ruling elders is to take place, and the number of ruling elders to be chosen; but any member of the congregation may petition the Session upon the subject, and the decision of the Session in these matters is subject to review by the superior courts.
33. (1) **Should a ruling elder cease** to be a regular attendant on the ordinances of the congregation and contributor to its funds without a cause considered by the Session to be sufficient the Session shall report the matter to the Presbytery, who shall take such steps as are deemed advisable.
- (2) In the case where a ruling elder fails to complete a Charity Trustee Declaration by a date set by Presbytery, that elder shall be deemed to have resigned from the duties of eldership in their congregation, unless otherwise resolved by Presbytery in exceptional circumstances.
- (3) Any formal charge or injurious complaint against a ruling elder shall be dealt with by the Presbytery.
- (4) A ruling elder who has reached the age of 65, or is in special circumstances, may retire from their duties in a congregation with the consent of the Presbytery, who may if it so wishes, in consultation with the Kirk Session, deem the elder to be an 'elder-emeritus' of the Presbyterian Church in Ireland.
- (5) A ruling elder may resign his duties in a congregation or his office of eldership in the Presbyterian Church with the consent of the Presbytery.
- (6) When a ruling elder has resigned his duties in a congregation he shall be placed upon a roll of elders without charge. Where such resignation arises from his transfer to a congregation in another Presbytery, the receipt of his disjunction certificate shall be reported to that Presbytery, who shall place him on their roll of elders without charge.
- (7) After his name has been for three years upon a roll of elders without charge an elder shall be deemed to have resigned from the office of eldership, unless otherwise resolved by Presbytery.
- (8) When a ruling elder has resigned from the office of the eldership, or has been suspended or excluded from Church privileges, he ceases to be a ruling elder of the Church. During temporary suspension from office, while a charge against him is under investigation, he shall cease to act as a member of Kirk Session.

## SECTION II - DUTIES AND RIGHTS

- 34. The Kirk Session is the governing body of a congregation in its Christian calling** and as such has the rights and duties set out in this section.
- 35. The Kirk Session shall -**
- (a) watch over and promote the spiritual interest of the congregation, and of persons not connected with any congregation who are within its bounds;
  - (b) ensure a scheme for pastoral care is in place in the congregation, in line with current General Assembly guidelines;
  - (c) seek to further the contribution of the Church to Christian witness and service in the local community;
  - (d) authorise such measures of practical co-operation with other Churches as may involve the life and work of the congregation.
  - (e) act as the charity trustees and be responsible for the congregation's compliance with the requirements of charities legislation in Northern Ireland and/or the Republic of Ireland as appropriate;
  - (f) ensure that the Congregational Committee complies with the decisions of Kirk Session;
  - (g) after considering the grounds for disqualification for being a charity trustee under charities legislation in Northern Ireland and/or the Republic of Ireland as appropriate, refer to Presbytery the consideration of removal from office in the congregation of a ruling elder;
  - (h) act as the employing body concerning all those in remunerated employment in the congregation.
- 36. The Kirk Session shall -**
- (a) call meetings of the congregation, decide what matters shall be brought before such meetings and record their proceedings and decisions taken;
  - (b) transmit memorials and other documents from the congregation to the Presbytery;
  - (c) be responsible for the due appointment of a congregational committee and congregational trustees;
  - (d) conduct the election of ruling elders for the congregation;
  - (e) select candidates for hearing in a vacant congregation, in accordance with rules;
  - (f) call assistant ministers and auxiliary ministers for service in the congregation.
- 37. The Kirk Session shall -**
- (a) fix the time and place for the administration of the ordinances of the Church. In the conduct of services and any invitation to occupy the pulpit the minister is responsible to Presbytery, not to the Kirk Session;
  - (b) be responsible for the appointment of the organist, choirmaster and members of the choir;
  - (c) control the Sunday Schools of the congregation, and approve the teachers employed, the books used, and the regulations of the schools;
  - (d) decide what meetings shall be held in the Church buildings, subject to the laws of the General Assembly;
  - (e) refuse to sanction the holding of a bazaar, sale of work, or entertainment of any kind for the purpose of raising funds for religious or philanthropic objects until the promoters have undertaken that no money shall be raised by means of balloting, raffling, or lottery tickets.
- 38. The Kirk Session shall -**
- (a) exercise authority in the Lord over all persons connected with the congregation both with regard to their doctrine and conduct;
  - (b) admit suitable persons to Church privileges and authorise the granting of certificates of disjunction to Church members;
  - (c) inquire into and judge concerning the truth of allegations or charges with reference to the doctrine or conduct of members of the congregation; admonish, suspend or exclude from Church privileges, or readmit on satisfactory evidence of repentance, those who have been suspended or excluded therefrom;

- (d) receive the petition of any member or adherent of a congregation seeking redress of a grievance, and transmit to Presbytery any appeals against decisions taken. The Moderator of Kirk Session shall advise an appellant, if so requested, on the procedure to be followed;
  - (e) notwithstanding the provisions of sub-paragraph (d), not receive a petition of any member or adherent of a congregation who is or has been employed by a congregation under a contract of employment in respect of any grievance relating to such contract of employment where such grievance has been dealt with either under any grievance or disciplinary policy of that congregation relating to its employees, or following any reference of such grievance to a Civil Court or an Industrial Tribunal.
- 39.** (1) **Baptism** shall be administered to those who make a profession of faith in the Lord Jesus Christ, and to the infant children of one or both believing parents. It shall be administered in all cases by a minister and, as far as possible, it shall be administered publicly. The Kirk Session shall keep a register of all baptisms in the congregation.
- (2) Sacramental discipline is the responsibility of the Kirk Session; so it is desirable (though not necessary, except in difficult cases) that the Session should be informed that a baptism is to take place and that the elder for the district should visit the home. Refusal also is the prerogative of the Session.
- (3) The Kirk Session shall nurture and pastor all baptised persons in the congregation, not yet in full communion; and shall in due time seek to lead them to full confession of their faith by their partaking of the Lord's Supper.
- 40.** (1) **Admission to The Lord's Supper.** The Kirk Session shall admit to the Lord's Supper only those who have been baptised, who make a profession of faith in the Lord Jesus, and whose character is consistent with such a profession. (*See also Par. 84(2)*).
- (2) Persons proposing to take communion for the first time shall be carefully instructed by the minister. When the Kirk Session has satisfied itself as to their knowledge, soundness in the faith and Christian experience, their names shall be entered on the roll of communicants and be read to the congregation. Such communicants should be received into the fellowship of the Church in the presence of the congregation.
- (3) The Session may admit to membership of the congregation a member of the Church in full communion on receiving a certificate of disjunction, but no member to whom a certificate of disjunction has been refused shall be received without authority of a superior court. In the case of undue delay in presenting such certificate, the Kirk Session shall not admit to privileges until it is satisfied regarding the reasons for delay, and also regarding the character of the person during the interval. Where the person comes from a denomination which does not provide such certificates or similar documents, he may be received on written affirmation of his full communicant status or on reaffirmation of his faith.
- (4) The Session shall record attendance of communicants at the Lord's Supper and may do so by the use of tokens or other appropriate method approved by Presbytery.
- (5) (a) In addition to oversight of the public administration in a congregation of the sacrament of the Lord's Supper, it is desirable that Sessions should encourage opportunities by which communicants who are housebound may also partake in the sacrament from time to time.
- (b) In such services it is desirable that one or more persons representing the main congregational fellowship should be present to share with the minister and individual communicant; though it is no requirement of the communion service that there be an elder to distribute the elements.
- 41.** (1) **The Kirk Session shall** keep a roll of Communicant Members, and shall revise it at least once every three years. The Session shall report that the revision has been completed to the Presbytery. A List of Adherents shall also be kept and regularly revised.
- (2) The Session shall not remove the name of a communicant from the roll, unless on his decease, or his removal from the congregation, or unless he has been continuously absent from the Lord's Table for two years and has failed when approached in person, or if that prove impractical, by personal letter on behalf of the Session to give reasonable grounds for absence, or unless it has dealt with him by way of Church censure, or unless it is satisfied that he has left the congregation to avoid censure. No communicant shall be removed from the roll merely for absence due to age or infirmity.
- (3) The Session shall, on application within a reasonable time, authorise a certificate of disjunction to be issued to a person entitled to it. A member has the right to this certificate if he is free from scandal and official censure, and clear, as far as the congregation is concerned, of every pecuniary obligation to it into which he may have entered.

(4) A communicant has the duty, when leaving a congregation, to obtain a certificate of disjunction and to present it at the earliest opportunity to the Kirk Session of another congregation. Where a communicant expects to be absent for two or more years he should be reminded of this obligation. *(See App. 2 for Forms).*

**42. (1) The Kirk Session shall promote** by example and exhortation the ideal of Christian Stewardship in every department of life.

(2) The Session shall work in co-operation with the Congregational Committee to ensure that the congregation accept their full obligation under the various assessments and United Appeal of the General Assembly as well as in support of the local Church.

**43. (1) The Representative Elder.** The Kirk Session of each established congregation shall commission a ruling elder to represent it in the Presbytery or General Assembly.

(2) Such commission shall continue in force for the period of meeting mentioned in the commission, unless in the meantime the commission has been withdrawn and its withdrawal certified to the court, or unless in the meantime another commission has been issued.

(3) Through the membership of minister and representative elder, the Session shall not only seek to represent the interests and concern of the congregation in the higher courts of the Church, but also the interests and concerns of the higher courts within the congregation.

*(See App. 3 for Form of Commission)*

**44. (1) Records, etc.** Each Kirk Session shall keep a minute book with a record of its proceedings, and shall submit this to the Presbytery for inspection when so required by them.

(2) The Session shall keep in its minute book full lists of the disused and current record books of the congregation, of legal documents relative to its property, of every bequest or donation received, and of all other Church property of historic interest, together with information regarding where or in whose custody these items are normally kept.

(3) The Session shall give answers to such statistical or other queries as may from time to time be addressed to it by any superior court, or committee thereof.

*(See also Pars. 255-258)*

## CHAPTER III - THE CONGREGATION

### SECTION I(A) – MEMBERSHIP OF THE CONGREGATION

- 44A.** (1) “**Communicant Members**” are all baptised persons who have been admitted to Communion on profession of their faith by the Kirk Session, together with all those who have been received by the Kirk Session by transfer from other congregations or churches.
- (2) “Adherents” are all those who attend, contribute or claim connection with the congregation, but who are not Communicant Members.
- (3) “Voting Members” are Communicant Members who meet the qualifications for voting set out in Rules (see *Pars 175-6*).

### SECTION I(B) - MEETINGS OF THE CONGREGATION

- 45. (1) Subject to rules, meetings of the congregation shall be called from the pulpit at a public service of the congregation -**
- (a) by the authority of the Kirk Session, for such purposes as the Session may determine; and
- (b) when directed by the Presbytery, or by a superior court, to consider any matter mentioned in the direction.
- (2) In every case of a special meeting of a congregation, the notice convening it shall specify the business to be transacted; and no business except that specified shall be brought before the meeting.
- (3) Rules may make such further provision as the Assembly may consider proper with respect to meetings of the congregation, including provisions regarding the holding of, or the procedure to be followed in or in connection with and the keeping of records of such meetings, and may make different provision for Annual Meetings and special meetings.
- (4) Normally both Communicant Members and Adherents have the right to attend and speak at meetings of the congregation but only Communicant Members who are Voting Members may propose or second any resolution and vote thereon.
- 46. Meetings of the congregation may be called for the following purposes -**
- (a) to consider the state of religion and needs of the community;
- (b) to promote the cause of missions, Christian training and co-operation, or otherwise advance the Lord’s work;
- (c) to foster Church fellowship in the life and work of the congregation;
- (d) to choose a minister, ruling elders or members of the Congregational Committee;
- (e) to authorise transactions affecting the congregational organisations or agents;
- (f) to authorise transactions affecting the congregational ownership of, interest in, or plans for, any lands or buildings;
- (g) to appoint, remove or accept the resignation of trustees of the congregational property; (*See App. 6C*)
- (h) to appoint independent examiners or auditors for the congregational accounts in accordance with the requirements of charity law;
- (i) to contribute to, or authorise the raising of, special funds for congregational or other religious or charitable objects; or
- (j) for such other objects as the Kirk Session may determine.

## SECTION II - THE CONGREGATIONAL COMMITTEE

47. (1) **The duties of the Congregational Committee, delegated to it by Kirk Session**, shall be to care for those in need and to manage the temporal affairs of the congregation, and be accountable to Kirk Session.
- (2) Those duties shall include:
- (a) administering all funds belonging to the congregation, or held by trustees for its use and apply these funds for the purposes for which they have been created or contributed;
  - (b) administering all other property of the congregation, take care to maintain and insure it and take steps to gather funds needed for these purposes;
  - (c) having charge of the letting or allocating of seating accommodation in the Church building;
  - (d) regulating conditions under which the Church premises, halls or rooms are used, subject to decisions of the Session;
  - (e) promoting the interests of the Central Funds and Missions of the Church;
  - (f) subject to the provisions of Par 35(h), be responsible for appointing or dismissing the sexton or caretaker;
  - (g) managing the graveyard;
  - (h) having power to borrow against any congregational property, with any security required being given by the Congregational Trustees on the instruction of the Congregational Committee and to authorise up to six members of the Congregational Committee to sign any associated documents required by the lender; and
  - (i) carrying out such other functions as may be prescribed.
48. (1) **The Congregational Committee shall consist of** members of the Kirk Session together with such numbers of persons elected to the committee by the congregation as the Session may fix.
- (2) Persons so elected shall be voting members of the congregation who are regular in attendance on the Church's ordinances but a person shall not be disqualified from election on the ground of irregular attendance unless he has failed when approached on behalf of the Kirk Session to assign reasonable grounds for his irregular attendance.
- (3) Elections to the Committee shall be conducted in accordance with rules. *(See Pars. 183-185).*
- (4) Rules may provide for the filling of casual vacancies occurring in the membership of the Committee. *(See Par. 186)*
- (5) Remunerated employees of the congregation may be members of the Committee but shall not sit and deliberate with the Committee when matters affecting their employment, and that of other remunerated employees, are under discussion.
49. (1) **A meeting of the Congregational Committee may be called** by the Moderator of the Kirk Session on his own authority or that of the Kirk Session, and he shall call such a meeting at the written request of any three Committee members. In addition, the Committee shall meet when directed by the Presbytery, or by a superior court, to consider any matter mentioned in the direction.
- (2) All such meetings shall be called either by intimation from the pulpit at a public service of the congregation or by notice given to every member.
- (3) The Moderator of the Kirk Session has the right to act as chairman of the Congregational Committee; but, at his request or in his absence, the Committee may appoint one of its members to preside.
50. (1) **Rules with respect to the Congregational Committee** may make such provision as the Assembly considers proper, including provisions with respect to the procedure to be followed on or in connection with the keeping of records and accounts, the fixing of a quorum for its meetings, the appointment and duties of officers, the exercise of the functions of the committee and the oversight and management of the property and funds under its control.
- (2) It shall be the duty of every member of the Congregational Committee to disclose to the Committee any pecuniary interest he may have (whether on his own account or by or with or through another) in the outcome of or in any commission, advantage or benefit arising from any contract or proposed contract or other transaction affecting the committee and to withdraw from any meeting of the Committee while such transaction is discussed and voted upon by the Committee.

(3) The Committee shall give answers to such queries as may from time to time be addressed to them by any superior court of the Church, or by a committee or commission thereof.

51. (1) **Any member of the Congregational Committee** or any member of the congregation who is dissatisfied with any decision of the Congregational Committee may, after notice in writing to the Congregational Committee, ask the Kirk Session to review that decision. Any member of the Congregational Committee or any member of the congregation dissatisfied with the decision of the Kirk Session following such review may after notice in writing to the Kirk Session petition the Presbytery against that decision.
- (2) The decision of the Presbytery, or a superior court, on such petition shall bind all parties.
52. *(Formerly re Deacons)*

### SECTION III - CONGREGATIONAL PROPERTY

*(See also Pars. 241-245 and App. 7)*

53. **Appointment of Trustees and Declarations of Trust.** Every congregation shall ensure that -
- (a) congregational trustees are or have been appointed to receive and hold the property of the congregation upon trust for the congregation and subject to its directions so far as those directions comply with the terms of such trust and with this Code save that, but subject to the provisions of paragraph 57(5), congregational property may be transferred to trustees (who shall be not less than three voting members of the congregation) for a separate body set up by, under the jurisdiction of, and accountable to the Kirk Session of the congregation; and
  - (b) the terms of such trust are set forth in a deed or deeds and, if drawn after the commencement of this Code, are in conformity with the provisions of the relevant rules.
54. **Every deed of trust and memorandum** of choice and of appointment of congregational trustees executed after the commencement of this Code shall be in general conformity with such forms, if any, as may be prescribed by rules and a copy thereof shall be given to the Congregational Committee. *(See App. 7)*
55. (1) **Property held on behalf of or for the benefit of a congregation**, without any trusts having been expressly declared or created in respect thereof -
- (a) shall be held in trust for the congregation, so long as the congregation continues to acknowledge the authority of, and remain in connection with the General Assembly and to profess and maintain the Standards of the Church as contained in the Code of the Church for the time being in force; and
  - (b) thereafter shall be held by such trustees and applied for such purposes as the Presbytery, with the approval of the Assembly may decide.
- (2) Rules may contain provisions with respect to the use and occupation of manse property by ministers and such provisions shall safeguard the rights possessed at the commencement of this Code by ministers ordained prior to 5th June, 1935.
56. **All title deeds and securities** of the congregation should be deposited by the congregational trustees for safe custody in the strong room provided for the purpose at Church House, Belfast, or such other place as may be prescribed, and the trustees should give a copy of every such deed or security to the Congregational Committee.
57. (1) **Subject to sub-paragraph (3) below, it shall be the duty of congregational trustees** to carry out the lawful directions given to them on behalf of the congregation by the Congregational Committee and, in giving such directions and in administering the property of the congregation, the Committee shall be bound by the subsequent provisions of this paragraph.
- (2) Subject to sub-paragraph (3) below, transactions creating, transferring or affecting any estate or interest in congregational property shall not be entered into without the authorisation of the congregation and the sanction of the Presbytery being first obtained; save that the Kirk Session may, subject to this Code and to rules, authorise what meetings shall be held in or on congregational property.
- (3) When deciding upon the terms of any amalgamation or dissolution the Linkage Commission shall have power to determine the future ownership or dispersal of property and assets belonging to both or either congregation and congregational trustees shall carry out such directions given to them on behalf of the Commission.

(4) All leases, declarations of trust or other assurances relating to the acquisition, disposal or use of congregational property shall before being executed be submitted to the Presbytery and shall not be executed without the prior approval of the Presbytery. It shall be the responsibility of the minister and the representative elder to ensure that this submission is made.

(5) Congregational property may not be transferred to trustees for a separate body pursuant to the saving in paragraph 53(a) except in accordance with Guidelines relating thereto from time to time set by the General Assembly and without the prior consent of both the Presbytery and the Moderator's Advisory Committee.

(6) The site and plans of all new buildings proposed to be erected on congregational property and of all proposed demolition, structural alterations of or structural additions to existing buildings thereon (including all proposals and designs for memorials, windows, artificial lighting and for seating and furnishings requisite for public worship) shall be authorised, successively, by the congregation, the Presbytery and the Linkage Commission, and without such authorisations no such erection or alteration shall be undertaken or made.

(7) In all situations where augmentation or incremental grant is being paid to the minister of a congregation the Presbytery shall consult with the Linkage Commission and obtain the Commission's consent before authorising any project under section (5) above.

(8) Notice of the convening of a meeting of the congregation for the purpose of giving an approval required under sub-paragraphs (2) or (5) or paragraph 46(f) shall be given from the pulpit on the two Sundays immediately preceding the date of the meeting.

58. (1) **Without prejudice to any other provision** of this section every donation or bequest made to a Kirk Session or Congregational Committee without specific directions for its application shall be applied by the Session or Committee for the benefit of the congregation.
- (2) Nothing in this section shall operate to prevent any congregational property being brought into a common investment scheme made under section 25 of the Charities Act (Northern Ireland) 1964 or any amendment or re-enactment thereof, or under any corresponding enactment of the Republic of Ireland.
59. (1) **The administration of the property and funds** in the charge of Congregational Committees shall be in accordance with the provisions of this Code and any relevant rules.
- (2) Rules may contain provisions with respect to:-
- (a) the accounts and records to be kept by Congregational Committees and the independent examination or audit thereof;
  - (b) the funds which shall or may be maintained or supported by the Committees;
  - (c) the obligations to be discharged by the Committees, including the fulfilment of financial obligations to or in respect of the minister, and to the Assembly or the Presbytery, and the time and manner in which these obligations are to be met; and
  - (d) the custody and application of the property and income of the congregation.
60. (1) **Co-operation with other Churches.** Where congregations or Church Extension charges are organised jointly or in co-operation with other Churches or organisations, special arrangements or schemes may be made, with the approval of the General Assembly and the sanction of the Presbytery, for the holding, application and use of property.
- (2) A special arrangement or scheme under this paragraph may provide for -
- (a) the vesting of property in trustees representative of the participating Churches;
  - (b) the creation of special trusts in respect of property so vested;
  - (c) property to be held jointly with all or any of the participating Churches or organisations; or
  - (d) assistance to be given by an appropriate agency of the Church.
- (3) Provisions in special arrangements or schemes under this paragraph shall prevail over any provision of this section or of any rule which is inconsistent therewith.

## CHAPTER IV - THE PRESBYTERY

### SECTION I - MEMBERSHIP AND MEETINGS

**61. The Presbytery shall consist of:-**

- (a) the ministers in active duty of the congregations assigned to it by the Assembly or retired from active duty with the consent of the Assembly, apart from those designated Minister Emeritus (Released);
- (b) a ruling elder (being a member of Kirk Session in the Presbytery) appointed by the Kirk Session of each established or fully constituted congregation in the Presbytery;
- (c) chaplains to the Forces, ordained ministers and elders serving under the Council for Global Mission and other ministers serving under any Assembly Council in special work outside Ireland, who have been installed or inducted to their charge by Presbytery or have retired from active duty with the consent of the Assembly, apart from those designated Minister Emeritus (Released);
- (d) associate ministers, ordained assistant ministers and ministers in special work (including Church Extension charges) located within the Presbytery as members of its congregations, where called by authority of the Assembly;
- (e) associate ministers, ordained assistant ministers and ministers in special work retired from active duty with the consent of the Assembly, apart from those designated Minister Emeritus (Released);
- (f) ruling elders in the Presbytery appointed annually by Presbytery to correspond in numbers to ministers qualified under the foregoing sub-paragraph (d);
- (g) ruling elders in special work, so ordained and/or inducted by Presbytery;
- (h) ministers or ruling elders associated with congregations in the Presbytery who are ex-officio members of Assembly;
- (i) any ruling elder holding office as Clerk;
- (j) such other ministers or ruling elders as the Assembly may from time to time determine.

**62. The Presbytery may invite** ministers or elders of other Presbyteries, or other elders and members of their own congregations, or corresponding persons in sister Churches, to sit and deliberate with them, giving liberty of attendance and debate but without a vote, and shall invite those under their care designated Minister Emeritus (Released) or Minister without Charge to do so.

This invitation shall not operate when a judicial process is before the court nor when the court sits in private, except where attendance is desirable for the business of the court.

**63. In cases of difficulty** the Presbytery may request the General Assembly's Moderator's Advisory Committee to appoint representatives, from among the ministers and ruling elders of the Church who shall for this purpose have the full powers of members of the court.

**64. (1) The stated officers** of a Presbytery shall be the Moderator and the Clerk, who shall be chosen by the Presbytery.

(2) The Moderator shall exercise only a casting vote.

(3) A Presbytery may also appoint other special officers or agents with particular responsibilities as may be required. These shall report to Presbytery on their work at least once a year.

**65. (1) The Moderator shall enter upon office** at the stated meeting of Presbytery in March; and shall continue in office one year, unless in the course of the year it be otherwise determined by the Presbytery.

(2) The Clerk shall be appointed by the Presbytery from among the ministers or ruling elders under its jurisdiction and shall hold office at the pleasure of the court, provided they remain under its jurisdiction.

(3) At the first meeting of a new Presbytery the senior minister present shall act as Moderator in constituting it, unless the General Assembly has appointed otherwise.

(4) In the event of a Moderator ceasing to be a member of the court, dying, becoming incapacitated or otherwise prevented from discharging his duties, the member of Presbytery last occupying the Moderatorship shall assume the office with authority to discharge all its functions until it be otherwise determined by the court.

**66. The Presbytery shall meet as follows:**

(1) It shall hold at least four stated meetings in each year, and shall notify the Clerk of Assembly annually when these are to be held. Members shall attend such meetings or be required to give satisfactory reasons for their absence.

(2) It shall meet when and where it is directed to do so by the Assembly.

(3) It shall hold special meetings at its own discretion. Such meetings shall be convened when decided by the Presbytery, or at the request of the Moderator, or of any seven members.

**67.** (1) **Notice of every meeting** or adjourned meeting of Presbytery, except meetings directed to be held by the Assembly who shall direct how notice of such meetings shall be given, shall be given by post or otherwise conveyed to every member by or with the authority of the Clerk, at least three clear days before the date of the meeting, that is to say not including the date of the posting or conveying the notice and the date of the meeting. The accidental omission to give notice of a meeting to, or the non-receipt of a notice by, any member shall not invalidate the proceedings of that meeting.

(2) The notice convening the meeting shall state as fully as possible the business to be transacted.

(3) At a special meeting only business specified in the convening notice shall be transacted.

(4) The foregoing provisions shall not apply to a special meeting convened by announcement in the General Assembly and held with its permission.

**68.** (1) **A quorum shall be** ten members of Presbytery, at least three of them being ministers, met at the appointed time and place.

(2) In the absence of a quorum an ad hoc Committee of Presbytery may be formed to transact any urgent, non-controversial business. Any decisions taken require to be sustained at the next meeting of Presbytery.

## SECTION II - DUTIES AND RIGHTS

- 69.** (1) **The Presbytery is the body primarily responsible for corporate oversight** of the congregations and causes assigned to it by the General Assembly, and of the ministers and elders connected with it, and the advancement of Christ's kingdom generally within its bounds.
- (2) The Presbytery shall, so far as lies within its powers, observe the laws and directions of the Assembly and ensure that those subject to its jurisdiction do likewise.
- 70. The Presbytery shall -**
- (a) superintend generally the spiritual and temporal affairs of its congregations and interpose in any matter which, in its judgment, affects their welfare;
  - (b) hold visitations of congregations and issue such directions for work in them as may be for the encouragement, progress or correction of the congregation and its members. (*See Pars. 246-251*).
  - (c) sanction those joint projects for Inter-Church co-operation within its bounds which are subject to official Schemes or terms approved by the General Assembly (*See Par. 60*).
  - (d) act as the charity trustees and be responsible for its compliance with the requirements of charities legislation in Northern Ireland and/or the Republic of Ireland as appropriate.
- 71. The Presbytery shall -**
- (a) provide ordinances for congregations in the pastorate of which there is a vacancy, and for destitute districts in their area;
  - (b) appoint interim Moderators and interim Kirk Sessions in accordance with rules;
  - (c) constitute new congregations when so authorised by the General Assembly.
- 72. The Presbytery shall, in accordance with rules -**
- (a) arrange for the election of ministers in congregations. (*See Pars. 189- 195*);
  - (b) receive and sustain or refuse calls from congregations or other authorised bodies in the Church (*See Par. 196*);
  - (c) ordain licentiates and install or induct and appoint ministers to their charges in its congregations or in special work to which they have been called (*See Pars. 210-213*);
  - (d) ordain or install and appoint ruling elders, including missionary elders (*See Pars. 204-206*);
  - (e) commission and appoint deaconesses, senior lecturers, auxiliary ministers, lay agents and missionaries who have been called by an authorised body in the Church (*See Pars. 201-203*);
  - (f) receive resignations of ministers, loose them from their charges and appoint them as ministers without charge under their care or grant them appropriate credentials (*See App. 4*);
  - (g) determine when a minister has abandoned his charge (*See Par. 220*);
  - (h) subject to Rules (*See Pars. 220-223, 225 and 226*), accept the retirement of a minister, whom it shall designate as Minister Emeritus;
  - (i) annually review the position of each Minister Emeritus and following each review may release a retired minister from the responsibilities of full membership of Presbytery (and thereby also of the General Assembly), whom it shall then designate as Minister Emeritus (Released). A decision to so release is appropriate when there is:
    - (i) a request from the Minister Emeritus; or
    - (ii) a lack of capacity to fulfil the responsibilities of membership of Presbytery; or
    - (iii) a failure to attend Presbytery for a period of twelve months without appropriate reason.
  - (j) receive licentiates and ministers without charge having satisfactory credentials from another Presbytery in the Church; and receive and report applications for admission from licentiates and ministers in active duty or ministers without charge of another Church;
  - (k) receive resignations of ruling elders (*See Par. 33*).
- 73. The Presbytery shall -**
- (a) see that ministers preach the Word faithfully to their congregations, regularly visit the families under their charge, visit the sick, promote peace and temperance among the people, adopt

means for the instruction of the young in Gospel doctrine and the distinctive principles of the Presbyterian Church, encourage education and missionary enterprise and discharge all other duties of the pastoral office;

- (b) see that the duties of the eldership are properly discharged and that elders are suitably equipped;
- (c) require that Kirk Sessions maintain two services each Lord's Day, unless the Session decides otherwise, and that they make provision where practicable for the holding of meetings during the week for praise and prayer and the religious instruction of the people;
- (d) ensure that a minister or licentiate in active duty shall not accept any paid public appointment, unless it be of an occasional kind, without the consent of his Presbytery and the Linkage Commission. A breach of this rule shall amount to contumacy, for which the Presbytery shall proceed against the offender.

**74. The Presbytery shall -**

- (a) inquire into and deal with reports affecting the character, usefulness or soundness in the faith of ministers in its congregations or in special work under the jurisdiction of the Assembly, and into the character and soundness in the faith of ministers retired or without charge or in work not under the jurisdiction of the Assembly, of deaconesses, senior lecturers and auxiliary ministers, and of licentiates and students under its care. In the general case of ministers in special work or of students, the Presbytery shall invite four representatives of the appropriate Assembly Council to sit with them as assessors in the case, who shall for this purpose have the full powers of members of the court. In the special case of theological professors this procedure shall be followed if the College Management Committee, following preliminary investigation, requests the Presbytery to act;
- (b) receive formal charges or complaints against ministers, licentiates, ruling elders, deaconesses, senior lecturers or auxiliary ministers, summon witnesses and take evidence in cases of complaint or charge, and pronounce and publish judgment, in accordance with the disciplinary procedures of the Church.

**75. The Presbytery shall -**

- (a) advise Kirk Sessions and Congregational Committees in cases of difficulty and seek conciliation where it is appropriate;
- (b) inquire into the conduct of Kirk Sessions and Congregational Committees and set them right if they have erred. For this purpose it shall have the right to call for a review at any time the records of a Session or Committee;
- (c) receive and deal with references for advice or for adjudication from Kirk Sessions and appeals against decisions of Kirk Sessions;
- (d) deal with Memorials, that is petitions, addressed to it by bodies or persons under its care, or by others alleging wrongs to have been done by such bodies or persons.
- (e) notwithstanding the provisions of sub-paragraphs (c) and (d), not receive an appeal from, nor a petition of, any member or adherent of a congregation who is or has been employed by that congregation under a contract of employment in respect of any grievance relating to such contract of employment where such grievance has been dealt with either under any grievance or disciplinary policy of that congregation relating to its employees, or following any reference of such grievance to a Civil Court or an Industrial Tribunal.

**76. The Presbytery shall -**

- (a) examine and sanction transactions affecting the congregational ownership of or financial interest in any lands or buildings; and have power to intervene for the declaration of trusts or appointment or renewal of trustees according to rules;
- (b) subject to the provisions of paragraph Par 57(5) and (6) of the Code, examine and approve of the site and plans of all new Church buildings and of all permanent alterations or additions to Church buildings or property and of furnishings used in the conduct of public worship and of any demolition involved in such projects;
- (c) examine the statement of accounts of each congregation and certify the annual statistical returns, in accordance with directions issued by the General Assembly from time to time;
- (d) require that, except for a special service or sale of work, no minister shall seek financial aid outside its bounds for the benefit of congregational property or reduction of debt, except with the prior permission of Presbytery and in accordance with directions made by it;
- (e) have the right to make an assessment on each of its congregations to meet the incidental expenses of the Presbytery; and be required to publish annually an independently examined or audited statement of accounts of its Incidental Fund.

**77. The Presbytery shall -**

- (a) foster Sunday School work within its bounds, requiring as far as possible that at least one school be maintained in connection with each congregation, having a programme which embraces study of Scripture, the Shorter Catechism, and the Missions and Agencies of the Church;
- (b)
  - (i) encourage the development and foster the progress of education generally, with a pastoral concern for and Christian responsibility towards all involved in or seeking to benefit from education or vocational training, and
  - (ii) for these purposes safeguard and secure the exercise of the Church's rights of representation on school management committees and similar bodies. Particular care should be taken to discharge these duties during a ministerial vacancy.

**78. The Presbytery shall -**

- (a) have the right, in accordance with rules and procedures, of nominating for the approval of the General Assembly, persons desiring to undertake the work of the ministry; of receiving them under its care, when approved, as recognised students for the ministry, and of licensing them as probationers;
- (b) co-operate with the Council for Training in Ministry in supervising the life and conduct of the students under its care. Where the character or work of a student is considered unsatisfactory, the Presbytery may proceed as in paragraph 74 or, if it deem it advisable, delegate its authority to the Council for Training in Ministry. (*See Pars. 214, 215*)

**79. The Presbytery shall -**

- (a) license memorials received for transmission to superior courts, if these are in order;
- (b) have the right to petition or overture the General Assembly;
- (c) report annually to the Assembly and furnish returns on such matters as may be specified by the Assembly;
- (d) have the right annually to make a nomination for the office of Moderator of Assembly, such nomination to be made at a date or time set by the Assembly;
- (e) have the right to submit recommendations for the nomination of chaplains to public institutions within their bounds. Having received such recommendations, the Council for Mission in Ireland (or, if necessary, the General Council), shall make their nomination with Assembly powers; and no minister other than the minister so nominated shall accept the appointment without thereby forfeiting his claims on the central funds of the Church.

*(See also Pars. 259-263)*

## CHAPTER V - THE MINISTER

80. (1) **The special calling of the minister** is the ministry of the Word, in public and in private, the conduct of public worship, the administration of the Sacraments, the instruction of the young and the pastoral care of souls. For the performance of these duties he shall be ordained by Presbytery as a minister in the catholic or universal Church and shall be responsible to the Presbytery having oversight of his ministry.
- (2) The minister should be a man of faith, dedication and good judgment, well trained and equipped for his work. His manner of life should be a demonstration of the Christian Gospel, both within and outside the Church.
- (3) The minister's calling is exercised in the service of others. This should be done in partnership with the whole company of believers, each having his own gifts and making his own contribution, in the spirit of brotherhood and never as lord over another's faith.
- (4) The minister should seek to ensure that members of Kirk Session, the Congregational Committee and the congregational trustees know and discharge the duties of their office.
81. (1) **A minister in active duty** shall not leave the pastoral charge of his congregation for more than two successive months without previous notice to the Kirk Session and congregation, nor without the consent of Presbytery.
- (2) A minister in active duty is responsible for making arrangements to provide for essential ministerial services in his congregation during any absence therefrom, of which arrangements the Kirk Session should be informed. When a minister is prevented from making such arrangements, through illness or other impediment, the Presbytery shall be responsible for them.
- (3) It is the right of a minister to employ any minister or licentiate or accepted student of the Church as a temporary assistant. A minister of another Church may be employed for a period not exceeding 12 months, after which the approval of the Committee for the Reception of Ministers and Licentiates must be obtained.
- (4) No one shall occupy the pulpit of a congregation or be invited to address a meeting within the church premises without the permission of the minister, except by direction of the Presbytery or a superior court.
- (5) As a pastoral charge of a minister extends only to his own congregation or special work he shall not conduct nor take part in public services, other than marriage or funeral services, within the bounds of another congregation without authority from the minister of that congregation or, in a minister's absence or a ministerial vacancy, without written authority from the Interim Moderator or the Presbytery. This shall not inhibit the customary right to speak at ecumenical conferences or at conventions or evangelistic services which promote the cause of Christian unity and fellowship.
- (6) The Minister Emeritus or Minister Emeritus (Released) of a congregation shall not exercise any pastoral role or conduct any services in connection with the congregation without the specific prior permission of the minister of the congregation, or in a vacancy the convener of the Vacancy Commission.
82. (1) **The minister shall be entitled** to the use of the place of worship and other church buildings for the purposes of his office, subject to any direction of Presbytery.
- (2) The minister has no right to use the buildings nor grant the use of them for any other purposes without the authority of the Kirk Session.
- (3) A minister shall not enter into any private or other arrangements with the congregation or its representatives, as to stipend, endowments, manse, glebe or manse farm, either before or after his settlement among them, without the consent of Presbytery and of the Linkage Commission.
- (4) No manse, glebe, or manse farm, shall be let, sold or provided as security, nor its proceeds used for any purpose, without the consent of Presbytery and of the Linkage Commission having been first obtained. No capital funds created by a sale of a manse, glebe or manse farm prior to 31<sup>st</sup> December, 2005, shall be used for any purpose other than as previously agreed without permission of the Presbytery and the Linkage Commission.

83. (1) **A minister shall encourage baptism** of the children of all such as may make a credible profession of faith. More shall not be required, nor less accepted, by way of profession than that authorised by the Church as a whole.
- (2) A minister shall not decide on the admission or refusal of a person to baptism without the authority of the Kirk Session.
- (3) The sacrament of baptism is only to be administered once to any person.
- (4) A minister shall not baptise the child of a member of another congregation, without authorisation from the minister of that congregation or its Interim Moderator, or Presbytery.
84. (1) **A minister shall encourage those who have been baptised** as children in due time to make a personal profession of faith, shall instruct them in preparation for first communion and shall present them to be received by the Kirk Session.
- (2) A minister shall not decide on the admission or exclusion of a person from the Lord's Supper, which authority belongs to the Kirk Session. Nevertheless, the minister presiding at any celebration of the Lord's Supper may invite all communicant members of other congregations and of other Christian Churches who are present to partake of the sacrament; but such an invitation shall not be taken as authorising participation of any person who has been excluded from the Lord's Supper by a Kirk Session or other competent Church authority.
85. (1) **Marriage.** The Church recognises that every ordained minister on the roll of a Presbytery or officially under its care as a minister without charge, minister emeritus (released) or licentiate is legally qualified to celebrate marriage.
- (2) Marriage under the form and discipline of the Presbyterian Church in Ireland shall include the following statement: "Since the beginning of creation God, in his gracious purpose, provided marriage as the accepted way in which a man and a woman may come together as husband and wife. This is the only basis on which marriage can take place within the Presbyterian Church in Ireland."
- (3) A minister should not celebrate marriage on Sunday.
- (4) The minister should endeavour to ascertain that there is no lawful impediment to a marriage.
- (5) Where difficulty arises as to whether a marriage by the Church is advisable, the minister may consult with his Kirk Session or refer the matter to the Re-marriage Panel of the Pastoral Care Committee under the Council for Congregational Life and Witness before agreeing to celebrate the marriage.
- (6) A minister should not join in marriage a member of the Church with one holding beliefs or having a Church membership incompatible with the Christian witness of the Protestant Reformation, until careful instruction has been given in the doctrines and obligations of our evangelical faith or until other conditions approved by the Re-marriage Panel have been observed.
- (7) While this Church does not prohibit the marriage of a divorced person or persons, it is strongly recommended that a minister does not join in marriage a person who has been divorced, except in circumstances recognised by the Re-marriage Panel as justifying such action. In the case of a divorced minister wishing to remain in office after re-marriage the approval of Presbytery shall be obtained.
- (8) Where persons have been legally married in a Registrar's Office, it is lawful to add a religious ceremony on production of the certificate of marriage before the Registrar; but the religious ceremony shall not be held to supersede or invalidate the marriage before the Registrar.
- (9) A second religious ceremony of marriage shall not be held for any couple.

## CHAPTER VI - THE SYNOD

**86. – 92.** *(Formerly Membership and Meetings of the Synod).*

**93.** (1) **Every congregation** shall be assigned to one or other of the historic Synods whose Union constituted the General Assembly.

(2) Five members, at least three of them ministers, shall form a quorum for these Synods.

**94. – 96.** *(Formerly Duties and Rights of the Synod).*

# CHAPTER VII - THE GENERAL ASSEMBLY

## SECTION I - MEMBERSHIP AND MEETINGS

### 97. The General Assembly shall consist of:-

- (a) the ministers in active duty of the congregations connected with it or retired from active duty with the consent of the Assembly, apart from those designated Minister Emeritus (Released);
- (b) a ruling elder (being a member of a Kirk Session of the Church) appointed by the Kirk Session of each established congregation connected with the Assembly;
- (c) chaplains to the Forces, ordained ministers and elders serving under the Council for Global Mission and other ministers serving under any Assembly Council in special work overseas, or retired from active duty with the consent of the Assembly, apart from those designated Minister Emeritus (Released);
- (d) associate ministers, ordained assistant ministers and ministers in special work (including Church Extension charges) in Ireland who have been called by authority of the Assembly;
- (e) associate ministers, ordained assistant ministers and ministers in special work retired from active duty the consent of the Assembly, apart from those designated Minister Emeritus (Released);
- (f) ruling elders appointed annually by Presbyteries to correspond in numbers to ministers in active duty qualified under the foregoing sub-paragraph (d);
- (g) ruling elders in special work, so ordained and/or inducted by Presbytery;
- (h) ministers or ruling elders who are ex-officio members of the General Assembly in virtue of their appointment as:-
  - (i) Conveners and Secretaries of each of the Assembly's Standing Commissions, Councils and Committees;
  - (ii) Clerks of Presbytery;
  - (iii) Two of the Trustees of the General Assembly, being ruling elders, appointed annually by the Trustees;
- (i) ministers or ruling elders who may be constituted members of the Assembly;
- (j) such elders as are nominees from Presbyteries or nominees of the Nominations Committee to Commissions of the Assembly, or whose membership is desirable in the interest of Assembly, and who are not otherwise members of the Assembly;

### 98. The Assembly may invite other elders and members of the Church, or corresponding persons in sister Churches, to sit and deliberate with them, giving liberty of attendance and debate but without a vote, and shall invite those under the care of Presbyteries designated Minister Emeritus (Released) or Minister without Charge to do so. This invitation shall not operate when a judicial process is before the court, nor when the court sits in private, except where attendance is considered desirable for the business of the court.

- ### 99. (1) The stated officers of the Assembly shall be the Moderator and the Clerk, appointed by it and continuing in office at its pleasure.
- (2) The Moderator shall exercise only a casting vote.
  - (3) The Assembly may also appoint other special officers or agents as may be required from time to time, who shall continue in office at its pleasure.

### 100. (1) The Moderator shall enter upon office at the annual meeting of the Assembly.

- (2) The Moderator, during his year of office, shall be the principal public representative of the Assembly.
- (3) In the event of a Moderator ceasing to be a member of the Assembly, dying, or, in the judgment of the Moderator's Advisory Committee, becoming incapacitated or otherwise prevented from discharging his duties, the member of Assembly last occupying the Moderatorship shall assume the office, with authority to discharge all its functions until it be otherwise determined by the Assembly.
- (4) In the event of a Clerk ceasing to be a member of the Assembly, dying, becoming incapacitated or otherwise prevented from discharging his duties, the Moderator, or the court if in session, shall have power to appoint a Clerk pro tempore.

- 101. (1) The Assembly shall meet** at least once annually.
- (2) In addition to the annual meeting the Assembly may hold special meetings. Such meetings shall be authorised by the Assembly, or held at the request of five Presbyteries or of the Moderator, and shall be convened by the Moderator at a time and place to be determined by him in consultation with his Advisory Committee.
- 102. (1) Notice of the date, time and place** of the next annual meeting shall be given by the Moderator before the close of the previous annual meeting of Assembly and shall be included in the minutes. If for any reason the meeting cannot be so held, it shall be held at such other time and place for which the like notice shall be given as for a special meeting.
- (2) Notice of every special meeting of Assembly shall be posted to every minister and every Kirk Session (through its Moderator) and every other member of Assembly by the Clerk, at least ten clear days before the day of meeting.
- (3) The notice convening a special meeting of Assembly shall state the business to be transacted; and no other business shall be transacted at a special meeting except that which has been specified.
- (4) The commission of each representative ruling elder shall be sent to the Clerk of Assembly at least twenty-eight clear days before the date fixed for a meeting of the Assembly.
- 103. A quorum shall** be fifty members of the Assembly, at least half of them being ministers, met at the appointed time and place.

## **SECTION II - POWERS AND DUTIES**

- 104. (1) The General Assembly is the supreme court of the Church**, representing in one body the whole Church, including all subordinate courts and particular congregations, and acting as its supreme legislative, administrative and judicial authority, in dealing with all matters brought before it.
- (2) As such authority, the Assembly exercises the powers stated by this Code; and, in particular, it may -
- (a) deliberate upon and superintend matters which concern the whole Church in its doctrine, worship, witness, discipline and government, and declare the mind of the Church thereupon;
  - (b) issue such directions and take such other action as it may find conducive to the welfare of the Church and the fulfilment of the Church's duties or the well-being of the community; and
  - (c) deal with any matter, whether within or concerning the Church, which may arise and for which no other provision has been made.
- (3) Decisions of the Assembly are final and binding upon the whole Church, but a member of the Assembly who dissents from a decision may require a statement of the fact of his dissent to be recorded in the minutes, although he shall not thereby free himself from obligation loyally to implement the decision so long as it stands unaltered.
- 105. The Assembly and only the Assembly -**
- (a) may enact, alter or abrogate a law of the Church or prescribe rules;
  - (b) may amend, rescind or reverse its own sentences, decisions or resolutions;
  - (c) may decide the Church's general policy on co-operation or joint action with other Churches and authorise congregations, Presbyteries, councils or committees of the Church to participate in joint projects in accordance with such Scheme or on such terms as the Assembly may from time to time determine (*See Par. 60*);
  - (d) shall delegate to the General Council such powers and decisions as are required in order for the Assembly to comply with the requirements of charities legislation in Northern Ireland and/or the Republic of Ireland as appropriate.

- 106. The Assembly is the only court** of the Church which can exercise or delegate to a commission powers to -
- (a) regulate the number and extent of the several Presbyteries under its care;
  - (b) remove congregations and ministers from one Presbytery to another;
  - (c) place ministers and congregations for a time and for a specific purpose under committees or commissions appointed by itself;
  - (d) admit congregations from other denominations or other ecclesiastical bodies, with or without their ministers;
  - (e) determine the name by which congregations shall be known and their bounds;
  - (f) sanction the promotion of new congregations and the porting of existing congregations;
  - (g) link congregations or dissolve linkages of congregations;
  - (h) dissolve existing congregations.
- 107. The Assembly is the only court** of the Church which can exercise or delegate powers to -
- (a) constitute a member of the Assembly and subordinate courts any minister or ruling elder who, in the judgment of the Assembly, has rendered or is rendering important service to the Church;
  - (b) call and appoint ministers, ruling elders or Church members to missionary service and call and appoint ministers to special work outside the pastorate of a congregation;
  - (c) declare that a minister is eligible as a candidate for a vacant pastorate;
  - (d) receive under the care of the church licentiates or ministers without charge from other churches;
  - (e) approve of suitable persons as students for the ministry, appoint their course of studies and superintend their theological education;
  - (f) permit ministers of congregations and ministers in special work to retire from the active duties of their office;
  - (g) permit congregations to fill a vacant pastorate or choose a successor to a retired minister and fix the terms under which leave to call is given;
  - (h) restore ministers suspended or deposed from office or removed from the records, and probationers for the ministry from whom licence has been withdrawn.
- 108. The Assembly shall** itself and through its agencies seek on behalf of the whole Church to -
- (a) maintain correspondence with sister Churches;
  - (b) conduct negotiations with the Governments of the country;
  - (c) appoint times of special prayer, humiliation or thanksgiving over the entire Church;
  - (d) issue public testimonies for the truth or against prevalent error;
  - (e) issue pastoral addresses and directions to congregations; and
  - (f) develop and superintend missionary operations and generally devise means for extending the Gospel at home and abroad.
- 109. In the discharge of its duties** the Assembly may -
- (a) enquire as to any act or omission of any inferior court or of a Congregational Committee; provided that notice of motion proposing any inquiry involving matters which might affect the character of a minister or member of the Church must be given at least three weeks previously to the Clerk of Assembly for transmission forthwith to such minister or member through the Clerk of the inferior court or Secretary of the Congregational Committee;
  - (b) on due cause being shown, appoint a commission or committee of visitation to any congregation or congregations of the Church, to supersede the Presbytery for the time being except in any case of discipline, having all the powers of Presbytery in relation to such congregation or congregations or as the Assembly may determine;
  - (c) remit any cause before it to a commission, council or committee, whose powers shall arise from and (without prejudice to paragraph 126(3)) be limited by the resolution of Assembly which appointed it;

- (d) establish and superintend the agencies, committees, councils and commissions necessary in the general work of the Church at home and abroad which is maintained and regulated by the General Assembly and requires constant administration throughout the year;
- (e) adopt, amend or suspend Standing Orders to regulate proceedings at its meetings (*See App. 1*).

### SECTION III - LEGISLATIVE POWERS

- 110.** (1) **The Assembly may make such rules** as, subject to the conditions set out in paragraph 111;
- (a) are authorised by any provision in this Code;
  - (b) appear to the Assembly to be expedient for the purposes of carrying this Code into effect; or
  - (c) the Assembly may consider necessary or proper for the purpose of fulfilling the aims or securing the welfare of the Church.
- (2) On the coming into operation of this Code, the rules set out in Part II shall have effect as if they had been duly made by the Assembly under this section; and may be added to, amended, varied or revoked accordingly.
- 111.** (1) **The Assembly shall not make any rule unless** one month's notice thereof has been received by the Clerk of Assembly and the draft included with the printed Reports circulated beforehand to members of Assembly.
- (2) Amendments to the draft circulated may be accepted within the scope of the proposed rule.
  - (3) The rule may be made forthwith by a majority of two-thirds of those voting in the Assembly.
  - (4) A rule approved by less than a two-thirds majority shall be placed on the books for consideration by the next Assembly, when it may be made by a simple majority.
  - (5) Notwithstanding the provisions of sub-paragraph (1) a proposed rule if licensed in accordance with Standing Orders may be made by the Assembly forthwith if it be approved *nemine contradicente*.
  - (6) No alterations to the rules governing the Central Ministry Fund, the Retired Ministers' Fund, the Widows of Ministers' Fund or the Presbyterian Church in Ireland Pension (2009) Fund shall be made unless notice proposing the making of the rules has been on the minutes of the proceedings of the Assembly for twelve months.
  - (7) The power of the Assembly to make rules under this section includes power, exercisable in the like manner and subject to the like conditions, to amend, vary or revoke any rule so made.
- 112.** (1) **Code Legislation and Barrier Act.** Subject to the conditions set out in this paragraph (which are collectively known as "the Barrier Act"), the Assembly may enact, alter or abrogate any provision of this Code.
- (2) Before licensing for submission to the Assembly, the advice of the Judicial Commission shall be obtained on the form and content of every overture for the enactment, alteration or abrogation of a provision of this Code in relation to the Church's general law.
  - (3) An overture for the enactment, alteration or abrogation of a provision of this Code shall, before being adopted, have been received and entered in the Minutes of the previous Assembly.
  - (4) Every overture which in the opinion of the Judicial Commission contemplates a material change in the constitution of the Church, or in its doctrines or in its worship, must be sent down to Presbyteries for their approval (or disapproval) before it can become the law of the Church.
  - (5) The judgment of the Presbyteries shall be given by a positive or negative vote which shall be recorded in the Minutes and duly notified to the Clerk of Assembly, together with the numbers voting for and against in each Presbytery.
  - (6) If a majority of the Presbyteries approve an overture referred to them, it may be dealt with by the Assembly at its next annual meeting.
  - (7) If an overture is rejected by a majority of the Presbyteries voting, but a majority of votes cast in the Presbyteries are in favour of the overture, then the overture shall remain on the books for a further year, and shall be dealt with at the succeeding annual meeting.
  - (8) An overture sent down to Presbyteries and submitted to the following Assembly shall be in the form in which it was received and entered on the Minutes of the preceding Assembly. When an overture, having been entered on the Minutes of the previous Assembly, is submitted to be dealt with

and is then amended, the Moderator shall rule whether or not the overture as amended goes beyond the scope of the overture as submitted. If he rule in the affirmative, it shall lie on the Minutes for a further year, and the Judicial Commission shall decide whether or not it be sent down to Presbyteries in the amended form.

(9) If the Assembly decide by a two-thirds majority that the passing of an overture which does not contemplate a change in the constitution, doctrines or worship of the Church is a matter of urgency, the Assembly may adopt it as an Interim Act for one year, but shall deal with it at the succeeding annual meeting.

## CHAPTER VIII - ORGANISATIONS AND AGENCIES

### SECTION I - MISSIONS

113. (1) **In furtherance of the Church's calling** to extend the Gospel at home and abroad, the General Assembly shall establish and maintain particular missions and other agencies for Christian service and outreach.
- (2) Such missions and agencies shall be entitled to support from the whole Church through prayer, gifts and personal service. Each subordinate court shall seek to encourage such support from the church members and organisations under their jurisdiction.
- (3) In providing means for extending the Gospel at home and abroad the General Assembly may authorise participation in joint Churches' or inter- denominational missions and agencies in accordance with such Scheme or upon such terms as the Assembly may from time to time determine.
- (4) The administration of the Church's missions and agencies shall be entrusted to commissions, councils, committees, and conveners or secretaries appointed by the Assembly.
114. (1) **The Home Mission** shall provide, within the general structure of the Church, for a more flexible organisation in special areas of the Church's life and interest -
- (a) for ordained and supplementary ministries;
- (b) for grants in aid to congregations, causes or agencies giving service to the Church or to its members; and
- (c) for such other fields of service as the General Assembly or its Council for Mission in Ireland may from time to time determine.
- (2) **Presbyterian Women**, under the Council for Congregational Life and Witness and in association with the Council for Mission in Ireland, shall -
- (a) support deaconesses in various areas of the Church's life and interest;
- (b) undertake such work particularly among women and girls as may be deemed advisable, subject to the approval of the General Assembly.
- (3) **The Council for Mission in Ireland** shall seek to encourage and support the development of new congregations in areas where these may be required -
- (a) by financial assistance for the erection of church premises or other accommodation; and
- (b) by such other grants or loans as may be needed for establishing the cause.
115. (1) **The Overseas Mission** of the Church, which incorporates the work of the Foreign Mission, Jungle Tribes Mission in India, the Colonial and Commonwealth Mission, the Continental Mission and the Jewish Mission, shall proclaim the Gospel in word and action in such countries and in such ways as the General Assembly or its Council for Global Mission may from time to time determine, wherever possible in partnership with Churches in that country or area.
- (2) **Presbyterian Women**, under the Council for Congregational Life and Witness and in association with the Council for Global Mission, shall seek to further the work of the Church, especially amongst women and children, wherever the Overseas Mission of the Presbyterian Church in Ireland is at work and in such other places as the General Assembly may from time to time determine.
- (See Pars. 289-293 for Mission Rules)*
116. (1) **The Irish Mission** shall seek to proclaim and share the blessings of the Gospel throughout Ireland, through the circulation and exposition of the Scriptures, and through evangelism, Christian training and education, in accordance with the evangelical witness of the Protestant Reformation.
- (2) **The Kinghan Mission** shall seek to provide religious ordinances and pastoral care for those of impaired speech and hearing.
117. **Other agencies** and causes providing Christian service and outreach may be added from time to time by the Assembly to the list of Missions of the Church and entitled to receive the same general support.

### SECTION II - THE COLLEGE

- 118.** (1) **The Union Theological College** of the Presbyterian Church in Ireland, constituted by Act of Parliament in 1978 under this name unites the former Colleges of the Church. Like those Colleges, it is under the control of the General Assembly as the supreme court of the Church. Its property is vested in the Trustees of the General Assembly.
- (2) The former Colleges of the Church were:-
- (a) The Presbyterian College, Belfast (also known as Assembly's College, Belfast), as governed by the provisions of the Acts of Parliament of 1882 and 1940, which incorporated College Trustees and provided for the management of the College.
- (b) Magee Theological College, Londonderry, in association with Magee University College, Londonderry, as governed by an Act of Parliament of 1953. Provisions convening the management and trusts pertaining to the College were contained in the said Act.
- (3) The Presbyterian Theological Faculty, Ireland, established by Royal Charter, dated 25th October, 1881, is constituted by the professors in the Assembly's Theological Colleges or College, and is empowered by the said Charter to grant degrees.
- 119. It shall be a prime duty of the Union Theological College** to provide for those theological studies or courses which may be required by the Assembly of its students for the ministry; and generally to promote theological education of high academic standard and practical training relevant to the work and witness of the Church.
- 120.** (1) **The right of election and appointment** to all chairs and full-time lectureships in the College is vested by the said statute in the General Assembly.
- (2) In the Assembly is similarly vested the right of appointment to the office of Principal of the College.
- (3) Similarly the Assembly is required to appoint a Management Committee, which shall include nominees of the Faculty and of the Trustees.
- 121.** (1) **The Faculty of the College** consists of the Principal and other professors appointed by the Assembly, together with such other persons as may be appointed by the Assembly on the proposal of the Faculty.
- (2) The Faculty shall consult together for the effective discharge of the duties laid upon the College; for the maintenance of internal discipline in the College and the supervision of the students' chambers.
- (3) If a charge is made, or a fama clamosa arise, concerning a student, the Faculty shall report the matter to the Presbytery under whose care the student has been placed.

### SECTION III - FINANCIAL AGENCIES

- 122.** (1) **The Trustees of the Presbyterian Church in Ireland** are a body incorporated under Royal Charter in 1871, with powers and duties regulated by the Irish Presbyterian Church Act, 1871, and the Irish Presbyterian Church Act, 1901, for management of certain trust properties for the Church and other purposes.
- (2) Trustees, who must be members of at least two years standing of some congregation in the Church, are appointed by a vote of the General Assembly and may be similarly removed but otherwise continue in office until they resign, die or disqualify themselves under the statutory provisions.
- (3) The Trustees are charged with the management of the Fund created by commutation of the Regium Donum annuity or Parliamentary grant to ministers of the Church, the Sustentation Fund raised for their further support and other funds and endowments for the benefit of ministers and for other causes under the jurisdiction of the Assembly.
- (4) In the Trustees also may be vested colleges, school-houses, manses or other property, whether freehold or leasehold, held in trust for the Church or any congregation in connection therewith, to be held by the Trustees upon such trust and subject to such rights as at the time of grant, assignment or vesting affected the same respectively.
- (5) The Trustees are empowered from time to time to make such bye-laws, rules and regulations as may be deemed expedient for the discharge of their duties, provided always that the said bye-laws, and every alteration, repeal or addition thereto shall not come into force and effect until approved by the General Assembly (*See App. 15*).

(6) The Auditors of Accounts of the General Assembly shall annually audit the accounts of all the funds held by the Trustees and shall present a report regarding them to the Assembly at its annual meeting.

(7) The Trustees shall have Assembly powers to deal with all cases where trustees or others desire to transfer any property, real or personal, to the Trustees of the Presbyterian Church in Ireland under the provisions of the Irish Presbyterian Church Acts, 1871 and 1901 and to accept any such transfer on such terms as it deems expedient.

(8) The Trustees shall provide for a compilation annually of an abstract of bequests received by the Presbyterian Church in Ireland and an abstract of bequests notified but not yet received.

**123.** (1) The object of the **Central Ministry Fund** is to receive and distribute monies intended for the support of ministers and agents of the Church in accordance with such rules as may be approved from time to time by the Assembly (*See Pars. 311-318*).

(2) (a) The Committee administering the Central Ministry Fund shall also manage the Sustentation Fund, whose object is to supplement local sources of ministerial income.

(b) To this Committee shall be paid by the Trustees, unless and until otherwise directed by the Assembly, the income arising from the Commutation Fund.

(3) The Committee administering the Central Ministry Fund shall also manage the Augmentation Fund, whose object is to supplement the emoluments of ministers in active duty of congregations whose incomes from local congregational funds are inadequate.

**124.** (1) The object of the **Retired Ministers' Fund** (formerly called the Aged and Infirm Ministers' Fund) shall be to provide an annual retiring allowance of such maximum amount and subject to such rules as the Assembly may from time to time determine for ministers whose pension is not fully provided for from the Presbyterian Church in Ireland Pension Scheme (2009) (*See Pars. 319-323*).

(2) It shall be the aim of the Fund to undertake the provision and payment of the entire sum to be paid from central funds to such retired ministers.

**125.** (1) The object of the **Widows of Ministers' Fund** shall be to make provision for the widows and widowers of ministers, of such amount and subject to such rules as the Assembly may from time to time determine, being widows or widowers whose pension is not fully provided for from the Presbyterian Church in Ireland Pension Scheme (2009). This provision shall terminate on death or remarriage.

(2) The Fund shall be raised by annual subscriptions from each congregation and by voluntary gifts and bequests. Congregational contributions shall be in accordance with directions and rules that the Assembly may make by resolution from time to time (*See Pars. 324-328*).

**125(A)** The object of the **Presbyterian Church in Ireland Pension Scheme (2009) Fund** shall be to provide the appropriate funds for the contribution to be made to the Presbyterian Church in Ireland Pension Scheme (2009). The Fund shall be raised by quarterly contributions assessed on congregations in accordance with the rules of the Fund, together with bequests, donations and endowment income received for the object of the Fund.

## SECTION IV - COMMISSIONS OF ASSEMBLY

126. (1) (a) **A Commission of the Assembly may be appointed** to deal with matters referred to it, in which it shall have Assembly powers so far as these matters are concerned.
- (b) Matters may also be referred to a commission of Assembly in which it has not been given Assembly powers and upon which it must report to the Assembly, with recommendations, for decision by the Assembly itself.
- (2) Without prejudice to paragraph 127(2)(a), members of a commission of Assembly must themselves be members of the Assembly appointing them.
- (3) Each commission of Assembly shall report in full to the next annual meeting all decisions taken in the name of the Assembly. Inasmuch as while acting within its terms of reference the decisions of a commission having Assembly powers are already those of the Assembly itself, the report of such a commission must be received, and from its decisions there is no appeal. But where a memorial is presented alleging that a particular commission has exceeded its powers, the proceedings of that commission shall be reviewed by the Assembly and appropriate action taken. When this is taking place, members of the commission whose action is thus reviewed are not excluded because of having had part in those proceedings.
- (4) A committee or council of the Assembly may also be given Assembly powers for a particular purpose, in discharging which there is similarly no place for appeal.
- (5) Standing commissions of the Assembly are, the Judicial Commission, the Special Commission and the Linkage Commission. Other commissions may be appointed from time to time, with particular terms of reference as the Assembly may determine.
127. (1) **The Judicial Commission** shall consist of the Moderator and Clerk of Assembly, the Convener of the Commission and one person (being a minister or a ruling elder) nominated by each Presbytery together with not more than ten persons nominated by the Nominations Committee.
- (2) (a) Appointments shall be made from members on the roll of the Assembly to hold office for five years and who may be reappointed for one further period of five years. During the period of office ruling elders who are members of the Judicial Commission shall be constituted members of Assembly, ex-officio.
- (b) Any vacancy which may occur in the Judicial Commission membership through death, resignation or removal from the Presbytery shall be filled by the Assembly on the nomination of the Presbytery having the vacant seat, or of the Nominations Committee respectively.
- (3) Seven members shall form a quorum for the Judicial Commission.
- (4) The Judicial Commission shall have Assembly powers to dispose finally of any cases of appeal or reference or any other matters which may be referred to it under or by virtue of this Code. However, where the Judicial Commission deems it appropriate, it may refer cases to the Special Commission to hear and to issue.
- (5) (a) **The Special Commission** shall consist of the Moderator and Clerk of Assembly and ten other members of the Judicial Commission appointed by the General Assembly having due regard to all relevant factors. It shall hold office for five years.
- (b) Any vacancy which may occur in the Special Commission membership through death, resignation or removal from the Presbytery shall be filled by the Assembly on the nomination of the Judicial Commission.
- (6) Five members shall form a quorum for the Special Commission.
- (7) The Special Commission shall have the same Assembly powers as the Judicial Commission to dispose finally of any cases of appeal or reference which may be referred to it.

**128. (1) The Linkage Commission shall consist of:**

(a) The Moderator, and Clerk of the General Assembly; Commission Convener and Secretary; the Deputy Clerk; three representatives of the Council for Mission in Ireland; Conveners of the Commission Panels.

(b) One person (being a minister or ruling elder) nominated by each Presbytery.

(c) Ten nominees of the Nominations Committee.

(2) Ten members shall form a quorum for the Commission.

(3) (a) The Commission shall have Assembly powers to determine conditions under which congregations shall be linked, vacant pastorates filled or supplied, associate pastorates established, special ministries provided, auxiliary ministry posts established, additional pastoral personnel posts authorised and to deal with such other matters as the Assembly may from time to time refer to it. The law of the Church shall apply where relevant to associate ministers where ministers of congregations are referred to but the associate minister shall have no entitlement as such to benefits for the minister in active service.

(b) The Commission shall approve additional pastoral personnel and auxiliary ministry posts, as appropriate.

(4) Before any step is taken by a congregation or Presbytery towards filling a vacancy in the pastorate of a congregation, the sanction of the Commission evidenced under the hand of its Convener shall be first obtained.

(5) Prior to such sanction being given and after consultation with the Presbytery or Presbyteries concerned, the Commission shall go into the merits of the case and decide –

(a) whether the case is one for continuance, linkage, dissolution, porting or other special provisions as may be appropriate, including dissolution of existing linkages for alternative arrangements;

(b) what minimum of stipend, Central Ministry Fund contributions, ministerial expenses and other sums shall be paid from local sources or what grants shall be made from central funds;

(c) what other special terms should be set or arrangements made for leave to call, pulpit supply or pastoral oversight;

(d) to what Presbytery a newly linked or ported congregation shall belong.

(6) Where there is not a vacancy in the pastorate of a congregation, the Commission shall have power –

(a) upon report from Presbytery or a request from the congregation, to examine the matter and act accordingly;

(b) to arrange the retirement from active duty or alternative employment of a minister, upon such terms as may be agreed, to facilitate linkage with a vacant congregation;

(c) where a minister in active duty proposes to undertake additionally a paid public appointment, to examine the proposal and act accordingly so that his duties to the Church shall be discharged and no improper demand made upon the manpower and resources of the Church.

(7) In congregations and Charges served by ministers under the Home Mission, ordained assistants or other agents of the Church, the Commission shall have power to –

(a) determine the remuneration of those so serving and allocate the cost among the various funds of the Church;

(b) determine the contributions to be made by the congregations or charges to various funds of the Church in respect of services received.

(8) The Commission shall consider church architecture issues and provide for the examination of all plans and proposals for the building, alterations, renovation or demolition of all or part of Churches, Church halls and manses, as well as all proposals and designs for memorials, windows and artificial lighting, and for the seating and furnishings requisite for the conduct of public worship, observing rules agreed by the General Assembly from time to time.

*(See Par. 273 for Linkage Commission Rules)*

**129. (Formerly The Shankill Road Mission Commission)****130. (Formerly The Commission on Trusts)**

## CHAPTER IX - CHURCH DISCIPLINE

- 131. (1) Discipline in the Church is of Scriptural authority**, directed to the glory of God, the purity of the Church and the spiritual benefit of members.
- (2) It is to be exercised in faithfulness, meekness, love and tenderness, for the condemnation of offences and the recovery of offenders.
- (3) It is to be administered by those appointed to rule in the Church, in their respective courts, under the authority of the Lord Jesus Christ.
- (4) Those who hold office in the Church, communicants, baptised persons and others sharing in the life of the Church, are subject to its discipline and bound to yield obedience in the Lord to the courts of the Church.
- (5) The rights of individuals are to be protected against the wrongful use of Church authority by rules laid down for its administration.
- 132. (1) Offences cognisable by a court of the Church** include anything in the teaching or conduct of a person under its jurisdiction which
- (a) has been declared censurable by the Word of God (as, for example, in 1 Cor. V. 9-11; VI, 9-10; Gal. V. 19-21; Col. III. 5, 8 and 9; 2 Thes. III, 6) or by the law and practice of the Church founded thereon; or
- (b) gives rise, or may give rise, to scandal injurious to the purity or peace of the Church; or
- (c) amounts to contumacy, by defiance of or disobedience to the courts of the Church.
- (2) A person who brings a charge lightly or maliciously is himself guilty of a grave offence and liable to censure.
- (3) In the case of an alleged personal and private injury, a court must not enter into a formal process of discipline unless those means of reconciliation have been tried which are commanded by our Lord in Matthew XVIII, 15-17.
- (4) A court shall always consider the possibility of conciliation before entering into a formal process of discipline.
- (5) Ministers, licentiates, accepted students for the ministry, deaconesses, senior lecturers and all appointed to, or training for, posts of ministry or mission shall disclose promptly to the Clerk of the General Assembly, in confidence, any police investigation, summons, or conviction for offences against children, offences involving dishonesty, sexual misconduct, indecency, violence, alcohol or drugs, or any other serious offence.
- (6) (a) An offence alleged to have been committed more than five years previously shall not be made a ground of discipline unless:
- (i) the offender thereafter withdrew from the discipline of the Church; or
- (ii) the offence is alleged to have been revived by the offender's later conduct which requires investigation; or
- (iii) the offence is of a very grave nature.
- (b) A court shall not re-open investigation of an offence that had previously been investigated by it except in the case of discovery of new evidence that is considered by the court to be of importance for the possible exculpation of the offender.
- (7) A Church court shall not take cognisance of an alleged offence unless either -
- (a) some person or persons undertake to sustain the facts alleged; or
- (b) because of "fama clamosa" (i.e. public notoriety), the court itself considers the ends of discipline would be served by an investigation of the facts.
- (8) Rules may make provisions for the appointment and duties of prosecutors in matters of Church discipline.
- (9) The court may, instead of proceeding to a trial, have recourse to private conference with and admonition of the parties involved.
- 133. (1) The censures of the Church** are admonition, rebuke, suspension from rights and privileges of Church membership, suspension from office and deposition from office.

- (2) Except as provided by sub-paragraph (3), these censures may be inflicted only -
  - (a) on admission of guilt or conviction for an offence to which paragraph 132(1) relates; and
  - (b) by sentence of a Church court to be pronounced by the Moderator of the court.
- (3) In cases of charges of very grave offences or heresy, the Presbytery or the General Assembly may direct the temporary suspension of any minister or other office-bearer from the exercise of all or any of the functions of his office pending the final determination of the charge. Such temporary suspension is not a censure but rather the recognition of the position of one facing a charge yet to be investigated.
- (4) Censures may be removed or suspended only by the court by which they were inflicted or its successor or by a superior court.

(5) Rules may make provision for the infliction of censures by way of sentence including deposition from office or suspension from exercising the rights and privileges of Church membership or the functions of office in the Church, the duration of any such suspension, or the removal of any such deposition or suspension; and for the restoration of the offender to office.

(6) Subject to any such rules deposition or suspension from office does not necessarily imply suspension from rights and privileges of Church membership.

- 134.** (1) **The courts by which Church discipline is administered** are the Kirk Session, the Presbytery and the General Assembly. Rules may make provision for the procedures to be followed.
- (2) The Kirk Session has power of discipline within the congregation under its jurisdiction but not over ministers, ruling elders or probationers.
- (3) The Presbytery has power of discipline over its own members, over the ruling elders and congregations within its bounds and over probationers, deaconesses, senior lecturers and ministers without charge who are under its jurisdiction.
- (4) All appeals from Presbyteries in cases of offences shall go direct to the General Assembly except where provision is made for the appeal to be heard by a Commission of the Assembly.
- (5) The Assembly, as the supreme court of the Church, has power of discipline co-extensive with the Church, but this power is exercised in accordance with the provisions of this Code and, in particular, of paragraph 20 (3).
- 135.** (1) **When considering an alleged offence** the court may exclude any of its members who may appear to it to be concerned therein.
- (2) Without prejudice to sub-paragraph (1) a member of the court who may be a witness in a case shall not adjudicate thereon.
- (3) Except with the unanimous consent of the court and of the parties, a member of the court who was not present during the entire proceedings shall not vote on any question arising thereon.
- (4) In the exercise of their disciplinary jurisdiction, the courts of the Church shall avoid unnecessary publicity.
- 136.** (1) **Rules** made under paragraph 24 shall have effect subject to the provisions of this Chapter.
- (2) Such rules may contain special provisions for cases of fama clamosa.

*(See Pars. 329-350 and App. 11).*

## CHAPTER X - INTERPRETATION AND TRANSITION

**137. In this Code**, unless the context otherwise requires -

“the Assembly” means the General Assembly constituted under Chapter VII;

“bounds” means in relation to a Presbytery or congregation, the bounds assigned by the Assembly to that Presbytery or congregation as the case may be;

“charity trustees” means in relation to the Assembly, a Presbytery, or a Congregation those persons who, within the terms of the relevant legislation from time to time in force in, respectively, Northern Ireland and the Republic of Ireland, and in so far as such legislation may apply to such body, are the charity trustees for that body;

“the Church,” when used in Chapter II and subsequent chapters, means the Presbyterian Church in Ireland;

“church building” and “church premises” when used in relation to a congregation mean respectively the building used as the principal place of worship of, and the premises held and used for the purpose of, that congregation;

“congregational trustees” means trustees appointed to receive and hold property of the congregation;

“Education Board” means in relation to any Presbytery a Board established pursuant to the Educational Endowments (Ireland) Act 1885 for the administration of endowments of the Presbytery applicable in whole or in part to educational purposes;

“independent examination” or “audit” and “independent examiners” or “auditors”, when used in relation to a congregation, mean respectively the independent inspection of the accounts and financial statements, and the persons appointed to carry out such an inspection;

“manse property” includes a manse farm or glebe as well as a manse;

“financial year” means the period of twelve months ending at midnight on 31st December;

“Presbytery” when used in relation to a congregation means the Presbytery within whose bounds the congregation is assigned by the Assembly;

“prescribed” means prescribed by the rules;

“rules” means rules made by the Assembly under section III of Chapter VII;

“solicitor or barrister” and “qualified as a lawyer” mean any person who has obtained a professional qualification as a solicitor or barrister, whether currently practising or not;

“Trustees” means the Trustees referred to in paragraph 122;

“Voting Member” means a person in communion with a congregation of the Church who is qualified in accordance with rules to vote on the affairs of that congregation.

**138. In this Code**, unless the context otherwise requires -

(a) words importing persons or male persons include male and female persons;

(b) words in the singular shall include the plural and words in the plural shall include the singular;

(c) where a word is defined, other parts of speech and grammatical variations of that word shall have corresponding meanings;

(d) the word ‘shall’ shall be construed as imperative and the word ‘may’ as permissive and empowering;

(e) a reference to any statutory provision is a reference to that provision as it is for the time being in force;

(f) references to chapters are references to chapters of this Code;

(g) references to sections, paragraphs and sub-paragraphs are references to sections, paragraphs and sub-paragraphs of the respective chapters, sections and paragraphs in which they occur;

(h) references to the Code include references to Rules.

**139. This chapter applies** to Part II as it applies to Part I of this Code.

- 140.** (1) **Any document made** before the coming into operation of this Code and referring to the Code of the Church or any provision of the Code of the Church shall be construed as referring, respectively, to this Code or to the provision of this Code which has replaced the provision previously referred to.
- (2) Any person holding office or serving under any provision replaced by this Code shall continue in office or service as if he had been appointed under this Code and nothing in this Code shall prejudice his terms and conditions of service or rights or any allowances accrued or any superannuation in respect thereof.
- (3) Subject to sub-paragraph (4) nothing in this Code shall affect any proceedings begun in any Church court before the coming into operation of this Code, and any such proceedings may be continued and determined as if this Code had not come into operation.
- (4) Notwithstanding sub-paragraph (3), any direction, determination, order or sentence of a Church court after the coming into operation of this Code may be given effect to as authorised by this Code.

## **PART II**

### **Rules**

**The following chapters contain the Rules which have effect by virtue of paragraph 110(2) of the Code.**

# CHAPTER XI - BUSINESS IN CHURCH COURTS

## SECTION I - GENERAL RULES

141. (1) **All meetings of each court and committee** of the Church shall be opened and closed with prayer for God's guidance and blessing.
- (2) Any proposal for a pause in the proceedings of a meeting to engage in special devotions shall be made only by the Moderator.
142. (1) **Each court shall be presided over by a minister as Moderator.** If the appointed Moderator of Presbytery or Assembly be not present, or desire temporarily to vacate the chair, his predecessor in office, or one of his predecessors at his request, shall undertake the duties. In the absence of any former Moderator, the senior minister present shall constitute the court and call for the appointment of a Moderator pro tempore.
- (2) It is the duty of the Moderator to speak and act officially on behalf of the court and not personally in issues that come before a Presbytery or Assembly. If he desires to move, second or speak to any motion under debate, he shall, except where the court is a Kirk Session, leave the chair and not resume it until the matter has been determined.
- (3) It is the duty of the Moderator to decide for the court questions of order, to see that order is maintained in proceedings and that rules for the management of business are observed, to declare the decisions and pronounce the sentences and, when necessary, sign official documents in the name of the court.
143. (1) **The Clerk** of each court shall be chosen by the court, shall hold office during its pleasure, shall conduct correspondence on its behalf, and shall be responsible for all official records and documents entrusted to his care, which nevertheless remain the property of the court to be restored at whatever time it may require or at his resignation.
- (2) In the event of the Clerk of any court ceasing to be a member of the court, or dying, or becoming incapacitated for any cause from discharging his duties, or being unable to be present at any meeting of the court, the Moderator of the court, or the court if in session, shall have power to appoint a Clerk pro tempore.

## SECTION II - THE ORDERING OF BUSINESS

144. (1) **Every court shall be entitled to adopt standing orders** for the regulation of its business, provided these do not conflict with the general law and rules of the Church.
- (2) Every court may have, or as occasion demands, may appoint a Business Committee to order items of business for submission to the court. Any member of the court may propose to the committee an item, or overture for consideration by the court. In the absence of a Business Committee such request shall be made through the Clerk of the court.
- (3) The Business Committee shall license, or amend and license, or reject a proposed item, resolution or overture, on considering whether it is competent business, properly expressed, but without pronouncing on the intrinsic merits of the proposal.
- (4) Before entering upon discussion of new business at any meeting of a court, an order of business shall be submitted in a report from the Business Committee or Clerk of the court. It is desirable that an order of business detailing, where possible, items for discussion and proposed resolutions should be circulated to members beforehand.
- (5) Should the Business Committee not license a proposed item or resolution, it shall be competent for any member of the court, when the report of the Business Committee is submitted to it, to move that the proposed item or resolution be included; but every such motion shall be made, considered and disposed of in private and the court may place on record its disapproval of any such motion which it considers groundless or vexatious.
- (6) Additional business for consideration by a court may, subject to any standing orders in force, be proposed by any member when the order of business is submitted to the court, and may be referred to the Business Committee for license or be added to the proposed order of business but only with the

permission of the majority of the members present. Any later proposal for additional business may only be received with the unanimous permission of the court.

(7) When any matter is brought before a court by petitioners or commissioners they, not being members of the court, shall conclude their statement before the court proceeds to deliberate; and they shall not be heard again unless they are asked or given permission to give additional facts or to explain something in their statement.

- 145. (1) To alter or rescind any existing decision** of a court, notice of motion shall first be given to and received by the court. The proposal may be made by any member of the court. Subject to any standing orders or rules for the time being in force for that court, the motion shall then be dealt with at the next stated meeting of the court or at a meeting fixed by the court for that purpose.
- (2) Unless in a case of discipline or where an appeal has been lodged, a decision may be reconsidered and rescinded at the same meeting of the court at which it has been given, provided two-thirds of the members who took part in the decision consent and provided the motion to reconsider and rescind be made and seconded by members who were in the majority.
- (3) Presbytery may not alter or rescind any decision taken by it at the same or earlier meeting with reference to the suspension or deposition of a minister, licentiate, elder or Church member or any decision against which an appeal has been regularly taken to a superior court. This prohibition shall not apply to a case of suspension for contumacy by summary censure.
- (4) Under Paragraph 21(4) of the Code it is not competent for a subordinate court to alter or rescind the decisions of a superior court, but it may proceed only by way of regular appeal or of a memorial petitioning for such action to be taken by the superior court.
- 146. (1) The business of any court may be undertaken**, in accordance with the Code either -
- (a) directly by the court; or
  - (b) remitted to a commission, having the power of the court for the matters remitted; or
  - (c) remitted to a council, committee or officer appointed by the court for such purposes as the court shall determine; always provided that their actions shall be subject to review by and may be appealed against to the court appointing them, except in matters relating to the acceptance of students for the ministry, accredited preacher trainees and auxiliary ministry trainees, or the termination of these pathways or the pathway of a licentiate or of a minister transferring from another denomination - in all of these cases the review procedures of the Council for Training in Ministry, as approved by the General Assembly shall apply and shall be deemed equivalent to an appeal, the outcome of which shall be final.
- (2) No commission, council, committee or officer can be appointed to exercise greater powers or wider responsibilities than those of the court appointing them.
- (3) A commission of a Church court consists of a limited number of members of the court appointed to consider matters referred to it and invested with the powers of the court itself so far as these matters are concerned.
- (4) A council or committee of a Church court consists of a limited number of persons, being either members of the court or of the Church though not the court, appointed to consider matters referred to them by the court and to report back with recommendations for action by that court. Where appropriate, the inclusion of deaconesses and general Church members, men, women and young people, is recommended.
- (5) A commission, council or committee may, at the discretion of the body concerned, invite persons who have not been appointed to their membership to act as consultants, with power to sit and deliberate but without a vote.
- 147. (1) All bodies appointed to undertake the business** of a Church court are answerable only to the court appointing them, and shall report to that court either verbally or in writing not less than annually.
- (2) Such report shall be received by the appointing court, recognising that the report is the responsibility of the body presenting it. The report when it has been received may be referred back for reconsideration.
- (3) Anything in a report or connected with it which a court is asked to adopt shall be specifically set forth in an appended resolution and submitted for adoption by the court. Without such a resolution a court is not bound by anything either in a report submitted or a speech made to the court.
- (4) Any resolution submitted for adoption shall refer to the subject matter, in whole or in part, of the report itself. If a resolution is submitted on any matter extraneous to the report, but within the terms of

the reporting body, there shall be submitted along with the resolution an addendum to the report itself setting out the considerations on which the resolution is founded.

(5) A resolution not arising out of the contents of a report, which any member of the court may desire to submit, should be presented in the form of a memorial setting out the considerations on which the resolution proposed is founded.

(6) Any member of the court may object to the adoption of any resolution by the court and, in the case of an inferior court, if the objection be not sustained may dissent and appeal to a superior court.

(7) The report of a commission shall be received and, inasmuch as the commission when acting within its terms of reference has the powers of the court, its acts are already those of the court.

*(For Vacancy Commissions see Par. 192)*

### SECTION III - RULES OF DEBATE

- 148.** (1) **General discussions may be permitted** at the discretion of the Moderator, particularly in committee, to open up subjects of concern outside the strict order of debate, but any decisions of a Church court, commission, council or committee resulting thereupon shall be such as are clearly adopted in resolutions.
- (2) Subject to standing orders, when a subject is before a court, any member may submit a motion which, if competent and seconded, shall enter in the minutes and may be discussed. There shall be no record of a motion which has not been seconded. The word "motion" in this section shall be deemed to include amendment.
- (3) No motion is in order if it be the same in substance as any motion which during the same meeting of the court has been resolved in the affirmative or the negative; nor is a motion competent which violates the general law and rules of the Church or any decision of a superior court.
- 149.** (1) **When a motion has been made** and seconded, or while it is being discussed, an amendment may be moved and, if seconded, the amendment becomes the question before the court. Until this has been accepted, rejected, or withdrawn no other amendment can be moved except as specified in paragraph 152 below.
- (2) A competent amendment is an amendment which;
- (a) removes an ambiguity from the motion or overture or varies the wording to clarify the meaning; or
- (b) alters the scope of the motion or overture but not so as to extend it in principle. Restrictive clauses may be introduced which diminish the scope or modify the intention of the motion or overture provided that these do not in principle directly negative the original scope or intention.
- (3) The mere negation of a motion is not a competent amendment.
- (4) It shall also be competent to entertain a motion on a subject before the court which is contradictory or negative of the original motion, or of a substantial part of the original motion; and, if properly proposed and seconded, this shall be disposed of in accordance with the rules governing an amendment.
- (5) When during debate on a motion or subject before the court a motion or amendment is proposed which substantially goes beyond the scope of the initial motion and the court wishes its merits to be examined the debate may stand adjourned until it has been licensed and later submitted.
- 150.** (1) **If a first amendment be negatived**, a second amendment may be moved, seconded and disposed of: if this second amendment be negatived, a third may be moved, seconded and disposed of: if the third amendment be negatived, the original motion shall be disposed of without further amendment.
- (2) If any amendment be carried, the motion as amended shall become the substantive motion before the court. On this only one further amendment may be moved. If the latter amendment be lost, the substantive motion shall be put without further amendment; but if this amendment carry it shall be put to the court as a new substantive motion to be passed or rejected as the decision of the House.
- 151.** (1) **The wording of every motion** or amendment shall be stated to the court by the mover before he speaks to it. Every motion or amendment, before it is discussed, shall be written out and placed in the hands of the Clerk, if the Moderator or any member require it. No change in the terms of a motion or amendment under discussion shall be permitted without the unanimous leave of the court.

(2) A motion or amendment, which has been proposed and seconded may be withdrawn by the mover with the unanimous leave of the court; but such motion or amendment shall remain on the minutes and the fact of its withdrawal shall be recorded.

**152. (1) When a motion or amendment is under consideration** any motion from the list specified in subparagraph (2) below may be proposed and seconded, in which case it takes, for the time being, priority as the motion before the House. If it be rejected the House shall return to the discussion of the original motion or amendment, but if it be carried it becomes the decision of the House.

(2) These specified motions are, in order of precedence:

- (a) to adjourn the House;
- (b) to pass from the question;
- (c) to adjourn the debate;
- (d) to refer to a committee, council or commission;
- (e) to close the debate.

(3) It is competent to move only one of the foregoing amendments at a time, and each must be disposed of separately in accordance with the regulations in this paragraph before another (if any) is introduced. None of these may be moved when a member is speaking or when a vote is being taken.

(4) (a) When a motion is made "to adjourn the House" or "to adjourn the debate", neither the mover nor the seconder, nor any other member, shall be at liberty to speak to it, but the motion shall immediately be put.

(b) When a motion "to adjourn the House" is carried, the debate should be resumed when the House next reassembles, unless an order of the day intervenes.

(c) When a motion "to adjourn the debate" is carried, the time to which it is adjourned shall be fixed. It then becomes the order of the day for that time, takes precedence of all other business, and cannot be entered upon sooner.

(d) In resuming an adjourned debate the member who moved its adjournment is allowed precedence, provided he rises in his place at the proper time.

(5) The motion "to pass from the question" may be discussed before it is put; but it shall not be a competent motion in the disposal of a reference or an appeal.

(6) When a motion is made "to close the debate", the mover shall have leave to speak to it for five minutes and a reply of five minutes shall be allowed, after which the motion shall be put without further debate. This motion shall not be carried unless there be in its favour at least two-thirds of the votes.

**153. (1) When speaking in a Church court** every person shall address the Moderator.

(2) Before debate commences, questions may be permitted to obtain relevant information on the meaning of a report or a motion to be submitted; but such questions shall not be used for the expression of opinions which are properly the subject for debate.

(3) In the course of debate a member may speak only to a motion or amendment, or to a question of order.

(4) If, during a debate, a member rises to speak to a question of order, the person who has been addressing the court shall resume his seat until the order has been decided.

(5) Any speaker entering matters obviously not relevant to the question under consideration shall be called to order by the Moderator.

(6) When two or more persons rise to speak, the Moderator shall call upon the member whom he first observed to rise in his place.

(7) No person in the course of formal debate shall speak more than once to a motion or amendment, except the mover (or seconder) who has the right of reply; but one who has already spoken may be allowed to explain any statement of his own which he considers has been misunderstood, provided he confines himself to such explanation. This rule may be relaxed when a court is engaged in discussion as a committee.

(8) No member shall introduce other business till the matter under consideration has been issued, or has been deferred by decision of the court.

(9) When the Moderator rises in his place during debate, any member then speaking or offering to speak shall sit down; and the House shall listen to the Moderator without interruption.

154. (1) **Should any member use offensive** language in the hearing of the House, whether in debate or otherwise, the Moderator shall call him promptly to order; and any member of the House may draw the attention of the Moderator to the use of such language.
- (2) Language ruled to be objectionable shall be forthwith withdrawn and apologised for by the speaker in a manner satisfactory to the Moderator. Any failure to do so shall render the speaker liable to summary censure by resolution of the court for contempt.
- (3) Where Church members or others bringing or seeking to bring a charge, a complaint, an appeal or a petition before a Church court use to the court language of contempt in speaking or writing, the court may, apart from any other action, summarily suspend the hearing of the charge, complaint, appeal or petition till satisfaction has been given.
155. **After a debate is closed**, no member shall speak except concerning the manner of taking a vote.

## SECTION IV - VOTING

156. (1) **No voting by proxy** shall be allowed in any court of the Church, nor may members be directed by any person or appointing body to vote other than according to their own judgement and conscience.
- (2) No member of a court shall be entitled to deliberate or vote in any case in which he is a party, or in which he is a candidate for office.
157. (1) **A vote** or decision of a court on a question may be given:
- (a) by a majority of voices "aye" or "no";
  - (b) by a show of hands; or
  - (c) by a division of the House, taken in accordance with the standing orders or usual practice of the court.
- (2) When a vote is taken by voices the Moderator shall state his opinion as to whether the question is carried or rejected; and, if his opinion is not acquiesced in, the vote shall be taken by a show of hands; and, if members are not satisfied with the count, a division of the House may then be taken. When the Moderator has declared any motion carried or rejected, his decision shall not be questioned.
158. (1) **At elections** to office by a court, should there be more than one candidate proposed and seconded the number of votes in favour of each shall be ascertained.
- (2) Should it appear that any one of them has a clear majority of all the votes given, he shall be declared elected.
- (3) Should no candidate have such a majority, one or more of those who have received the fewest votes shall then be set aside and another vote taken on the candidates remaining. This procedure shall be repeated until one receives a clear majority and is declared elected.
- (4) Canvassing on the part of a candidate for an office or appointment shall disqualify him for the office.
159. **The numbers voting** on any question shall be recorded in all cases where the votes are counted; but otherwise only the decision as to whether the motion was agreed or lost.

- 160. (1) A member who has voted or spoken against any decision** of a court may intimate his dissent from, or his protest against, the decision; and he further has the right to have his dissent or protest entered on the minutes, provided he intimate his dissent or protest immediately after the decision has been pronounced.
- (2) Dissent relieves of all responsibility for the taking of the decision incurred, but does not exempt members from obedience to any law or injunction of the Church, nor from the obligation to implement the decisions of Church courts, until these may have been reversed or altered by the processes of complaint or appeal, or other due consideration by the court.
- (3) No reasons need to be given for a dissent. When given briefly they may, at the discretion of the court, be recorded and in any case shall be held in *retentis* among the Assembly papers. A court may reject reasons which are disrespectful to it or injurious to parties, and it may also provide for a reply to reasons for dissent.

## **SECTION V - ADMINISTRATIVE INQUIRIES, APPEALS AND REFERENCES**

*(For Disciplinary Proceedings see Chapter XIX)*

- 161. (1) Where for any reason** it appears to a Church court that a matter within its jurisdiction ought to be investigated by it, or where it receives a reference from a Kirk Session under Par 35(g), it may make a preliminary enquiry into the relevant facts (including, in the case of an alleged offence, an enquiry into the nature of the offence and the evidence likely to be available to establish or refute it) and subject to these rules, may, after such enquiry –
- (a) proceed to review and correct any proceedings of an inferior court;
  - (b) invite conciliators appointed by the General Assembly's Conciliation Service to seek a way forward;
  - (c) proceed to take any such action as may be authorised by any other provision of these rules;
  - (d) direct that disciplinary proceedings under Chapter XIX be initiated against any person or persons;
  - (e) if satisfied that the facts do not call for further investigations by it, or that appropriate action has been taken to remedy any irregularity, omission or failure disclosed by the facts and to prevent the recurrence thereof, direct that no further proceedings be taken;
  - (f) if satisfied that any offence disclosed by the facts is not flagrant, that the offender admits the offence, acknowledges his error and fully submits to the admonition of the court, direct that no further proceedings be taken;
  - (g) conclude, where possible after consultation with a ruling elder, member of congregational committee or other leader in a congregation, that their usefulness as a ruling elder, member of congregational committee or other leader in a congregation has been seriously impaired. In such a case a Church court may do all or any of the following:
    - (i) suspend such ruling elder, member of congregational committee or other leader in a congregation from office in the congregation, with such suspension, where appropriate, being for a period or until a process or event has been completed;
    - (ii) following further enquiry remove such ruling elder, member of congregational committee or other leader in a congregation from office in the congregation;
    - (iii) decide that disciplinary proceedings under Chapter XIX be initiated in accordance with Par 161(1)(d);
    - (iv) take such other action as it deems appropriate; or
  - (h) determine whether at this stage to refer the matter, in accordance with paragraph 21 of the Code, to a superior court.
  - (i) consider, in the case of a reference from a Kirk Session under Par 35(g), the grounds for disqualification for being a charity trustee under the charities legislation in Northern Ireland and/or the Republic of Ireland as appropriate, and if deemed necessary remove a ruling elder from office in the congregation.

(2) In addition to any other power exercisable by it, a Church court may, in the course of any annual or other review or other proceeding carried out by it, direct further or other proceedings to be taken under these rules in respect of any matter.

(3) A preliminary enquiry under this rule may be initiated by the court itself, by a lower court or by one or more members of the Church acting in accordance with these rules.

(4) All courts should endeavour to shorten their work as much as is practicable consistently with the performance of their duties and the edification of the Church.

**162.** (1) **If at any stage** during the exercise of the jurisdiction of a Church court, it appears to the court that there is a reasonable possibility of an issue being resolved satisfactorily in a conciliatory way and with proper regard to the interests of the Church or of appropriate remedial action being taken in those interests, the court may adjourn its consideration of the matter for such period as it thinks fit.

(2) On any such adjournment, the court may give such advice and directions as it thinks fit and, if appropriate, invite conciliators to be appointed by the General Assembly's Conciliation Service.

(3) The court's powers under this rule are in addition to any inherent or other power of adjournment exercisable by it.

**163.** (1) **The Appellate courts** are the Presbytery and the General Assembly. The Judicial Commission is also authorised to hear and determine appeals as provided for in Par. 165(5) and when doing so shall exercise any and all the powers of the General Assembly as the supreme judicial authority of the Church to hear and determine appeals.

(2) The right of appeal belongs to –

(a) any member of an inferior court who disapproves of a decision and desires to have it reviewed;

(b) any party in a case before a court who feels aggrieved by a decision in the case and desires to have the decision reviewed.

(3) In addition to rules contained in this section, appeals in cases of discipline are subject to any special provisions regarding procedure contained in the rules in Chapter XIX.

**164.** (1) **Anyone entitled** and wishing to appeal against a decision of a court shall, within ten days from the announcement of the decision, give written notice to the Clerk of the inferior court of his intention to appeal, accompanied by a statement of his reasons; otherwise the decision of the court shall stand (*See App. 11(14)*).

(2) The Clerk shall at all times be ready to advise an intending appellant on his rights and the procedures to be followed under the law and rules of the Church.

(3) The Clerk, having received the written notice and reasons of appeal, shall cause a copy of the notice and reasons to be served on the other party, or on the Clerk of the court, if this should be the other party concerned.

**165.** (1) **When an appeal is notified**, the superior court shall decide whether there is the right of appeal, whether the stated grounds of appeal are adequate and appropriate to be heard and whether the appeal has been regularly notified. If these conditions are met, the inferior court and all parties to the case are thereby cited to appear before the bar of the superior court; and execution of the judgment of the inferior court shall be stayed while the appeal is pending save as provided below.

(2) Except to the extent to which rules contained in Chapter XIX may otherwise provide with respect to appeals in disciplinary matters:

(a) notification of an appeal does not remove any temporary suspension from the ministerial office or other leadership role, or from Church ordinances, under which the inferior court may have placed a minister, a ruling elder or other Church member, while a charge against him is being investigated; and

(b) notification of an appeal, where the decision appealed against includes the loosing of a minister from his charge or the suspension or removal from office of a ruling elder, member of congregational committee or other leader in a congregation, shall, unless the inferior court decide otherwise, have the effect that the Appellant is suspended from exercising all of the duties and privileges of their charge or office pending the outcome of the appeal; and

(c) notification of an appeal does not arrest procedure or process when an appeal is made during the progress of a case or when the appeal, in the judgment of the court appealed from, is manifestly frivolous or vexatious.

(3) Each appeal shall in the first instance be considered by the Business Committee of the superior court, or in the case of the General Assembly by the Judicial Commission, who shall report with a

recommendation on whether the appeal shall be heard and decided upon directly by the court or referred to a commission.

(4) Every commission appointed to adjudicate in a case shall conduct its business according to the Assembly's rules for management of business in Church courts and procedures in cases of discipline.

(5) Every appeal against a decision of a Presbytery shall go directly to the Judicial Commission which is empowered to proceed forthwith to hear and determine the appeal. However, should one of the parties, within 14 days of the date of the Notice of Appeal being lodged, request, in writing, that the appeal be referred to the General Assembly the Judicial Commission, shall, without adjudicating thereon, immediately transmit the appeal to the General Assembly with a report and recommendation in accordance with the foregoing sub-paragraph (3).

- 166. (1) In preparation for the hearing of an appeal** every appellant is entitled to such extracts from the minutes of the inferior court, and to copies of such documents in its possession as the Clerk of the superior court considers necessary to enable the appellant to bring his appeal before the superior court, but such extracts or copies shall be given to him only on the authority of the inferior court or of its Moderator and Clerk.
- (2) A court appealed from shall submit the minutes of its proceedings, and all the documents and evidence in the case in its possession, to the superior court; and shall appoint not more than five of its members to defend its proceedings and decision before the superior court.
- 167. An appeal shall be held to be abandoned** and the decision appealed against shall stand, if the appellant, after giving notice of appeal to a superior court, fail to prosecute it at its next stated meeting or such special meeting as may be called to consider the appeal, unless he can satisfy the court that his failure to prosecute it was unavoidable.
- 168. When the case comes before the superior court by way of an appeal** the members of the inferior court who are members of the superior court are not entitled to deliberate or vote as members of the superior court.
- 169. The order of proceedings in hearing appeals shall be as follows:**
- (1) Read the decision appealed against.
  - (2) Read the reasons of appeal.
  - (3) Present the whole record of the proceedings of the inferior court in the case and all the documents in its possession, unless otherwise agreed by the court with the consent of the parties in the case.
  - (4) Hear the appellant or appellants.
  - (5) Hear the other party or parties in the case, if there be such.
  - (6) Hear any new evidence which may be tendered by either party.
  - (7) Hear the court appealed from, through its appointed representative or representatives.
- 170. A Church court may cite** to appear before it and give evidence, such persons, and may take such evidence, as it may think proper for the conduct of any appeal or reference before it; and the provisions of Sections II and III of Chapter XIX shall, so far as relevant, apply for the purposes of proceedings on appeals and references in other cases as well as for the purpose of proceedings in cases of discipline.
- 171. A superior court** may at any time exercise any of the powers conferred on it by paragraphs 20 or 22 (2) of the Code and, in addition, may, if it finds anything wanting in the conduct of an inferior court, advise, reprimand, or otherwise deal with the court.
- 172. (1) In addition to the powers of reference**, petition or complaint available to it under paragraph 21 of the Code, an inferior court may apply for the appointment of assessors by the Assembly's Moderator's Advisory Committee to sit with them in the consideration of a case.
- (2) Where a case is referred to a superior court the inferior court shall -
    - (a) formally notify all parties directly concerned of the action taken; and
    - (b) lay before the superior court an authenticated copy of its proceedings, together with the reasons of reference.
  - (3) Every matter referred to a superior court by a Presbytery for directions or determination or advice shall go directly to the Judicial Commission, which is empowered to proceed forthwith to hear and determine the matter. However, should any party directly concerned, within 14 days of the referral, request, in writing, that the matter be referred to the General Assembly, the Judicial Commission shall, without adjudicating thereon, immediately transmit the reference to the General

Assembly with a report and recommendation on whether the matter shall be heard and decided upon directly by the Assembly or referred to a commission.

- 173. When the case comes before the superior court by way of a reference** (as distinct from on an appeal, as to which see Par. 168) the members of the inferior court who are members of the superior court shall be entitled to deliberate and vote as members of the superior court.
- 174. The superior court having received the reference may without prejudice to any other power exercisable by it -**
- (a) decline to advise, or to investigate and adjudicate; or
  - (b) remit the case to the court which has made the reference; or
  - (c) give advice; or
  - (d) taking the place of the court referring, it may adjudicate; or
  - (e) appoint an assessor or assessors to be, with the inferior court, a commission to deal with the case in the room of the inferior court; or
  - (f) appoint a commission of their own members to investigate and adjudicate with the powers of the superior court.

## CHAPTER XII - ELECTION PROCEDURES

### SECTION I - QUALIFIED VOTERS

- 175.** (1) **Voting members in the Church** are communicants on the roll of the congregation who are listed, whether by name or number, as having contributed to the stipend or weekly freewill offering of the congregation in the last financial year.
- (2) In addition to those so listed the following shall also be qualified, if themselves communicants on the roll -
- (a) A wife shall be qualified on a husband's contribution, and vice versa, where both are communicants. This shall also apply should the contributor himself or herself not be a communicant. If neither husband nor wife in such circumstances is a communicant, then their contribution shall qualify the eldest child, residing in the family, who is on the communicants' roll.
  - (b) Should a contributor, who is not a communicant, be a member of a family residing together, then his contribution shall qualify the eldest member residing in the family who is on the communicants' roll.
  - (c) Those who have been added to the communicants' roll of the congregation since the close of the last financial year, upon confirmation by the treasurer that they have contributed during the current year, shall also be qualified voters.
- 176. Lists of voting members** shall be prepared and made available as follows.
- (1) For the election of members of Congregational Committee held not less than once every three years;
    - (a) the procedure prescribed below for the election of elders may be followed;
    - (b) alternatively, for an annual election by members at a Congregational Meeting, those taking part shall be reminded verbally of the qualifications required before any vote is taken. At the request of any three members the election shall be postponed until a certified voters' list has been prepared.
  - (2) For the election of ruling elders -
    - (a) The Kirk Session shall draw up a list of voting members, with their addresses; and this list when completed shall, as the Kirk Session may decide -
      - (i) be read to the congregation at public worship on two successive Sundays, or
      - (ii) be printed, or otherwise copied, and circulated to each member of the congregation therein named, or
      - (iii) be exhibited on two successive Sundays in such a position in the Church premises as the Kirk Session consider to provide reasonable notice of the contents of such list to the members of the congregation.
    - (b) (i) Notice of the intended preparation and availability of the list shall be announced to the congregation at public worship on a Sunday at least six days before the list is published;
    - (ii) At the same time the qualifications required of a voter in the Church as given in Par. 175 above and the procedure detailed below for the lodging of any objections or claims shall be announced to the congregation.
    - (c) Should any member of the congregation who claims to be a voting member desire to make an objection regarding any name on the list, or omitted from the list, he shall lodge his objections, with his reasons in writing, with the Moderator of Kirk Session within a week of the first publication of the lists by any of the prescribed methods; and the Kirk Session shall give its decision thereon or refer the matter for decision by Presbytery.
    - (d) Should any member objecting be dissatisfied with the decision of the Kirk Session with respect to his own or another's qualifications he shall have the right of appeal to Presbytery within seven days. The same right belongs in such cases to any member of the Kirk Session, including any assessors that may have been appointed by Presbytery.
    - (e) When the voters' list has been finalised by the Kirk Session without appeal or reference, or by the Presbytery after appeal or reference, it shall be dated, signed and certified as correct by the presiding Moderator, who shall forthwith have it lodged with the Clerk of Presbytery, with a

certified copy being retained by the Moderator or interim Moderator of Kirk Session as the case may be. This procedure must be completed before proceeding to the election.

- (3) **For the election of a minister**, the same general procedure shall be followed as for the election of ruling elders, with the following additional provisions -
- (a) The list shall be drawn up by the Kirk Session under the supervision of the interim Moderator, assisted by one or more assessors appointed by Presbytery.
  - (b) A certified voters' list, after having been lodged with the Clerk of Presbytery, shall not be altered during the vacancy in a pastorate unless the vacancy extend beyond twelve months, in which case the Presbytery shall have a new list prepared in accordance with the preceding rules.
  - (c) Notwithstanding the foregoing provision, should a widower or widow in a family die in the interval between the making out of a voters' list and the day of voting, the eldest child, being resident in the family and on the communicants' roll of the congregation, shall be entitled to exercise the deceased's vote, unless he is already himself a qualified voter.

## SECTION II - ELECTION OF ELDERS

- 177.** (1) **The decision on when an election is to take place** and the number of ruling elders to be chosen devolves normally upon the Kirk Session; but any member of the congregation may petition the Session upon the subject and the decision of the Session in these matters is subject to review by the superior courts.
- (2) The decision of the Session shall be reported to the Presbytery for authorisation to proceed with the election and for the appointment of a commission to discharge the duties of the Presbytery in line with current General Assembly guidelines in the matter.
- (3) (a) The minister shall explain to the congregation the duties and qualifications of ruling elders, whose election is sought, and paragraphs 30 and 31 of the Code shall be read.
- (b) The qualifications of voting members of the Church (cf. Par. 175), the method of publication of voters' lists (cf. Par. 176), and the method to be followed in the selection of those to be called shall also be explained.
- 178. The selection of those proposed to be called** to the office of ruling elder in a congregation shall be made by one or other of the following methods, as the Kirk Session shall determine.
- (1) Selection by the congregation -
- (a) On two successive Sundays the congregation shall be informed of the number of new ruling elders being sought and voting members invited to look out among themselves qualified persons suitable for the office, and to give to the Kirk Session on the following Sunday signed lists of the person or persons they propose, not exceeding the number required. The Session may, as they see fit, provide for this by the circulation of poll lists to be marked with the names proposed, signed and returned.
  - (b) The Session shall examine the lists received; and the names which occur most frequently if the Session approves and if those so proposed shall consent, shall form a list up to the number of ruling elders required. Should any decline to act their places may be filled by those who come nearest in the proposals recorded, up to the said number. No name shall be listed which has not received a minimum of one-third of the votes cast.
- (2) Selection by the Kirk Session -
- (a) On two successive Sundays the congregation shall be informed that an election of ruling elders is to take place and voting members invited to propose, in writing, for the consideration of the Session, any member or members qualified for the office.
  - (b) The Session, having considered the proposals received and having obtained the consent of those approved, shall list the names of those to be presented to the congregation.

- 179.** (1) **The list of those selected**, when completed as far as possible, shall be read to the congregation on two successive Sundays.
- (2) Should any voter desire to make any objection to any of them, he shall lodge his objections, with his reasons in writing with the Moderator of Kirk Session within a week from the second announcement.
- (3) Should the objection not be sustained by the Kirk Session, or should there be no objection, then on a subsequent day, fixed by the Session and not earlier than three weeks after the first reading of the list, there shall be held an official meeting of the congregation to confirm the election and call of new ruling elders.
- (4) The names of those selected shall be presented individually to the meeting. A poll of the voters present shall be taken and if two-thirds of those who vote be in favour he shall be declared elected.
- 180.** (1) **The name of every ruling elder elect** shall be reported to the appointed Presbytery commission, who, in line with General Assembly guidelines, shall confer with the elder elect respecting their acquaintance with divine truth, their personal faith and character, their sense of the responsibilities and duties of the office, including their responsibility to act as a charity trustee of the congregation and their gifting and availability for the exercise of that office.
- (2) During a period prior to ordination elders elect shall receive a course of instruction, of not less than six sessions, in the doctrines of the Church as set forth in the Westminster Confession of Faith and in the life and duties of the elder.
- (3) The Presbytery commission, being satisfied on these matters, and having confirmed that a Charity Trustee Declaration has been completed, shall report thereon to Presbytery or shall themselves proceed to ordain those approved, if this lie within the terms of their appointment.
- 181.** (1) **The co-option of a ruling elder**, certified as such from one congregation to another, or of a minister not in active duty, or of a ministerial member of the local Presbytery not in charge of a congregation, may be decided upon by the Kirk Session with the approval of the congregation and the sanction of the Presbytery.
- (2) The approval of the congregation shall be obtained by announcing the Session's intention to co-opt on two successive Sundays; and if, at a meeting of the congregation, approval be not then unanimous, the Session shall fix a day to take the opinion of the voters, when unless two-thirds of those then voting approve they shall not proceed with the co-option.
- (3) The sanction of the Presbytery having been obtained, the person being co-opted shall, on signing in the presence of the congregation, in the minute book of the Kirk Session, the formula of subscription required of ruling elders, be thereupon entitled to act as a member of the Session without the necessity of installation. The signing of the formula of subscription shall be reported to the Presbytery.
- (4) Notwithstanding the foregoing, a ruling elder, certified as such from one congregation to another, or a minister not in active duty, or a ministerial member of the local Presbytery not in charge of a congregation may be elected in the normal way by the congregation he has joined and, if so elected, he shall be installed by the Presbytery.
- 182.** (1) **Special arrangements** may be made for a call to the office of a ruling elder under the General Assembly in the case of a person appointed to work under an Assembly Council.
- (2) (a) The Council concerned shall submit their call to the Presbytery within whose bounds the work is undertaken; or, if not within the bounds of a Presbytery in Ireland, to the Presbytery within whose bounds is the congregation of which the person is a member.
- (b) The Presbytery shall thereupon arrange to confer with him and, if need be, with representatives of the Council concerned; and, being satisfied, shall sustain the call and proceed to ordain him to the office.
- (3) No one should be called to office as a ruling elder where only a temporary or short-term appointment is proposed.
- (4) Ruling elders ordained under these arrangements shall be members of the superior courts of the Church and shall be eligible for co-option or election to a local Session in the same way as a minister in special work.

### SECTION III - ELECTION OF COMMITTEE MEMBERS

- 183. The number of Committee members** shall be fixed by the Kirk Session, who shall from time to time determine by what procedure the voting members of the congregation shall elect qualified persons for the Congregational Committee.
- 184. The qualifications for Committee members** shall be those set out in the Code, Par. 48 (2).
- 185. One of the following alternative proceedings** for election can be used.
- (1) Convene a meeting of the voting members and elect qualified persons at such meeting.
  - (2) Ask the voting members to send a list containing the required number of names of qualified persons; and the persons having the highest number of votes shall be deemed elected.
  - (3) Print a list of all qualified persons, stating on it how many persons are to be elected. Circulate the list amongst the voters with instructions to mark the names of those for whom they vote; and the persons having the highest number of votes shall be deemed elected.
  - (4) On two successive Sundays the congregation shall be informed that an election of qualified persons for the Congregational Committee is to take place and voting members are invited to propose, in writing, for the consideration of the Kirk Session any qualified member or members. The Kirk Session, having considered the proposals received, and having obtained the consent of those selected, shall read the list of those selected to the congregation on two successive Sundays. On a subsequent day fixed by the Kirk Session there shall be held an official meeting of the congregation to confirm the appointment of the new members of the Congregational Committee. The names of those selected shall be presented individually to the meeting. A poll of the voters shall be taken and if two-thirds who vote be in favour he shall be declared elected.
- 186. A vacancy in the Congregational Committee** during the appropriate term of office may be dealt with by the Committee, who shall have power to co-opt a qualified person to fill the vacancy.
- 187. Officials of the Congregational Committee shall -**
- (1) include a chairman to preside over and a secretary to record its proceedings and to keep its minutes and papers and a treasurer or treasurers to take charge of the congregational funds, such persons being appointed by the Committee from among its own members; and
  - (2) hold their appointments at the pleasure of the Committee; be responsible to it for the books, documents and funds with which they may be respectively entrusted; and shall deliver up such books, documents and funds, when required by the Committee; and
  - (3) conduct proceedings in line with the general provisions for the conduct of business in Church courts.
- 188. The quorum** for a meeting of the Congregational Committee shall be fixed by the Kirk Session at not less than one quarter of its membership.

## SECTION IV - ELECTION OF MINISTERS

### 189. Vacancy Arrangements:

(1) **A vacancy in a pastorate occurs -**

- (a) on the death of a minister in active duty;
- (b) on his retirement with the leave of the Assembly;
- (c) on his resignation from his charge;
- (d) on the deposition or removal of the officiating minister from the pastorate, or his being declared no longer a minister of this Church, without appeal to a superior court; or
- (e) when such deposition, removal or declaration, after appeal has been confirmed.

**190. (1) (a) On the occurrence of a vacancy,** the Presbytery shall immediately assume responsibility for official notification of the vacancy in the congregation and for its supply with the preaching of the Word and with other Gospel ordinances. This shall be exercised through the appointment of a vacancy commission, with a ministerial member of Presbytery being appointed as convener and interim Moderator of the Kirk Session.

(b) On notification of the forthcoming vacancy the Presbytery may proceed to appoint a vacancy commission to facilitate the congregation obtaining leave to call.

(2) (a) A congregation in such circumstances shall be supplied only by:

- (i) ministers, licentiates, accepted students for the ministry, auxiliary ministers, accredited preachers or elders of the Presbyterian Church in Ireland;
- (ii) staff employed in the congregation;
- (iii) speakers on deputation from agencies of the Presbyterian Church in Ireland or from other agencies supported by the congregation;
- (iv) ministers of other Churches deemed eligible to so supply by the Reception of Ministers and Licentiates Committee;
- (v) ministers from neighbouring churches when conducting occasional customary or one-off services.

(b) In all such cases the person so supplying must be appointed by the vacancy commission; and no one may so supply unless the commission is satisfied that he is not being considered as a candidate for the vacancy.

(c) A member of the Presbytery who has been convener and interim moderator at any time during the vacancy shall not be eligible for Call to the vacant pulpit, except where the Linkage Commission shall deem it advisable for the linkage of two congregations or in the case of a minister installed in the Home Mission. In all cases the Presbytery shall be consulted.

(3) (a) The fees to be paid by a congregation for the remuneration of a supplier shall be fixed in accordance with the scale for pulpit supplies sanctioned by the Assembly; or, where appropriate, by the Linkage Commission.

(b) The Presbytery shall also fix the remuneration and expenses to be paid by the congregation to the convener in charge of the vacancy, after consultation with the Linkage Commission.

(c) The income received during the period of the vacancy, either for stipend or from endowments for the benefit of the minister in active duty, shall be available for the foregoing purposes; but where local resources are insufficient the Linkage Commission shall have power to authorise grants in aid from central funds.

(4) While the minister of a congregation is under temporary suspension, or during trial, or while any appeal against his deposition or removal or a declaration on his ministry in the Church remains undecided, the Presbytery shall have the congregation supplied with ordinances, the cost of which shall be a first charge on the minister's stipend. Should he be found innocent and be restored to his charge all such losses shall be restored to him by the congregation.

**191. (1) The Presbytery shall ensure** that the Rules of the General Assembly's Linkage Commission are observed and that their questions are duly answered; and they shall advise whether the retiring allowance (if any) and the amount of stipend offered are proportional to the means of the people.

(2) Until the foregoing rules have been complied with and the leave to call of the Linkage Commission obtained, the congregation shall not appoint any deputation to hear a candidate; nor shall the

Presbytery nor their commission appoint any candidate to preach in the congregation, or allow the congregation to make out a call.

(3) In the issue of leave to call a clause shall be included in all cases stating that the minister shall be available to undertake additional duties, if required by the Linkage Commission, after consultation with Presbytery, and that the congregation recognise this condition of call.

(4) Such leave to call shall operate for one year from the date when it is given, after which it shall be reviewed by the Linkage Commission and its terms, if seen fit, amended before renewal.

**192. (1) The vacancy commission** shall report to Presbytery, at their stated meetings, on the supply of ordinances in the congregation and progress towards a call.

(2) Lists of voting members in the congregation shall be drawn up under supervision of the commission in accordance with Par. 176 at an early stage in the vacancy.

(3) The adoption of candidates for a hearing shall be approved by the commission as a whole, which shall also supervise the election proceedings for a new minister.

(4) Any call made out by the congregation shall be reported to the Presbytery to be sustained; and the Presbytery shall then decide whether the ordination or installation shall, as is preferable, be conducted by the Presbytery directly or be remitted to the same or another commission.

(5) (a) The convener of the commission shall keep a minute book for recording the minutes of each meeting of the commission, such minutes to be attested in the usual way.

(b) When the vacancy is ended the convener shall submit the minute book to Presbytery, to be retained by the Clerk for a period of twelve months after the ordination or installation of the minister.

(c) The convener shall also see that all minutes of Kirk Session and congregational meetings, held during the vacancy, are recorded and attested in the minute book of the Kirk Session.

(d) The convener of the vacancy commission shall take charge of the marriage and baptismal registers of the congregation during the vacancy; and shall assure himself that the title deeds of congregational property, their other records, and the objects of historic interest listed in the Session minute book are in proper custody.

### **193. Eligibility of Ministers**

Ministers are eligible for call only if, at the date when their candidature is approved by the vacancy commission of Presbytery, they qualify as follows.

(1) **For congregations having less than 350 families** on their books as published in the most recent statistics:-

(a) (i) all ministers of the Church who have been ordained for two years, or for one year if over 32 years of age, except that an ordained assistant to the Moderator of the General Assembly shall be eligible to apply from 15<sup>th</sup> January of the qualifying year;

(ii) all licentiates who have served the Church for two years after licence, and who have obtained a certificate from the Council for Training in Ministry that their period of probation has been completed satisfactorily, provided that they have not been serving in the congregation immediately prior to or at any time during the vacancy. Those licensed in May, June or July shall be eligible from 1<sup>st</sup> September in the qualifying year.

(b) ministers of other churches, if previously received by the General Assembly, provided they have successfully completed any course of study and/or period of assistantship required by the Council for Training in Ministry.

(c) Eligibility for Restricted List Charges, whose Ministers' stipends are less than the basic ministerial minimum, shall be limited to those Ministers declared eligible to candidate for such charges by the Linkage Commission.

(2) **For congregations having 350 families** or more on their books as published in the most recent statistics:-

(a) all ministers of the Church who have been ordained for at least six years, or for three years if over 35 years of age; provided that they have not been serving in the congregation immediately prior to or at any time during the vacancy;

(b) all ministers of other Churches who have been ordained for at least six years or for three years if over 35 years of age; provided that they fulfil the other conditions set out under sub-paragraph (1)(b) above;

(c) and in congregations where associate pastorates have been authorised ministers shall be eligible for the second or associate pastorate on the same basis as for congregations having less than 350 families on their Books.

(3) Should the application of the foregoing provisions in sub-paragraphs (1) and (2) give rise to serious difficulty the Linkage Commission shall have power, after consultation with the Presbytery, to determine eligibility.

(4) **The following conditions shall** apply to a Minister being called and inducted as an Associate Minister in a Congregation:

(a) normally the cost of full salary shall be met by the Congregation and the salary will not be augmented by CMF;

(b) the appointment shall be reviewable on a term set by the Linkage Commission;

(c) an appointment as Associate Minister may, after twelve months service, be terminated by mutual agreement, or by two months notice given by the Presbytery or by the Minister of the Congregation, the Kirk Session, or the Associate Minister, subject to the approval of the Presbytery;

(d) in the event of a vacancy in the pastorate of a Congregation in which the Associate Minister is serving, one month's notice offering resignation shall be given upon the installation of a new Minister though, upon the request of Minister and Session and with the consent of the Associate Minister, the appointment may be continued.

#### **194. The Hearing of Candidates:**

(1) Only those shall have a hearing as candidates for a vacant pastorate who have been appointed by the vacancy commission of Presbytery or nominated by the Clerk of Assembly to officiate as candidates.

(2) Ministers when applying for a hearing in a congregation shall do so on the form provided for the purpose. They shall not canvass for support in any vacancy, but may submit two testimonials with their application.

(3) The right of selection of candidates for hearing belongs to the Kirk Session, supplemented by nominations made by the Clerk on behalf of the General Assembly. In the case of an Associate Ministry the assent of the Moderator of Kirk Session to candidates proposed shall be required.

(4) (a) The right of hearing candidates belongs to the congregation, either directly or through a Committee.

(b) Where a Kirk Session does not consider it expedient to hear a list of candidates in a vacant congregation it shall call a meeting of the congregation which, if it sees fit, shall appoint a representative committee to hear candidates as selected under Par. 194(3) and to report the result to the congregation to which it is responsible. In such cases the Hearing Committee shall be selected by secret ballot.

(c) When appointed, the congregation may direct the Hearing Committee to recommend a sole nominee to be heard directly by the congregation before a call is decided on.

(5) Any voter in a congregation who wishes for a particular minister to be heard as a candidate may propose his name to the Session.

(6) the Session shall fix the number and select the candidates, not exceeding four, for whom they ask a hearing, and shall submit the list to the vacancy commission for approval and completion, before any hearing is commenced.

(7) The convener of the commission shall send the list to the Clerk of Assembly, together with the names of all ministers who have applied officially for a hearing. The Clerk, in consultation with the Moderator and the immediate past Moderator of the Assembly and the Conveners of the Home Mission, shall have power to add to the list the names of not more than two ministers, taking into consideration -

(a) such minister's service, if any, in Home Mission congregations;

(b) the frequency with which his name has appeared on lists;

(c) his suitability; and

(d) other relevant circumstances;

and shall authorise the commission to proceed with arranging a hearing.

- (8) The vacancy commission shall arrange for the hearing of the completed list of candidates as follows.
- (a) They shall be heard in alphabetical order, provided always that when the hearing is begun in even numbered years the names of all candidates shall be from A-Z and in uneven numbered years from Z-A;
  - (b) each candidate shall at once be notified of the day upon which he is to officiate, and shall inform the convener whether he can officiate on that date;
  - (c) if any candidate cannot officiate on the appointed date, the services on that day shall be taken by a minister of the Presbytery who is not a candidate; and no alteration may be made in the order of hearing without the permission of the vacancy commission and the consent of the other candidates.
  - (d) Notice to the Congregation of the commencement of the hearing of candidates shall be given on two consecutive Sundays prior to the commencement of hearing. Such notice may, when appropriate, be given concurrently with the process of selection and approval of candidates, in which case the names of those under consideration will not be disclosed.

**195. The Election Meeting:**

- (1) When the hearing of the appointed candidates is completed, a congregational meeting shall be held under the supervision of the vacancy commission to ascertain whether the congregation desires to call any eligible minister.
- (2) Such meeting shall be held on a week-day, and notice of the time and place and purpose of it shall be given to the congregation at public worship on the two Sundays preceding the date of the meeting. (*See App. 6B*)
- (3) On the day and at the time specified and after the hearing committee, if any, have reported, the minister presiding shall ascertain by a vote of the congregation whether they desire to propose that a call be issued to any candidate on the list.
- (4) The procedure set out in sub-paragraph (3) may also take place although no candidate has been heard.
- (5) Should a meeting of the congregation called for the purpose decide not to make out a call at that point it may ask that there be a re-hearing of one or more of the candidates, or for the hearing of one or more candidates in a supplementary list, without excluding thereby those already heard.
- (6) Should the meeting decide to propose a call and the congregation approve of any eligible minister, either unanimously or by a two-thirds majority, the call shall be drawn up, signed by as many Voting Members, other Communicant Members and Adherents who wish to do so, and certified by the presiding minister. It may, if so decided by the commission, be retained by the Convener till the succeeding Sunday, when the officiating minister shall invite those who have not already signed it to do so, and he shall certify any additional signatures.
- (7) Should more than one candidate be proposed and seconded, a secret ballot shall be taken of those listed as qualified voters and repeated until only one candidate remains.
- (8) A secret ballot shall be taken on this candidate, for and against. If he shall secure at least two-thirds of the recorded vote he shall be declared elected, the call drawn up and signed and certified as in the case of Par 195 (6). Should he fail to obtain two-thirds of the recorded vote, the meeting may proceed to vote upon other candidates whose names were on the list.
- (9) The call cannot be made unless carried by two-thirds of those who vote. After the vote is taken no one shall be allowed to record his vote unless he can show that he has not had an opportunity to do so; but in no case shall a vote be accepted after the state of the poll has been declared by the presiding minister.
- (10) Any candidate who fails to receive two-thirds of the votes cast when he is voted on separately, for and against, and apart from the other candidates, shall thereupon cease to be eligible as a candidate for the congregation in the vacancy then existing, unless the rules have been violated in the taking of the vote.
- (11) A call by a congregation to a minister shall include -
  - (a) a promise on the part of the congregation to pay an amount of stipend at least equal to the sum fixed by the Linkage Commission, with increase as defined in the rules, apart from the income to which the minister may be entitled from any other source;

- (b) an undertaking to contribute their qualification to the Central Ministry Fund according to the Assembly's rules for the time being;
  - (c) a stipulation that the minister shall reside in the manse or other official residence during his active ministry, and that this with the glebe (if any) shall be provided free of rent, rates and taxes.
    - (i) Where there is no manse an undertaking shall be given, acceptable to the Presbytery and the Linkage Commission, for the payment of an allowance in lieu thereof.
    - (ii) The glebe, which is to be given to the minister free of rent, rates and taxes, is understood to be any small area around the manse, not exceeding five acres.
    - (iii) Where there is a farm, outside the glebe area, for the use of the minister, defrayment of rent, rates and taxes is not necessarily undertaken;
  - (d) a promise also that the cost for a holiday pulpit supply for six weeks annually during vacation will be met as a congregational expense, and an acknowledgement of the Minister's entitlement to avail of both in-service and sabbatical leave under the terms approved from time to time by the General Assembly.
- (12) The call may also contain a promise on the part of the congregation to pay a fixed annual sum from investment income over which the congregation or their Session, Committee or Trustees have power of disposal, or such other payments of expenses, etc., as do not violate the general law or rules of the Church.
- (13) If no call to a minister be carried, the congregational meeting may ask the commission to arrange for a further hearing of a candidate or candidates or to begin again the procedure for selection of a second list for hearing.

#### **196. Sustaining the Call:**

- (1) Should any voter in the congregation be dissatisfied with a decision or proceedings of the vacancy commission with respect to the procedure or call, and protest against it, he shall have the right of appeal to the Presbytery at its first meeting, when the commission shall report and all its proceedings shall be before the Presbytery.
- (2) When the report of the commission, with the call, is submitted to the Presbytery they shall consider any appeal from a voter, or complaint from a member of commission or from a candidate as to the proceedings of the commission; and they shall decide whether the proceedings have been regular and whether the call be valid. They shall also determine whether in all the circumstances of the case the call be sustained.
- (3) If an appeal is lodged against a decision of Presbytery over whether or not a call be sustained, the appeal shall stand referred to the Judicial Commission, who shall have Assembly power to issue the matter.
- (4) No Presbytery shall sanction a call from a congregation to a minister unless the terms of call meet the conditions prescribed in these rules.
- (5) If the call be found invalid, the proceedings in reference to the call shall begin anew.
- (6) If the call be sustained, the Presbytery shall take steps to present the call to the minister concerned, after assuring themselves that, should he be a minister in a pastorate, his congregation has been previously notified, and that representatives have been given the opportunity to be in attendance to present any observations relevant to the circumstances.
- (7) If the minister-elect be not a member or under the care of the Presbytery involved, they shall certify and forward the call to the Presbytery concerned, which shall take steps to present the call to him, provided his congregation has been notified as in the previous sub-paragraph.
- (8) The Presbytery, after hearing all parties, shall decide whether the call be presented.
- (9) When a call is presented it may be accepted, declined or retained for consideration; but if neither accepted nor declined within 14 days from the day of presentation, it shall be held to be declined.
- (10) Where the minister-elect accepting a call is in a charge, he shall be loosed from it as from the day preceding installation in his new pastorate. Where this lies outside the bounds of his present Presbytery, they shall give him credentials of transference to the Presbytery having jurisdiction. Arrangements shall be made by the Presbytery having jurisdiction for his installation.
- (11) The minister's emoluments from the congregation shall commence on the date of his installation. The Presbytery shall be responsible for ensuring the payment of all suppliers until the same date.

#### **197. Calls to Licentiate:**

A licentiate shall not normally be eligible for ordination until after two years from licensure subject to the following provisions:

- (a) Persons licensed in the months of May, June, and July shall all become eligible from the 1st of September of the qualifying year.
- (b) A licentiate called to be assistant to the Moderator of the General Assembly shall be eligible without any two years qualification.
- (c) A licentiate shall be eligible for calls to special work as prescribed in Par 199(1).
- (d) In circumstances not covered by the foregoing provisions, the Linkage Commission shall have power to decide on eligibility for call.

**198. The following conditions shall apply** to a licentiate being called and ordained as an assistant minister in a congregation.

- (1) The call to become an assistant minister shall be given by the Kirk Session, on the recommendation of the minister, with the advice and consent of the Council for Training in Ministry and, where central funds are involved, of the Linkage Commission.
- (2) The appointment shall be for a period 12 months, at least. After the completion of this year, or, for ministers ordained in January or February, the 15th January, any who have attained the age of 32 years and have completed satisfactorily the Post-College courses prescribed by the Council for Training in Ministry, shall thereupon be eligible as candidates for call to a congregation. All others, in addition to satisfactory completion of the Post-College Courses, shall be required to serve one additional year's assistantship in that congregation or elsewhere after which, or for ministers ordained in January or February the 15th January, they shall be eligible as candidates for call to a congregation.
- (3) An assistant minister who changes his field of labours from one congregation to another shall be inducted in the second congregation, where he shall again serve for a period of at least twelve months.
- (4) An appointment as assistant minister may, after twelve months' service, be terminated by mutual agreement, or by two months' notice given by the minister of the congregation, the Session or the assistant minister, subject to the approval of the Presbytery and of the Assignments Panel.
- (5) Ordination as assistant minister shall be conducted by the Presbytery having jurisdiction over that congregation. It shall carry with it the authority to dispense the sacraments and to celebrate marriage, and shall give a right to a seat in Presbytery and General Assembly. The Presbytery shall from time to time while an assistant minister is a member of these courts appoint an additional elder as corresponding member.
- (6) An assistant minister serving in a congregation shall be ex- officio a member of the Kirk Session; but he shall not have the right to take the Moderator's place at a meeting of Session in the latter's absence, unless expressly invited to do so by the Moderator or, in special circumstances, so appointed to act by the Presbytery.
- (7) As assistant minister he shall be subject to the general jurisdiction of the Presbytery of the bounds, and subject in all matters relating to his work in the congregation to the direction of the minister of the congregation in which he labours.
- (8) If instead of being called as an assistant minister in a settled congregation, he is called to serve in a vacant congregation as assistant with the convener in charge, this shall be done the call being given by the Kirk Session(s) with the advice and consent of the Council for Training in Ministry and, where central funds are involved, of the Linkage Commission. His ordination or induction shall be carried out by the local Presbytery, of which he thus becomes a member; and thereafter he shall be subject in all matters relating to his work in the congregation to the direction of the convener and interim Moderator of Kirk Session.
- (9) (a) During the period following ordination his emoluments shall be fixed by the Linkage Commission on an incremental scale based on the minimum ministerial income.  
 (b) Expenses and house allowance shall similarly be fixed by the Linkage Commission; or, if a house is provided, its use shall be free of rent, rates and taxes.  
 (c) The assistant minister shall be subject to the same rules as other ministers regarding work undertaken outside his congregational duties and to the financial arrangements applying to such ministers as are on augmented stipends.
- (10) His emoluments shall be paid to him monthly by the central funds of the Church; and the allocation between local sources and the central funds, together with their method of payment, shall be fixed by the Linkage Commission.

**199. Calls to Special Work:**

**Licentiatees or ministers serving their period of assistantship** who may be called to special work are subject to the following conditions.

(1) A licentiate or ordained assistant minister called to the overseas Mission field, or a licentiate who has served the Church for two years after licence, or who at the end of that period shall have satisfied his Presbytery that such service was not available for him, is, if in good standing with his Presbytery, thereupon eligible for ordination or installation on receiving a call -

- (a) to a theological professorship in this Church; or
- (b) to be a missionary of the Church; or
- (c) to become a chaplain to Her Majesty's Forces; or
- (d) to undertake such special work as may from time to time be approved by the General Assembly.

(2) Every licentiate so ordained or minister inducted shall be under the jurisdiction of the Presbytery which ordained or inducted him.

(3) A licentiate ordained or an assistant inducted to a chaplaincy or in other special work shall not become eligible for a call to any congregation until he has completed two years' ordained service.

**200. (1) Calls to ministers to special work include** appointments under the jurisdiction of the General Assembly.

(2) Calls to work under the Assembly may be made directly by the Assembly, or remitted to their General Council to act on the same basis on behalf of the Assembly. Such calls and appointments shall be certified to the Presbytery with which the minister is to be associated as a member, who shall if appropriate forthwith arrange for his installation or induction. *(This applies particularly to certain Assembly Buildings and Union Theological College appointments.)*

(3) Other calls to special work may be made by Councils of the Assembly charged with responsibility for the work concerned and as authorised by the Assembly. The call by the Council shall be dealt with on lines similar to a call by a congregation, to be sustained by the Presbytery of the bounds, if any, and presented through the Presbytery of which he is a member or minister without charge. They in turn shall, if necessary, give him credentials of transference to the Presbytery which shall install or induct him and exercise oversight over him thereafter as a member.

(4) Calls to ministers of other Churches, accredited by their Church for a term of service with the Church in Ireland, may be made by the appropriate Assembly Council without prejudice to the minister's continuing relationship to his home Church, on condition that satisfactory ministerial credentials are received and the arrangement approved by the Assembly's Reception of Ministers and Licentiatees Committee.

## CHAPTER XIII - ORDINATIONS, etc.

### SECTION I - THE COMMISSIONING OF DEACONESSES AND OTHERS

- 201. (1) Candidates for appointment as missionaries, deaconesses, senior lecturers, auxiliary ministers and lay agents** of the Church must be approved in respect of character and ability, and have received training for their special work, in accordance with the decision of the appropriate supervising Council or agency of the General Assembly.
- (2) Each candidate, when qualified, may be called by the appropriate Council, and in the case of auxiliary ministers, by a Kirk Session; and the Presbytery concerned shall be requested to arrange for a public commissioning or induction service in the work to which they have been appointed.
- (3) Presbyteries should not act except at the call of a Kirk Session or the appropriate Council on the authority of the General Assembly.
- 202. The order of service** shall be as follows:
- (1) After opening worship, including praise, prayer and the reading of the Word, a sermon shall be preached on a suitable theme.
- (2) (a) The Presbytery shall then be constituted publicly by prayer.
- (b) A representative of the Kirk Session, supervising Council or agency shall then present the candidate to the Presbytery and formally request for the commissioning or induction.
- (3) The Moderator shall make the following Declaration -
- “The General Assembly of the Presbyterian Church in Ireland, realising the place to be given in the work of the Church to dedicated men and women in various fields of service, has authorised the appointment of missionaries, deaconesses, senior lecturers, auxiliary ministers and lay agents under the oversight and direction of their appropriate Councils and Agencies.
- We rejoice in your call to be a fellow worker in the kingdom of our Lord and Saviour, Jesus Christ.
- Accordingly, in the name and by the authority of the Lord Jesus Christ, the sole King and Head of the Church we, (a commission of) the Presbytery of ..... are met to (commission and/or induct) you as a ....., in the name of the Father, the Son and the Holy Spirit.
- The Standards of this Church, including the Rule of Faith, are set out in the Book of the Constitution and Government of the Presbyterian Church in Ireland, Chapter I, paragraphs 10-14 which I call upon the Clerk to read.”
- (4) The Clerk shall accordingly read Chapter I, Section III, paragraphs 10-14 of the Code.
- (5) Then the Moderator shall say -
- “Having heard the Declaration of the Presbytery and the Statement of the Standards of this Church I ask you to testify to your faith and integrity of purpose by answering the following questions -
- I So far as you know your own heart, are love to the Lord Jesus Christ and a desire to commend Him by word and life, your chief motives for accepting this opportunity of service?
- II Do you believe in one God - Father, Son and Holy Spirit; and do you confess anew the Lord Jesus Christ as your Saviour and Lord, according to the Scriptures?
- III Do you believe the Word of God as set forth in the Scriptures of the Old and New Testaments to be the only infallible rule of faith and practice?
- IV Do you accept the Westminster Confession of Faith, as described in the Statement read by the Clerk, to be founded on and agreeable to the Word of God; as such do you acknowledge it as the confession of your faith; and do you approve of the Catechisms compiled by the Assembly of Divines at Westminster and received as the Catechisms of this Church?
- V Adhering to the fundamental doctrines of the faith, set forth in the Standards of this Church, and accepting also the Presbyterian form of Church government to be founded on and agreeable to the Word of God, do you promise to adhere to and to support the same and to yield submission in the Lord to the courts of this Church?
- VI Do you engage, in the strength of the Lord Jesus Christ, to walk worthy of your calling, to discharge faithfully and diligently the duties of your office, and to seek the furtherance of the Kingdom of God?

VII In cases certified by the Council for Global Mission, where the spouse is to be commissioned with the person being inducted, the following question shall be asked of the spouse "Do you ..... desire to be a partner with your husband/wife in the missionary service to which he/she is being appointed?"

(6) The Moderator shall then say -

"As you have promised, may God grant that you keep your vows. In the name of the Lord Jesus Christ, the King and Head of the Church we commission/induct you as .....; and we commend you to the grace of God in the discharge of all your duties."

Alternative form to be used in cases certified by the Council for Global Mission.

The Moderator shall then say -

"As you have promised, may God grant that you keep your vows. In the name of the Lord Jesus Christ, the King and Head of Church we commission you together with your wife/husband as missionaries ... and we commend you to the grace of God in the discharge of your duties."

(7) The Presbytery and people shall engage in prayer for the deaconess, senior lecturer, auxiliary minister, missionary or lay agent, after which the Moderator shall extend the right hand of fellowship in the name of the Presbytery.

(8) A suitable charge may be given at this point to the person commissioned or inducted and to the people.

(9) The service and the meeting of the Presbytery shall conclude with the Benediction.

**203.** (1) **A careful record** shall be kept in the minute book of Presbytery of all such commissioning or induction services.

(2) The Clerk shall without delay notify the Clerk of Assembly of the commissioning or induction, with all relevant details.

## **SECTION II - THE ORDINATION AND INSTALLATION OF RULING ELDERS**

**204.** **The ordination or installation of ruling elders** shall be conducted by the Presbytery, or a commission thereof, who shall appoint ministers and ruling elders to officiate at the service.

**205.** **The order of the service** shall be as follows -

(1) After opening worship, including praise, prayer and the reading of the Word, a statement shall be made or a sermon preached on the calling of the ruling elder, with the Scriptural warrant for the office.

(2) The Presbytery, having been constituted by prayer, the Moderator shall then make a Declaration on the following lines -

"In the name and by the authority of the Lord Jesus Christ, the sole King and Head of the Church, who gives gifts for the edifying of the Church, the Body of Christ, we are met here as a (commission of) Presbytery for the (Ordination/Installation) of ..... as ruling elders.

The Clerk, as required by the Law of the Church, will now read the Statement of the Standards of the Church, including the Rule of Faith, as set forth in the Book of the Constitution and Government of the Presbyterian Church in Ireland".

(3) The Clerk shall accordingly read Chapter I, Section III, paragraphs 10-14 of the Code.

(4) Thereafter the Moderator, naming the elders-elect severally, shall put to them the prescribed questions as follows -

"Having heard the Declaration of Presbytery and Statement on our Standards and Rule of Faith you are now required to answer the following questions -

Firstly, on your personal sense of calling -

- I So far as you know your own heart, are zeal for the glory of God, love to the Lord Jesus Christ as your Saviour, and desire for the salvation of souls and the upbuilding of the Church, your chief motives in entering upon the office of ruling elder to which you have been called?

Secondly, three questions on the Rule of Faith and Standards of the Church -

- II Do you believe the Word of God as set forth in the Scriptures of the Old and New Testaments to be the only infallible rule of faith and practice?
- III Do you accept the Westminster Confession of Faith, as described in the Statement from the Code, read by the Clerk, to be founded on and agreeable to the Word of God; as such do you acknowledge it as the confession of your faith; and do you accept the Catechisms compiled by the Assembly of Divines at Westminster and received as the Catechisms of this Church?
- IV Are you resolved, through God's grace, firmly and constantly to adhere to the fundamental doctrines of the faith set forth in the said Confession and Catechisms so long as you remain an elder of this Church?

Finally, two questions on the discharge of your duties as a ruling elder in this Church -

- V Do you believe the Presbyterian form of Church government to be founded on and agreeable to the Word of God; and do you promise to adhere to and to support it, and to yield submission in the Lord to the courts of this Church?
- VI Do you pledge yourself as a member of Kirk Session to work together with the minister in the oversight and government of this congregation, for the upbuilding of God's people in spiritual fruitfulness and holy concord, and for the extension of Christ's Kingdom?"

(In the case of elders called to special work this question shall be -

"Do you pledge yourself in the work to which you have been called to seek as a ruling elder of the Church for the upbuilding of God's people in spiritual fruitfulness and holy concord, and for the extension of Christ's Kingdom?")

(5) The Moderator shall then say -

"You have confessed your belief that the Word of God contained in the Scriptures of the Old and New Testaments is the only infallible rule of faith and practice. It is under that supreme standard, which alone is final, that this Church holds its subordinate standards. (See \* below).

"This being understood, are you now prepared to subscribe in terms of the General Assembly's formula - 'I believe the Westminster Confession of Faith, as described in the Code, Chapter I, paragraphs 12-14, to be founded on and agreeable to the Word of God, and as such I subscribe it as the confession of my faith'?"

The elders-elect shall then subscribe the formula in the minute book of the Kirk Session.

\*In congregations of the former Munster Presbytery, the elders-elect shall be invited to make a declaration of their faith according to the Standards of the Church by each personally writing out and presenting for retention among the records of Presbytery the following -

"I, ....., do hereby declare that I believe the Confession of Faith, compiled by the Assembly of Divines at Westminster, as described in the Code, Chapter I, paragraphs 12-14, to be founded on and agreeable to the Word of God, and as such I declare it to be the confession of my faith."

(6) (In cases certified by the Council for Global Mission, where the spouse is to be commissioned with the person being ordained or installed, the following question shall be asked of the spouse: "Do you ..... desire to be a partner with your husband/wife in the missionary service to which he/she is being appointed?")

(7) The ruling elder or elders-elect shall then be ordained with prayer and the laying on of hands of the Presbytery, or installed with prayer, as the case may be -

(a) In the prayer, such words as the following shall be used :-

“We beseech thee, almighty God, to grant thy Holy Spirit unto us, the Presbytery of ....., and to thy servants whom we do now with prayer (and the laying on of our hands ordain to the office of the Ruling Eldership, and) install to oversight in this congregation.” (Adaptation shall be made and the words in brackets omitted depending on whether ordinations and/or installations are involved).

(b) In the case of elders called to special work, the final six words of the formula should be replaced by -

“install as a Ruling Elder in the service of the Church in work as .....” (and in cases certified by the Council for Global Mission: “..... and do commission together with his/her wife/husband to be partners together in the work.”)

(c) Not less than three nor more than seven members of Presbytery should take part in the laying on of hands. Other members, and members of the Kirk Session, wishing to signify their assent may stand and raise the right hand. In services of ordination only the elder-elect shall receive the laying on of hands.”

(8) The right hand of fellowship shall be given by the Moderator of Presbytery to the ruling elder or elders, ordained or installed: and their names shall be inscribed in the minute book of the Kirk Session.

(9) A suitable charge shall be given to those who have been ordained or installed, and to the people.

(10) The service and the meeting of Presbytery shall conclude with the Benediction.

**206. (1) A record shall be kept in the minute book** of Presbytery of all such ordination or installation services.

(2) The Clerk shall without delay notify the Clerk of Assembly of the ordinations or installations, with all relevant details.

### SECTION III - THE LICENSING OF PROBATIONERS

**207. (1) A licentiate** is one who has been officially licensed as a probationer, by the Presbytery under whose care he is, to discharge the duties of a minister, except for the administration of the sacraments.

(2) The Presbytery shall not license a student under their care until they have received a certificate from the Council for Training in Ministry that he has fulfilled all its requirements.

(3) (a) Before licensing him the Presbytery shall prescribe to the student one of the following pieces of trial -

- (i) an exposition of a portion of Scripture, or
- (ii) a discussion of a controverted question in theology, or
- (iii) a sermon on a selected text.

(b) The Presbytery shall criticise the piece of trial privately, in the presence of the student, that he may profit by their judgment and, if required, give explanation of his statements.

(3) When the student has met these requirements and signified his desire to be licensed the Presbytery shall, directly or through a commission or some other body commissioned by them, arrange to license him at a public service in the congregation to which he belongs or at some other suitable place.

**208. (1) In this service** at an appropriate place it is suggested that the Moderator shall declare -

“In the name and by the authority of the Lord Jesus Christ, the sole King and Head of the Church, we are met here as a (commission of) Presbytery to license ..... as a Probationer for the Ministerial office.

The Standards of the Church, including the Rule of Faith, are stated in Chapter I, paragraphs 10-14, of the Code, which I now ask the Clerk to read.”

(2) After the reading of the prescribed Section, the Moderator shall put the following questions to any seeking license -

- I "So far as you know your own heart, have you been induced to seek the office of the ministry from love to God and from a sincere desire to win souls to Christ and to promote God's glory?"
- II Do you believe the Word of God as set forth in the Scriptures of the Old and New Testaments to be the only infallible rule of faith and practice?
- III Do you accept the Westminster Confession of Faith, as described in the statement from the Code, read by the Clerk, to be founded on and agreeable to the Word of God; as such do you acknowledge it as the confession of your faith; and do you accept the Catechisms compiled by the Assembly of Divines at Westminster and received as the Catechisms of this Church?
- IV Are you resolved, through God's grace, firmly and constantly to adhere to the fundamental doctrines of the faith set forth in the said Confession and Catechisms, and to teach and defend them to the utmost of your power against all error?
- V Do you believe the Presbyterian form of Church government to be founded on and agreeable to the Word of God; and do you promise to adhere to and support it, and to yield submission in the Lord to the courts of this Church?"

(3) In token of the affirmations made the Moderator shall invite any seeking license to subscribe, in the minute book of Presbytery, the General Assembly's formula, namely -

"I believe the Westminster Confession of Faith, as described in the Code, paragraphs 12-14, to be founded on and agreeable to the Word of God, and as such I subscribe it as the confession of my faith."

(4) This being done, the Moderator shall declare -

"In the name and by the authority of the Lord Jesus Christ, the King and Head of the Church, we, the Presbytery of ....., do hereby license you, ..... to preach the Gospel publicly as a probationer for the ministerial office."

(5) The Presbytery and people shall engage in prayer for the probationer and an appointed minister shall address him on his responsibilities and duties.

**209. When a student has been licensed**, the Clerk of Presbytery shall forthwith notify his name, age, place of birth, home address, and the date of his license to the Clerk of Assembly and also transmit credentials to the Clerk of Presbytery within whose bounds the Licentiate will be serving as a Licensed Assistant. Any student who is a ruling elder will be deemed to have resigned the duties of the eldership at the point of licensing.

## SECTION IV - THE ORDINATION, INSTALLATION AND INDUCTION OF MINISTERS

*(Note: Installation is the preferred usage for permanent appointments,  
and induction for terminable appointments).*

- 210. In appointing a day** for the ordination of a licentiate, or for the induction or installation of a minister, the Presbytery shall -
- (1) appoint ministers and ruling elders to conduct the service;
  - (2) send a member to give official notice thereof to the congregation where the service is to be held, at least eight days before the day of ordination or installation;
  - (3) consider prior to the ordination or installation any objections laid before them by the Moderator or claims which may have been lodged with him; and the Presbytery shall deal with such objections or claims, the parties concerned having been previously notified by the Moderator;
  - (4) ensure, prior to an ordination or installation in a pastoral charge, that all congregational debts to Presbytery, or to the preceding minister or the incoming minister of the congregation, or for the supply of ordinances, are settled or discharged; and that the manse (if any) is being put into suitable condition for the use of the minister;
  - (5) see that all congregational books and records and other congregational property in the custody or control of the previous minister, are available for handing over to the incoming minister.
- 211. Before proceeding** with any ordination or installation service, the Presbytery (or Presbytery commission in charge) shall -
- (1) receive the credentials of the minister-elect;
  - (2) be assured that the Clerk of Presbytery has inspected the birth certificate of the minister-elect;
  - (3) where the minister-elect is a licentiate, or a minister who has been ordained within five years (not including such period of subsequent study and probationary service as may be required to qualify for ministry in the Church) and where he is not yet a member of the Presbyterian Widows' Fund Association or the Southern Association Widows' Fund, require him to hand in to the Clerk of Presbytery a signed undertaking in the prescribed form. Till this undertaking is handed in the Presbytery shall not proceed to ordain or install. The Clerk shall, after the service, forthwith transmit the undertaking to the Financial Secretary of the Church, who shall have it duly stamped and preserved;
  - (4) be satisfied that notice has been duly published in the congregation, that (where appropriate) a Charity Trustee Declaration has been completed, and that there is no remaining impediment to the ordination or installation.
- 212. The Presbytery** having been previously constituted by prayer, the order of service shall include the following:
- (1) opening worship, including praise, prayer and the reading of the Word, an appropriate sermon, or an address or statement dealing with the principles of the Church, its ministry and government, shall be delivered.
- [The minister-elect takes his/her place before the Presbytery.]*
- (2) *[The Moderator says:]*
- In the name of the Lord Jesus Christ, the sole King and Head of the Church, who, having ascended to the right hand of the Father, has given gifts for building up the Church, which is his body, we are meeting as (a commission of) the Presbytery of *PP* (to ordain *NN* to the ministry of Word and Sacrament and) to *install/induct him/her* to the pastoral charge of *CC*.
- or - to install *him/her* to the Home Mission and induct *him/her* to the pastoral charge of *CC*.
- or - to induct *him/her* as *assistant minister/associate minister* in *CC*.
- or - to *install/induct him/her* to the position of *Principal/Professor of* ..... [or other post] in this College to which *he/she* has been appointed.
- or - to *install/induct him/her* to missionary [or other] service in *XX*.
- or - to *install/induct him/her* as a minister in recognised service in *his/her* appointment as .....

(3) As required by the Law of the Church, the Clerk will now read the Statement of the Standards of the Church, including the Rule of Faith. (Code Chapter I, section III, paragraphs 10-14).

(4) *[Thereafter the Moderator shall put to the minister-elect the prescribed questions as follows:]*

(5) *[The Moderator addresses the minister-elect:]*

*NN*, having heard the statement of the Standards of this Church, including the Rule of Faith, I now require you to answer the following questions. The first two are a public profession of your personal faith and sense of call.

(i) Do you believe in one God – Father, Son, and Holy Spirit; and do you confess the Lord Jesus Christ as your Lord and Saviour?

*I do.*

(ii) So far as you know your own heart, are the call of God, zeal for His glory, love for the Lord Jesus Christ, and a desire for the salvation of men and women through the power of the Holy Spirit, your central motives as you offer yourself for this new sphere of service?

*They are.*

And now four questions concerning your understanding of the Church of Jesus Christ and this Presbyterian Church in Ireland in particular.

(iii) Do you believe the Word of God as set forth in the Scriptures of the Old and New Testaments to be the only infallible rule of faith and practice?

*I do.*

(iv) Do you promise, in conformity with our Subordinate Standards, to uphold the Reformed doctrine, worship, government and discipline of this church and, by the grace of God, to do so in a spirit of love towards all your brothers and sisters in Christ so as to preserve the peace and unity of the Presbyterian Church in Ireland as part of the worldwide Church of Jesus Christ?

*I do.*

(v) The Presbyterian Church in Ireland adheres to the fundamental doctrines of the faith, set out in the Supreme and Subordinate Standards of this Church. Do you promise to teach them and defend them to the utmost of your power, against all error?

*I do*

(vi) Do you accept the Presbyterian form of Church government to be founded on and agreeable to the Word of God, and do you promise to yield submission in the Lord to the courts of this Church and to take your due part in the administration of its affairs so long as you remain a minister of this Church?

*I do*

Now, two questions on the conduct of your ministry.

(vii) Do you commit yourself, in the strength of the Lord Jesus Christ, to live a godly life; and faithfully, diligently, and graciously to discharge the duties of your ministry, seeking in all things the advancement of the kingdom of God?

*I do.*

(viii) Having accepted the call of this Congregation, do you promise, through the grace of God, to be a faithful minister of the Gospel among this people; preaching the Gospel of the grace of God, administering the Sacraments, nurturing children and young people, visiting and teaching, pastoring all the people, especially those in need, aiding in the government of the Church and discharging all other duties incumbent upon you as a minister of Jesus Christ?

*or*

Having accepted the call of the Council for Mission in Ireland to this Home Mission charge, do you promise, through the grace of God, to be a faithful minister of the Gospel among this people; preaching the Gospel of the grace of God, administering the Sacraments, nurturing children and young people, visiting and teaching, pastoring all the people, especially those in need, aiding in the government of the Church and discharging all other duties incumbent upon you as a minister of Jesus Christ?

*or*

Having accepted the call to become *associate minister/assistant minister* in this Congregation, do you undertake to retain your appointment for a period of not less than twelve months, in support of the minister; and do you promise through the grace of God, to be a faithful minister of the Gospel among this people; preaching the Gospel of the grace of God, administering the Sacraments, nurturing children and young people, visiting and teaching, pastoring all the people, especially those in need, aiding in the government of the Church and discharging all other duties incumbent upon you as a minister of Jesus Christ?

*or*

Having accepted the appointment of the General Assembly, do you promise, through God's grace, to be faithful in your ministry in the position in Union Theological College to which you have been appointed and in all the other duties and opportunities falling to you as a minister of Jesus Christ?

*or*

Having accepted the call of the Council ..... of the General Assembly, do you promise, through God's grace to be faithful in your ministry in the position to which you have been appointed?

*or*

Having accepted the call of the Council ..... of the General Assembly, do you promise, through God's grace, as a minister in recognised service to the Church in your appointment as ..... to be faithful in your ministry, discharging your duties and using your opportunities of witness and of service with all diligence as a minister of Jesus Christ?

*I do.*

(6) Subscription to the Westminster Confession of Faith

*[The Moderator addresses the minister-elect in these words:]*

You have confessed your belief that the Word of God as set forth in the Scriptures of the Old and New Testaments is the only infallible rule of faith and practice. It is under that supreme standard, which alone is final, that this Church holds its subordinate standards. (\* See below)

This being understood, are you now prepared to subscribe, in terms of the General Assembly's Formula, 'I believe the Westminster Confession of Faith, as described in the Code, Chapter I, paragraphs 12-14, to be founded on and agreeable to the Word of God, and as such I subscribe it as the confession of my faith.'?

*I am*

*[The Formula is signed in the Minute book of Presbytery.]*

\*In congregations of the former Munster Presbytery the minister-elect shall be invited to make a declaration of his faith according to the Standards of the Church by personally writing out and presenting for retention among the records of the Presbytery the following -

"I, ....., do hereby declare that I believe the Confession of Faith, compiled by the Assembly of Divines at Westminster, as described in the Code, Chapter I, paragraphs 12-14, to be founded on and agreeable to the Word of God, and as such I declare it to be the confession of my faith."

*[In cases certified by the Council for Global Mission, where the spouse is to be commissioned with the person being ordained or installed, the following question shall be asked of the spouse:]*

Do you, *NN*, commit yourself to be a partner with your *husband/wife* in the missionary service to which *he/she* is being appointed?

*I do*

(7) *[The Congregation stands and the minister-elect kneels.]*

(a) *[For services which include ordination those who are to participate in the laying on of hands take their places. The Moderator shall lead in prayer saying the following or similar:]*

God and Father of our Lord Jesus Christ, you call us in your mercy; you sustain us by your power. Through every generation, your wisdom guides your people.

You sent your only Son, Jesus Christ, to be the apostle and high priest of our faith and the shepherd of our souls. By his life, death and resurrection he has declared your love for the whole world, satisfied your justice, and demonstrated his victory over sin, and death. Having ascended into heaven, he has poured out his Spirit, making some apostles, some prophets, some evangelists, some pastors and teachers, to equip all for the work of ministry and to build up his body, the Church.

*[The Moderator and an appropriate number of other members of Presbytery including at least two other ministers lay hands on the minister-elect.]*

Pour out your Holy Spirit upon us the Presbytery of *PP* and this your servant *NN*, whom we now, in your name and in obedience to your will, by prayer and the laying on of hands, ordain to the Ministry of Word and Sacrament within the Church Universal; and

*install/induct him/her* to the pastoral charge of *CC*.

or - install *him/her* to the Home Mission and induct *him/her* to the pastoral charge of *CC*.

or - induct *him/her* as *assistant minister/associate minister* in *CC*.

or - *install/induct him/her* to the position of *Principal/Professor of* ..... [or other post] in this College to which *he/she* has been appointed.

or - *install/induct him/her* to missionary [or other] service in *XX*.

or - *install/induct him/her* as a minister in recognised service in *his/her* appointment as .....

May *he/she* be faithful in preaching your word, administering the sacraments and sharing in the government of the Church as *he/she* fulfils the ministry which you have called *him/her* to undertake.

We pray through Christ who lived and died for us, who rose again, and who reigns with you in the unity of the Holy Spirit, one God now and forever. Amen.

(b) *[For all other services, the Moderator shall lead in prayer saying the following or similar:]*

God and Father of our Lord Jesus Christ, you call us in your mercy; you sustain us by your power.

Through every generation, your wisdom guides your people.

You sent your only Son, Jesus Christ, to be the apostle and high priest of our faith and the shepherd of our souls. By his life and his teaching he has declared your love for the whole world, by his death he has satisfied your justice; by his resurrection he has demonstrated his victory over sin, and death. Having ascended into heaven, he has poured out his Spirit, making some apostles, some prophets, some evangelists, some pastors and teachers, to equip all for the work of ministry and to build up his body, the Church.

Pour out your Holy Spirit upon us the Presbytery of *PP* and this your servant *NN*, whom we now, in your name and in obedience to your will, by prayer

*install/induct* to the pastoral charge of *CC*.

or - install to the Home Mission and induct to the pastoral charge of *CC*.

or - induct as *assistant minister/associate minister* in *CC*.

or - *install/induct* to the position of *Principal/Professor of* ..... [or other post] in this College to which *he/she* has been appointed.

or - *install/induct* to missionary [or other] service in *XX*.

or - *install/induct* as a minister in recognised service in *his/her* appointment as .....

May *he/she* be faithful in preaching your word, administering the sacraments and sharing in the government of the Church as *he/she* fulfils the ministry which you have called *him/her* to undertake.

We pray through Christ who lived and died for us, who rose again, and who reigns with you in the unity of the Holy Spirit, one God now and forever. Amen.

*[The Aaronic Blessing (said or sung)]*

(8) *[The Moderator, addressing the minister-elect, says:]*

In the name of the Lord Jesus Christ, the sole King and Head of the Church, and by authority of this Presbytery, I now declare you *NN* to have been (ordained to the Ministry of Word and Sacrament, and) *installed/inducted* to this pastoral charge of *CC*.

or - installed to the Home Mission and inducted to the pastoral charge of *CC*.

or - installed as *associate minister/assistant minister* in this Congregation.

or - *installed/inducted* to the position of *Principal/Professor of* ..... [or other post] in this College to which *he/she* has been appointed.

or - *installed/inducted* to missionary [or other] service in the field to which you have been called [*and in cases so certified by the Council for Global Mission add, 'and together with your wife/husband'*], to be commissioned for this task.

or - *installed/inducted* as a minister in recognised service to the Church in your appointment as .....

As a sign of this I, as Moderator, on behalf of the Presbytery, extend to you the right hand of fellowship.

(9) *[When the minister is being installed or inducted into a Congregation, the Moderator says the following or similar:]*

Members of the Congregation of CC, I am going to ask you two questions. These questions invite you to express your fellowship with your new minister and your commitment to work with *him/her* as you serve Christ together.

Do you, the members of this Congregation, in receiving *NN* whom you have called to be your minister, offer *him/her* your welcome and promise *him/her* your loving encouragement and prayerful support?

*We do.*

Will you join regularly with *NN* as *he/she* leads worship and preaches the Word; will you share together with *him/her* in mutually enriching fellowship and will you, together with *him/her*, take up your responsibility for Christian mission in the local community and throughout the world?

*We will.*

*[The Moderator says:]* Having committed yourselves, Presbytery, minister and people, to each other and to living for the glory of God in this place, we join with one voice in prayer: Our Father ...

(10) Charge: the minister appointed by Presbytery preaches a sermon as a charge to the new minister and to the Congregation.

(11) The service and the meeting of Presbytery shall conclude with the Benediction.

*PP is used for the name of the Presbytery and CC for the name of the Congregation. NN is used for the name of the minister-elect or spouse. XX is the name of the country to which the minister-elect will go.*

**213. (1) The proceedings shall be recorded** in the minute book of the Presbytery.

(2) The Clerk shall without delay notify the Clerk of Assembly of the ordination, installation or induction, with all relevant information.

## CHAPTER XIV - THE MINISTRY

### SECTION I - STUDENTS FOR THE MINISTRY

- 214. In seeking nomination as a candidate** for the ministry each applicant shall observe the following rules.
- (1) The applicant shall obtain an Application Form from the Dean of Ministerial Studies and Development, and shall return the form not later than 15<sup>th</sup> September in any year.
  - (2) Applications will be accepted only from candidates who will not yet have attained the age of 55 years on the projected date of their eligibility for a call.
  - (3) Applicants should normally have successfully completed the Accredited Preachers Course by the time of interview by the Council for Training in Ministry.
  - (4) The applicant shall forward to the Dean of Ministerial Studies and Development, with the Application Form, written confirmation of Communicant Membership and a Certificate of Health provided by his/her doctor.
  - (5) The applicant shall inform the Presbytery, through his/her minister, and present himself/herself for interview by the Presbytery, as required, prior to which the Kirk Session of the applicant's congregation will complete a questionnaire.
  - (6) The applicant shall present himself/herself for interview by the Council for Training in Ministry, as required.
  - (7) On acceptance, he/she shall undertake in writing to observe faithfully the laws and rules of the Church including, in particular, all relevant regulations as from time to time laid down by the General Assembly, the Council for Training in Ministry and the College concerned.
  - (8) He/she shall notify the Clerk of Presbytery of his/her progress before 1 September each year.
  - (9) He/she shall inform the Dean of Ministerial Studies and Development of his/her graduation and, if studying theology at a college other than Union College, shall submit details of courses passed at the end of each academic year.
- 215. (1) In the Presbytery is vested the right of nominating** for the approval of the General Assembly persons desiring to undertake the work of the ministry; of co-operating, through their representatives, with the Council for Training in Ministry, in accordance with Par. 275(3)(a), in recommendation of their acceptance; of receiving them under their care, when approved as students for the ministry; and of licensing them to preach the Gospel. Both men and women shall be eligible for nomination as students for the ministry and for ordination on the same conditions.
- (2) In seeking to determine if they will nominate a candidate the Presbytery shall observe the following rules.
    - (a) They shall require confirmation from the Kirk Session of the congregation to which he/she belongs, stating that –
      - (i) he/she is a member of that Church in full communion, and
      - (ii) he/she has given evidence of personal character and of gifts for the office of the ministry.
    - (b) They shall interview him/her at a convenient time, making such enquiries as to
      - (i) his/her sense of call,
      - (ii) his/her character and gifts, and
      - (iii) his/her agreement with the central teachings and practices of the Presbyterian Church in Ireland,
 as they consider necessary to satisfy themselves that he/she is a suitable person for nomination.
  - (3) The Presbytery may decline to nominate for the approval of the General Assembly those applicants who in the light of (2) they consider are not suitable persons for nomination.
  - (4) Where an application is declined by a Presbytery the applicant may lodge an appeal with the Clerk of the General Assembly within ten days.

- (5) Where intimation is given that a Presbytery nomination has not been sustained by the Council for Training in Ministry, the Presbytery concerned may request a review of the decision by the Council.
- (6) Where intimation is given that the review has upheld the original decision not to nominate, the Presbytery may lodge an appeal with the Clerk of the General Assembly within 28 days.
- (7) On receiving from the Clerk of Assembly notification that the nomination has been approved by the Assembly, the Presbytery shall at their next meeting formally receive the candidate as a student for the ministry under their care.
- (8) When a student under the care of the Presbytery applies to be transferred to another Presbytery, the Presbytery with which he/she is connected shall, on sufficient cause being shown, give him/her credentials to that other Presbytery and shall notify the Council for Training in Ministry accordingly.
- (9) (a) The Presbytery shall co-operate with the Council for Training in Ministry in supervising the life, conduct and work of the students under their care. Each Presbytery shall satisfy itself annually as to the continuing fitness of each student under its supervision to continue as a Candidate for the ministry.
  - (b) Where the life, conduct and work of a student are considered unsatisfactory, the Presbytery, with four Assessors from the Council for Training in Ministry, shall deal with the matter and may admonish him/her, censure him/her, suspend him/her or terminate his/her candidature.

**216. The duties of the Council for Training in Ministry shall include:**

- (1) To receive from the Presbyteries nominations of candidates for the ministry and to receive from each student a Communicant certificate and a satisfactory certificate as to his/her fitness for the ministry in respect of health, furnished by his/her doctor.
- (2) (a) To interview each candidate and confer with him/her on his/her motives for seeking the office of the ministry, such interview to take place prior to the March/April meeting of the Council in order to provide for review of the Council's decision, if requested by Presbytery, in time for the following General Assembly.
  - (b) In conferring with the candidate, it shall put the following questions –
    - (i) "So far as you know your own heart, have you felt your need of a personal Saviour, and have you been persuaded and enabled by God's Spirit to embrace Jesus Christ freely offered to you in the Gospel?"
    - (ii) "So far as you know your own heart, have you been induced to seek the office of the ministry from love of God and a desire to promote His glory in the salvation of sinners?"
- (3) To recommend, after interview, from the list of those who have been nominated by the Presbyteries, suitable candidates for approval by the Assembly and to inform the respective Presbyteries immediately after the Council's decision as to the names of those candidates not being recommended for acceptance with sufficient information for the purpose of pastoral care and counselling.
- (4) To lay down the academic requirements for students for the ministry, under the directions of the Assembly.
- (5) To ensure that every student shall be instructed in the Scriptures and the Subordinate Standards of the Church, as determined by the Council for Training in Ministry.
- (6) To certify for license to their respective Presbyteries students who have passed their final examinations and fulfilled all the requirements of the Council; and where appropriate, and not withstanding a Presbytery's right to terminate, to recommend to the General Assembly termination of candidature.
- (7) To co-operate with the Presbyteries in supervising the life, conduct and work of all students, and where any of the life, work or conduct of a student is considered unsatisfactory by Presbytery, to provide four assessors to deal with the matter by way of admonishment, censure, suspension or termination of candidature.

**217. The academic requirements to be met by students for the ministry presently are –**

- (1) **For candidates under 30 years of age** on 15 September in the year of their application
  - (a) *Either* (i) A University degree (other than a degree in Theology), acceptable to the Council for Training in Ministry, from any University or Faculty in the United Kingdom or Ireland incorporated by

Royal Charter or by Act of Parliament or by the Oireachtas, or from any University or Faculty in another country which is of an academic standard equivalent thereto.

This Primary Degree will be followed by three years Theological Studies acceptable to the Council for Training in Ministry.

Total post-matriculation Course of Study – six years, at least.

Or (ii) A degree in Theology acceptable to the Council for Training in Ministry, from any University or Faculty in the United Kingdom or Ireland incorporated by Royal Charter or by Act of Parliament or by the Oireachtas, or from an American University or Seminary that has full ATS accreditation, or from a University or Seminary in another country which is of an academic standard equivalent thereto.

This Primary Degree in Theology will be followed by two years General and Pastoral Studies, together with such other requirements as the Council for Training in Ministry may determine.

Total post-matriculation course of study – five years, at least.

(b) In addition to the foregoing the following are also required of students following either course of study -

- (i) A Qualification in Elementary Greek recognised by the Council for Training in Ministry.
- (ii) A Qualification in Elementary Hebrew recognised by the Council for Training in Ministry.
- (iii) An appropriate Course in Public Speaking.
- (iv) Study of the Scriptures and the Subordinate Standards of the Church, as prescribed by the Council for Training in Ministry.

(2) **For candidates over 30 years of age** on 15 September in the year of their application.

*Either* (a) Full Course as under (1);

Or (b) Shortened Course (three years, at least) for candidates who have not commenced a degree in Theology prior to application, consisting of a University degree in Theology acceptable to the Council for Training in Ministry, from any university or Faculty in the United Kingdom or Ireland incorporated by Royal Charter or by Act of Parliament or by the Oireachtas, or from an American University or Seminary that has full ATS accreditation, or from a University or Seminary in another country which is of an academic standard equivalent thereto.

Qualifications in Greek, Hebrew, Public Speaking, Scriptures and Subordinate Standards shall be as in (1).

(3) In these and all courses prescribed for students for the ministry, students shall attend classes and do all the work and pass all the examinations, as required by the Council for Training in Ministry.

(4) (a) Studies for a Theological Degree at Queen's University may be taken concurrently with the normal course of Theological Studies at Union Theological College, which provides the recognised classes for these degree courses.

(b) Studies for a Degree of the Presbyterian Theological Faculty, Ireland, may also be taken concurrently. These are not normally taken by anyone who is studying for, or eligible to study for, a Queen's University Degree in Theology.

(5) (a) Any individual exceptions or modifications in the courses prescribed for students for the ministry shall be granted only by the Assembly, following report and recommendations by the Council for Training in Ministry on any Memorial submitted by the candidate.

(b) Any such Memorial shall be submitted at least one month before the meeting of the Assembly. The Clerk of Assembly is directed to forward a copy to the Convener of the Council upon receipt of any such Memorial, and the Council is empowered to take cognisance of, and make recommendations on, any such Memorial in their report to the Assembly.

(6) (a) Students failing to pass any of the examinations set in the prescribed subjects (but who have obtained at least 25 per cent of the total marks in any subject in which the student has been unsuccessful) or students prevented by any cause deemed sufficient by the Council for Training in Ministry from presenting themselves thereat, may have a supplementary examination under similar conditions before the opening of the following session.

(b) (i) For each of the sessions of the Theological Course students shall undertake practical work under the supervision of the Professor of Practical Theology.

(ii) Students who attend one or more sessions at other Theological Colleges approved by the General Assembly shall be required to satisfy the Council for Training in Ministry that they have engaged in adequate practical work.

- (7) (a) The General Assembly sanctions attendance of a student for part of his/her Theological Course at any fully-equipped Theological College of a Church whose teaching is in harmony with the standards of this Church: provided he/she sends to the Dean of Ministerial Studies and Development a statement of the classes he/she proposes to take during the following session and receives the consent of the Council. This statement must reach the Dean of Ministerial Studies and Development not later than the 1 September in any year.

(b) Any subject not covered to the satisfaction of the Council will have to be taken during a final year at Union Theological College.

(c) The Council for Training in Ministry may withdraw either permanently or temporarily its approval of attendance at any college or any class therein which they may have approved hitherto.

(d) (i) For the purpose of these Rules the academic merit of degrees awarded by a university or college not normally recognised under the law of the Church shall in each case be considered by a Qualifications Panel consisting of the Moderator and Clerk of Assembly and Convener of the Council for Training in Ministry ex-officio, three members appointed by the Presbyterian Theological Faculty, Ireland, and three members of the Council for Training in Ministry. The Convener of the Council shall convene the Panel as required.

(ii) Only such degrees or other academic awards as are approved by the Qualifications Panel shall be recognised for the requirements or official records of the Church.

- (8) All students shall be required to take their final year at Union Theological College, Belfast.

**218. (1) Upon entering their theological course** students for the ministry shall become trainees of the Church.

(a) As trainees, all their practical work shall be directed and supervised by the Professor or Lecturer of Practical Theology in the College which they are attending.

(b) Students who are accepted as trainees shall receive payments under such scheme and arrangements as the General Assembly or the Council for Training in Ministry shall from time to time resolve.

(2) All appointments to regular student assistantships while in attendance at Union Theological College shall

(a) be arranged through the Assignments Panel of the Council for Training in Ministry; and

(b) require approval as to the conditions of employment, from the Assignments Panel, which Panel may refuse to sanction, or may terminate, such employment on the report of the College Faculty.

(3) (a) A student assistantship shall be interpreted to mean any work in a congregation or other appointment which is paid or which requires more than three hours per week.

(b) The prior claims of academic work shall be respected in appointments to student assistantships, unless in cases judged exceptional by the Assignments Panel.

## SECTION II - LICENTIATES AND MINISTERS WITHOUT CHARGE

- 219.** (1) **Licentiates and ministers without charge**, though not themselves members of Presbytery, remain under the care of Presbytery for oversight and discipline unless or until -
- (a) credentials of transfer are given to another Presbytery; or
  - (b) their names are removed officially from the Church's current records.
- (2) (a) Credentials in favour of licentiates, or ministers without charge, shall be granted by the Presbytery only and shall be signed by the Moderator and Clerk (*See App. 4 B*).
- (b) Such credentials shall be held to be presented to a Presbytery when they are transmitted to the Clerk.
- (3) The Presbytery shall exercise its jurisdiction over licentiates and ministers in association with the appropriate Assembly Council, as prescribed in Par 74.
- (4) In respect of licentiates not serving an assistantship under Par 219A, and of ministers without charge:
- (a) Presbytery shall decide annually on whether to seek authorisation to retain their recognition. The names of those not retained shall be reported by the Presbytery in accordance with Pars 260 and 263, and these names shall be removed from the Church's current records.
  - (b) The Presbytery shall seek authorisation annually through the Council for Training in Ministry, or its appropriate committee, for those it wishes to retain on the Church's current records as recognised licentiates or ministers without charge. The Council shall consider such requests and ask the Assembly to resolve on its recommendations.
  - (c) It shall be a condition for retention that they report regularly to Presbytery as required, not less than annually, on their life and work, especially involvement in congregational life and Church work, in preaching, administration of the sacraments and conduct of marriages, and on whether they have actively been seeking a call.
  - (d) (i) On accepting a full-time appointment which is not under the jurisdiction of the Assembly, they shall be deemed to have resigned from their position in the Church, except as hereafter provided.
    - (ii) This rule does not apply to anyone appropriately employed either: by a para-church or similar Christian agency which serves the wider church; or on a full-time temporary basis in the service of a member Church of the World Communion of Reformed Churches, so long as they continue in good standing and in such employment.
- (5) (a) A former licentiate or minister without charge of this Church whose name was removed from the records under the previous sub-paragraph, and who wishes to be restored to his former status, shall produce to his former Presbytery credentials of health and character, together with his reasons for wishing to be so restored.
- (b) On his doing so, the Presbytery may, if in all the circumstances of the case it is satisfied, refer the case to the Committee on the Reception of Ministers and Licentiates, who shall have Assembly powers -
- (i) to restore him to his former position; or
  - (ii) to refer his case to the General Assembly.
- (c) In the case of a minister who may have been engaged in ministerial work outside of Ireland, having previously been a minister or licentiate of this Church and having received his credentials from this Church not more than five years before the date of his application, the Presbytery shall have power, on his presenting satisfactory credentials of his standing, to receive him at once under its care as a minister without charge.
- (6) Previous to receiving any licentiate or minister without charge under its care according to the provisions of the foregoing sub-paragraphs, the Presbytery shall require such licentiate or minister to sign the Westminster Confession of Faith in terms of the General Assembly's formula recorded in the minute book of the Presbytery.
- 219A** (i) **A licentiate** may be assigned to serve an assistantship in a congregation. Such an assignment shall be made by the Council for Training in Ministry's Assignments Panel, with the approval of the minister and Kirk Session of the congregation.

- (ii) A licentiate assistant shall be subject in all matters relating to any work in the congregation to the direction of the minister of the congregation.
- (iii) An appointment as a licentiate assistant may be terminated by agreement; or by the Council for Training in Ministry; or by two months' notice given by the licentiate assistant, or the Minister, or the Kirk Session, subject to approval of the Assignments Panel.
- (iv) Where an appointment as a licentiate assistant has been terminated, the Council for Training in Ministry shall either make a new appointment or request that the appropriate Presbytery bring a recommendation to the General Assembly for the withdrawal of licence.

### **SECTION III - RESIGNATIONS AND RETIREMENTS**

- 220. (1) A minister seeking to resign or retire** from active duty in any appointment shall apply to Presbytery to be released from his charge.
- (2) (a) Should a member of Presbytery who is a minister of a congregation, or is serving in special work under appointment or recognition by the General Assembly, resign from active duty in his appointment without the sanction of the Assembly, or the appropriate Assembly Council or the Presbytery, or be suspended or deposed from his office, he shall cease to be a member of Presbytery.
    - (b) During temporary suspension from office, while a charge against a minister is under investigation, he shall cease to act as a member of Presbytery.
    - (c) In all such cases a minister's emoluments shall cease from the date of such resignation or suspension, but if the accused minister is ultimately acquitted after temporary suspension, his emoluments shall be restored as from the date of his suspension.
  - (3) (a) Where it is made to appear to the Presbytery that a minister has acted in contravention of the foregoing sub-paragraphs, or that he has otherwise abandoned his charge, he may be summoned to attend before and explain his conduct to the Presbytery. If for any reason this summons cannot be delivered to him personally, it shall be sufficient to deliver the summons by posting a copy of the summons to his last known address. In any case the summons shall be delivered and where so required posted to the minister not less than seven clear days before the meeting of the Presbytery.
    - (b) If such a minister does not attend at the time and place named on the summons and thereupon undertake to discharge his duties as a minister and submit himself to the censures of the Church, he shall (unless the Presbytery expressly find that a reasonable excuse for his non-attendance has been submitted to them on his behalf) thereupon be deemed to have ceased to be a minister of the Church and to have forfeited all his rights and privileges as such.
    - (c) A person who has ceased to be a minister of the Church by virtue of the foregoing sub-paragraph may be restored to the office of minister by the Assembly.
  - (4) When a minister's resignation from his congregation, or of his appointment to special work, is accepted, or he is loosed from his charge, his name shall be removed from the roll of the Presbytery; and he shall, if he so desire and the Presbytery deem him worthy, either -
    - (a) become a minister without charge under the care of the Presbytery, or
    - (b) receive credentials to another Presbytery, or Church court, of his ministerial standing as a minister without charge. (Such credentials shall be ordered only at a stated meeting of the Presbytery, or at a special meeting of the Presbytery expressly appointed therefor) (*See App. 4*).
- 221. A Presbytery shall not -**
- (1) accept the resignation or retirement of a minister unless he shall, at the same time, offer to resign any chaplaincy which he may hold; nor
  - (2) grant leave to a minister to retire early, nor transmit the request of a minister for leave to retire early from the active duties of his office, without affording the congregation, at a meeting duly convened for the purpose, an opportunity of expressing their views on the subject.

- 222.** (1) **When, from illness**, the minister of a congregation becomes unfit for a time for ministerial work, the Presbytery shall confer with the Kirk Session and Congregational Committee to ensure provision for the supply of the pulpit during his illness.
- (2) When, through illness or infirmity, it appears that a minister may have become permanently unfit for his work, the Presbytery shall inquire into the matter and confer with him, and shall take such further action as it sees fit in the interests of the minister and of his charge.
- (3) When, from illness or infirmity, a minister becomes permanently unfit to discharge the duties of his office, and is medically so certified, he may apply through the Support Services Committee to receive benefit from the Prolonged Disability Fund according to its rules, as agreed from time to time by the General Council.
- (4) Nothing in this or the next succeeding rule shall prejudice or affect the operation of paragraph 224.
- 223.** (1) **A minister** who reaches 65 years of age is entitled to retire from the active duties of the ministry, with the emoluments accruing to a retired minister from the funds of the Church, if:
- (a) when applying to retire, he is a minister in good standing, and
- (b) the congregation affected by his proposed retirement engage to pay to the Central Ministry Fund according to the rules applicable to his case.
- (2) The Presbytery shall have power, in the name of the General Assembly, to grant leave to retire to a minister who has reached 65 years of age.
- (3) Other ministers in congregations, including those who have reached 64 years of age, may be granted special leave to retire by the General Assembly, upon terms to be determined by the Assembly after recommendation to the General Council by the Support Services Committee.
- (4) Ministers retiring from special work shall do so in accordance with the terms of their appointment, and with the consent of their Presbytery and the appropriate Assembly Council. Such retirement shall not entitle the minister to emoluments accruing to a retired minister from the funds of the Church, apart from such arrangements as may specifically have been made under the terms of his appointment.
- (5) In any event a minister shall retire not later than his 70<sup>th</sup> Birthday.
- 224.** (1) **Where a minister** may have placed himself in a position where it is impossible for him satisfactorily to discharge the duties of his charge, or where it is publicly reported that a minister's usefulness has been seriously impaired, the Presbytery shall inquire into the matter, confer with him and take such steps as it sees fit.
- (2) In such cases, the Presbytery may, if it considers it advisable:
- (a) conduct a special visitation of the congregation in which such questions as they deem right shall be put;
- (b) loose the minister from his charge without further obligation and declare the congregation or charge vacant; or loose the minister from his charge and refer the matter to the Judicial Commission to enable the Judicial Commission to fix a retiring allowance, if any, according to the rules for the time being of the General Assembly, or to fix an allowance for a temporary period; or
- (c) (i) in circumstances where it is satisfied that there is a situation or case for further investigation, refer the matter to the Judicial Commission of the General Assembly, which may loose the minister from his charge and, if appropriate, declare the congregation vacant, and/or make such other arrangements as it sees fit.
- (ii) In so acting, the Judicial Commission shall have power to fix a retiring allowance, if any, according to the rules for the time being, of the General Assembly, or to fix an allowance for a temporary period.

(3) Should the Presbytery as a result of its enquiries conclude that the usefulness of the minister has been seriously impaired by any officebearer or member, it shall find accordingly. In such a case the Presbytery may

- (a) remove such officebearer from office in the congregation,
- (b) decide that disciplinary proceedings under Chapter XIX be initiated,
- (c) take such other action as it deems appropriate,
- (4) The Judicial Commission may exercise any of the powers of Presbytery mentioned in the foregoing sub-paragraph (3).

**225. When a minister of a congregation has been permitted to retire** in the usual way, the minister shall

- (1) cease to be a member of the Kirk Session (unless the General Assembly declare otherwise);
- (2) cease to receive the benefit of all the general endowments for the minister of the congregation unless specifically allocated to the Minister Emeritus or Minister Emeritus (Released) by the terms of the trusts on which they are held;
- (3) (a) if ordained and appointed to a pastoral charge after 5<sup>th</sup> June, 1935, cease to have any right to the continued use of the manse or glebe, from the day when he avails himself of the leave given, and cease to be "the minister for the time being" of the congregation in respect of their manse, glebe or farm, without affecting any of the rights of such a minister which do not relate to the use of any such manse or glebe;
- (b) if ordained and appointed to a pastoral charge before 5<sup>th</sup> June, 1935, retain all rights to the continued use of a congregation's manse, glebe or farm, as he was possessed of prior to that date.

**226. (a) When a minister**, instead of retiring in the usual way, on account of old age, infirmity, sickness or other cause recognised as adequate by the Presbytery, voluntarily resigns the pastoral charge of his congregation and the resignation has been accepted by Presbytery, he may, if the Presbytery so propose and the Assembly decide, have his name enrolled as Minister-Emeritus of the congregation; and shall in virtue of such enrolment be a member of the superior courts of the Church. As such he shall continue under the jurisdiction of Presbytery and shall be subject to the provisions of these rules regarding the acceptance of paid appointments applying to ministers in active duty or ministers without charge.

(b) In such cases of voluntary resignation there shall be no entitlement to a retiring allowance from Assembly funds, before qualifying normally, nor shall there be any entitlement to an allowance for a temporary period, unless where a special arrangement is made by the Linkage Commission after consultation with the Judicial Commission.

## CHAPTER XV - CONGREGATIONAL LIFE

### SECTION I - FORMATION, Etc., OF CONGREGATIONS

- 227. Provision for areas within its bounds** which may lack adequate ministrations of the Church is the responsibility of Presbytery, advised and supported in the formation of new congregations by the General Assembly's Church Extension Committee under the Council for Mission in Ireland, which may initiate discussions.
- 228.** (1) **Before agreeing to the formation of a new congregation** the Presbytery shall consult the Kirk Session of congregations who may be immediately affected and hear their observations.
- (2) If, after this has been done, the Presbytery decide that no action shall be taken, the Assembly Committee, through its appropriate Council, shall have the right of appeal to Assembly.
- 229.** (1) **When Church Extension work is decided upon** by the Presbytery, with the concurrence of the Council for Mission in Ireland, to begin in any area, an interim Kirk Session and provisional bounds shall be appointed forthwith, provided -
- (a) the Session shall consist of a minister or ministers of the Presbytery and a ruling elder or elders under its jurisdiction, with the Moderator of interim Session being appointed by the Presbytery until he be succeeded by a minister appointed to the charge; and
- (b) the provisional bounds are approved at subsequent meetings of the Council for Mission in Ireland.
- (2) No Church Extension charge shall be constituted by Presbytery a full congregation of the Church, nor bounds finalised, until the approval of the General Assembly obtained to a Memorial seeking such action.
- (3) If it is decided that Church Extension work shall be begun or developed in some form of co-operation with other Churches, the provisions of this and subsequent paragraphs may be modified to allow for such co-operation according to arrangements approved by the General Assembly.
- 230.** (1) **Sites** for potential Church Extension work shall be acquired by the Council for Mission in Ireland, subject to the approval of the Presbytery.
- (2) Grants towards the provision of suitable buildings for the carrying on of the work shall be made by the Council for Mission in Ireland, for expenditure incurred with their approval, from such funds as may be at their disposal on such terms as may be fixed by the Council, provided that plans have been approved by the Linkage Commission and Presbytery.
- (3) (a) All sites acquired and buildings erected shall be vested in the Education Board of the Presbytery.
- (b) Sites which may subsequently prove redundant may be sold and the proceeds paid to the Council for Mission in Ireland.
- (4) Promises of grants to a Church Extension charge are always assumed to be conditional on the necessary funds not being otherwise available from large benefactions from interested friends, or from other sources, unless the contrary is expressly stated.
- (5) (a) Church Extension charges participating in joint projects with other Churches may apply to the Council for Mission in Ireland for assistance with the purchase of property or other approved expenditure, upon such terms as shall be determined by the Council having regard to the provisions of the appropriate scheme approved by the Assembly.
- (b) In joint projects the acquisition and use of the property and approval of plans may be affected in such manner as shall satisfy the participating Churches.
- 231.** (1) **The call of a minister** to serve in a Church Extension charge shall be at the initiative of the Council for Mission in Ireland, following such procedure for inviting applications and interviewing candidates as the Council sees fit, provided that the Interim Kirk Session be represented in any interview and recommendation for call.

- (2) (a) After the call has been sustained and presented in the usual way, the Presbytery of the bounds shall proceed with ordination or induction and appointment to the charge.
- (b) Appointments to Church Extension charges shall be under the Home Mission Development Scheme.
- (3) Upon appointment a minister shall become Moderator of the interim Session, be responsible for all the duties of the pastorate, for which he shall be answerable to Presbytery, and be a member of the superior courts of the Church.
- (4) (a) Financial provision for the support of a Church Extension minister shall be made from local and central funds of the Church as the Linkage Commission shall from time to time determine.
- (b) The finances of a Church Extension charge shall be organised on congregational lines from the beginning so as to provide for all its ordinary expenses and assessments due.
- (c) The interim Kirk Session shall encourage the formation of a Working Committee as soon as possible from among those who have joined the new charge, to co-operate with them in all financial matters in the undertaking.
- (d) A Church Extension charge shall submit annually, or as requested, a statement of all its finances to the Linkage Commission. (Such statement should normally be presented by 1st February each year).

**232. (1) If it should appear that a Church Extension charge is incapable** of such development as shall lead to its being fully constituted, the Council for Mission in Ireland shall consult with the Presbytery and Linkage Commission and shall make recommendations of other arrangements for such work as it is desirable to continue in the area.

(2) Should the Presbytery be unwilling to accept recommendations approved by the Council for Mission in Ireland and/or Linkage Commission, these may appeal to the higher courts of the Church. An appeal by Presbytery in corresponding circumstances lies to the General Assembly.

(3) On the termination of a Church Extension charge by the Linkage Commission -

- (a) the interim Kirk Session and provisional parish boundaries shall be held to be discharged;
- (b) the minister, should he be ineligible for retirement, shall become a minister without charge under the care of the Presbytery; and his income shall be continued from central funds until such time as he shall be placed in other work under the Home Mission Development Scheme or shall receive some other call; and
- (c) any assets remaining from the charge shall fall to the Council for Mission in Ireland, which shall also be liable for any lawful debts outstanding.

**233. (1) When a Church Extension charge** has been fully constituted as a congregation of the Church it shall be deemed vacant.

(2) The Presbytery shall appoint a commission in charge and take steps to prepare a list of qualified voters, to obtain the Linkage Commission's leave to call, and to proceed with the call and appointment of a minister for the congregation and the election of a regular Kirk Session. The procedures for leave to call and the publication of the necessary lists may be completed before the congregation is fully constituted. The Commission, in consultation with the Interim Kirk Session, shall fix the number of Ruling Elders.

(3) When a Church Extension charge has been fully constituted as a congregation trusts shall be declared for the property according to the Assembly's prescribed terms.

(4) While the Linkage Commission is appointed and authorised by the Assembly to arrange for linkages, stated supplies and portings of congregations, no established congregation shall be dissolved by Presbytery or merged with another to lose its ecclesiastical status without the direction of a specific resolution of the General Assembly.

**234. (1) Each congregation of the Church**, upon its being fully constituted, shall assume full responsibility for the maintenance of its property and the payment of rates, taxes and insurance premiums thereof and any rents payable thereon (except for ground rent of the Church property for which a fixed annual contribution of £40 shall be paid to the Council for Mission in Ireland).

(2) A former Church Extension charge, upon its being fully constituted, shall be deemed to have relinquished all claims on Church Extension funds in respect of its existing buildings or future renovations or extensions except insofar as may be agreed and minuted by the Assembly at the time of authorising its being fully constituted.

- (3) (a) During the period of fifteen years after its being fully constituted each congregation so constituted shall lie under assessment to the Church Extension Fund at the rate of £1.50 per family subscribing at least £5 to congregational funds annually. This figure shall be considered additional to the amounts contributed for ground rents and for the United Appeal.
- (b) If, in the judgment of the Linkage Commission, fully constituted congregations during this period are able to pay more, a Target of Honour shall be set for them by the Linkage Commission.
- (4) Notwithstanding any of the previous provisions, an established congregation moving its centre of worship, together with its assets, to serve a recognised Church Extension area (i.e., "porting") may apply to the Council for Mission in Ireland for assistance towards the purchase of property, the erection of buildings and other approved expenditure. Any assistance given by the Council shall be on such terms and conditions as it sees fit.

## SECTION II - CONGREGATIONAL FINANCES

- 235.** (1) **Within the total income of a congregation** certain items are designated as Assessable Income and include -
- (a) Weekly Freewill Offering;
  - (b) Income for Stipend;
  - (c) Income for the Central Ministry Fund;
  - (d) Sunday and other collections for general congregational purposes;
  - (e) Rental income retained for general purposes less related expenditure including financing costs on related loans;
  - (f) Income on general bequests;
  - (g) Any other general income on which no restriction has been applied by the donor.
- (2) Money received by way of repayment of Income Tax on a contribution shall be treated as part of that contribution.
- (3) Assessable Income does not include collections for building and repairs, repayment of debts and other designated objects approved by the Presbytery with reference, if necessary, to the General Council, monies raised in Sunday School or Church organisations (other than for general congregational purposes), collections for the United Appeal, World Development or other religious and charitable objects, bequests, grants and restricted endowment income.
- Where a congregation adopts the Weekly Freewill Offering method, the Congregational Committee shall provide envelopes and appoint a W.F.O. Secretary to supervise their distribution and return.
- 236.** (1) **In a congregation's call** to a minister, the promise of stipend "with increase" shall be interpreted as meaning that the minimum stipend to be paid in each year shall be the stipend promised in the call together with the annual percentage increases fixed by the General Council.
- (2) The stipend of each Congregation shall be reviewed by the Linkage Commission every seven years or if the application of the rule in (1) gives rise to serious difficulty. The Linkage Commission shall have power to vary the amount payable so that an equitable arrangement may be made.

- 237. Payments towards ministerial expenses** may be made by a congregation which has fulfilled its promise to pay stipend with increase, as follows.
- (a) A minimum contribution to expenses, as agreed with the Linkage Commission, shall be paid, together with such other payments or increases as may be authorised from time to time by the Congregational Committee and are vouched for and approved by Presbytery.
  - (b) Payments for travel, telecommunications expenses, towards the lighting, heating and cleaning of the manse or towards the upkeep of manse grounds are among recognised ministerial expenses, along with other items as authorised by the Linkage Commission.
  - (c) All ministerial expenses received shall be included and published in the appropriate statistical returns.
- 238.** (1) **Supply fees** shall be paid by a congregation, or a linkage of congregations, having temporary supply of their pulpit during a vacancy or ministerial holiday, at a standard rate.
- (2) Similar fees shall be paid by the minister to a supply engaged by him on other occasions.
  - (3) The rate for the Supply Fee shall be £2 for each £500 or part thereof of the basic minimum ministerial income, or as may be determined from time to time by the Linkage Commission. Where only a single service is supplied in one congregation, the fee shall be at the rate of 2/3 of the full fee.
  - (4) Travelling expenses shall be paid in accordance with the rates for travel by car fixed for attendance at Assembly Councils, or be based on second class rail or bus fares.
- 239.** (1) **The encouragement of contributions by the people**, in a spirit of generous and responsible stewardship for the work of the Church, both within the congregation and through the Assembly, shall be the duty of the Congregational Committee. It shall include making known the place the funds of the Church (such as the Central Ministry Fund, the Retired Ministers' Fund, the Ministers' Pension Scheme Fund and the Widows of Ministers' Fund, together with the United Appeal for the Missions, etc., of the Assembly) take in the life of the Church.
- (2) Instructions shall be given to the Congregational Treasurer or Treasurers, out of the assessable income, to pay in full the annual congregational assessment for the C.M.F., the R.M.F., the M.P.S.F., the W.M.F. and the Incidental Fund of the General Assembly, along with any other assessment ordered by the Assembly, as well as the fees payable by the congregation to the Clerks of Presbytery, and any assessment made by the Presbytery for general purposes within its bounds.
  - (3) Arrangements shall be made that the congregation is constantly informed of the work of the Church, at home and abroad, for which their contributions are sought; and the Congregational Committee shall, by example, exhortation and such scheme of contribution or collection as is locally suitable, endeavour to have the congregational share of the Assembly's United Appeal (as transmitted by Presbytery) met in full before the end of each financial year.
- 240.** (1) **A full statement of the congregational accounts**, including those of organisations under the control of the Kirk Session, shall be prepared each year by the Congregational Committee, and duly examined or audited by independent examiners or auditors appointed by the congregation or, failing them, by the Congregational Committee.
- (2) Congregational Committees should adopt the 31st December as the closing date of their financial year.
  - (3) A list of all contributors to the stipend or weekly freewill offering and to the Central Ministry Fund, with the respective accounts paid by each, shall be similarly prepared; provided that -
    - (a) the names of those contributors who wish to remain anonymous may be omitted from the lists and their contribution identified by number; but
    - (b) in order to preserve the status of such anonymous contributors, their names and numbers shall be held in the joint custody of the Clerk of Kirk Session and the F.W.O. Secretary of the congregation.
  - (4) Copies of the independently examined or audited accounts, including those of congregational organisations, and lists of contributors and, if required, the minute book and records of receipts and disbursements of the Congregational Committee, shall each year be submitted to Presbytery, not later than its stated meeting in March.

### SECTION III - CONGREGATIONAL PROPERTY

*(See also Pars. 53-60 and App. 7)*

- 241. Trustees appointed** to receive and hold the property of the congregation may be three or more voting members of the congregation, but -
- (a) the Assembly recommends that the Education Board of the Presbytery should be appointed the congregational trustee except where the trusts on which the property is held prohibit such appointment;
  - (b) where the only trustees are individuals and their number falls below three, the congregation shall at once proceed to appoint an additional trustee or trustees, taking legal advice on procedure;
  - (c) wherever the trusts enable, an individual congregational trustee should be removed from his position as a trustee upon his ceasing to be a member of the congregation;
  - (d) a congregational trustee shall not be appointed or removed except by the congregation at a congregational meeting held in accordance with rules and, except as provided by paragraph (c), no trustee may be removed without the prior sanction of the Presbytery;
  - (e) in the event of the congregation ceasing to acknowledge the authority of, and remain in connection with the General Assembly, and to profess and maintain the Rule of Faith and Standards of the Church as contained in the Code of the Church for the time being in force, the power of removing and/or appointing new trustees and of declaring new trusts shall devolve on the Presbytery of the bounds.
- 242. (1) The choice and appointment of a new trustee or trustees** shall, if no express condition is applicable, be made at a meeting of the congregation and a formal memorandum and memorial thereof executed, in the form set out in the schedule to the Trustee Appointment Act 1850 (13 and 14 Vict. c. 28).
- (2) By virtue of the Trustee Appointment Acts 1850 and 1890, a memorandum executed with respect to any lands to which those Acts may apply and attested by two or more credible witnesses operates to vest the land specified in the memorandum in new trustees, but it is also necessary to have the memorandum duly stamped within thirty days and -
- (a) if the land is unregistered land in Northern Ireland, to have a memorial of the memorandum, in a form which complies with Schedule 1 to the Registration of Deeds Act (Northern Ireland) 1970 lodged with the memorandum of registration in the Registry of Deeds; and
  - (b) if the land is registered land in Northern Ireland, to have the title of the new trustees registered in the Land Registry pursuant to schedule 8 part II paragraph 1 to the Land Registration Act (Northern Ireland) 1970 (c.18); and
  - (c) if the land is in the Republic of Ireland, in addition to executing the form of choice and appointment prescribed by 13 and 14 Vict. c. 28, to take the necessary steps to have the document stamped and registered in the Registry of Deeds or the Land Registry, whichever is applicable, in accordance with the laws then in force.
- (3) A Memorandum in the form scheduled to the Trustee Appointment Act 1850 applies to certain estates and interests in land only. As regards other property (including Government stock and other securities) it will be necessary for the old trustees to execute, stamp and appropriately register a transfer of the property from the old trustees to the new or to rely on a deed of appointment to which sections 35 and 39 of the Trustee Act (Northern Ireland) 1958 (c. 23) or corresponding provision of the law of the Republic of Ireland apply.
- (4) New trustees should satisfy themselves, upon legal advice, that all necessary steps have been duly taken to complete their title to all property in respect of which they are to act as trustees.

- 243. (1) Congregational property for which trusts have not been formally declared** shall be declared by deed to be held upon trust in accordance with paragraph 54 of the Code.
- (2) Such deed shall provide that -
- (a) the property shall be held by the trustees in trust for the congregation so long as it shall remain under the jurisdiction of the General Assembly of the Presbyterian Church in Ireland and acknowledges their authority and professes and maintains the Standards of the Church as contained in the Code of the Presbyterian Church in Ireland for the time being in force, and thereafter for such members of the Church as shall remain under and acknowledge such jurisdiction and profess and maintain such Standards.
  - (b) the congregation from time to time may remove any of the individual trustees for the time being, or appoint a trustee or trustees to fill a vacancy or as an additional trustee or trustees;
  - (c) in the event of the congregation ceasing to acknowledge the authority of, and remain in connection with the General Assembly and to profess and maintain the Standards of the Church as contained in the Code of the Church for the time being in force, the power of removing and/or appointing new trustees and declaring new trusts shall devolve on the Presbytery of the bounds, together with the powers specified in sub-paragraphs (d) and (e);
  - (d) whenever, with the consent of the Presbytery, the congregation so decide the trustees for the time being may sell, lease, mortgage, charge or otherwise dispose of the said property or any part thereof according to such consent and decision; and
  - (e) the trustees for the time being (if they are also trustees for monies or securities of the congregation) will hold any money or securities with the interest, whenever paid to or vested in them or their successors, to be applied as the congregation from time to time may direct in accordance with the trusts relating thereto.
- (3) Legal advice should be sought on the drawing up of such deed of trust and on what registration and stamp duty may be required. (See also Appendix 7 for model form of trust deed).
- 244. All title deeds and securities** of the congregation should be deposited by the congregation's trustees for safe custody in the strong room provided for the purpose at Church House, Belfast, or such other place as may be described by the Presbytery, and the trustees shall give a copy of every security and deed by which property is vested in the Church to the Congregational Committee.
- 245. (1) Where any manse property is not required**, following the linkage of two or more congregations, for the immediate use or occupation of the minister, the trustees of the property may, subject to sub-paragraph (2), apply the income therefrom or the proceeds of sale thereof in or towards the acquisition, repair or upkeep of a manse for the minister.
- (2) Sub-paragraph (1) shall not have effect if -
- (a) the manse property is held on trust providing for its application in the event of a linkage of congregations, or prohibiting its application for the purposes mentioned in the sub-paragraph;
  - (b) the minister was installed before 10th June, 1960, and has not consented to the application of the sub-paragraph;
  - (c) the approval of the Presbytery has not been obtained; or
  - (d) the manse property is property of a Home Mission congregation, to which special rules apply.

## SECTION IV - VISITATION OF CONGREGATIONS

- 246.** (1) **Each congregation** and Church Extension charge, in succession, shall receive an official visitation by Presbytery once, at least, in ten years.
- (2) A special visitation of a congregation, or Church Extension charge, may also be held when the Presbytery consider it to be necessary.
- (3) Normally there should not be a visitation of a congregation within twelve months immediately succeeding the appointment of a minister.
- (4) A Presbytery may, if it think right, appoint a commission consisting of not less than seven members, five to be a quorum, to conduct a visitation. Additionally, two or more women's representatives or deaconesses should be invited to sit and deliberate with the visitation commission.
- 247.** (1) **The purpose of visitation** of congregations by Presbyteries is to seek the improvement of Church life and work in the congregation and area concerned, by inquiry into all matters affecting the congregation, by the encouragement of members in their Christian witness and service, and by advice or correction in anything found amiss. It should be seen as a vital part of the Presbytery's continuing responsibility for oversight on behalf of the whole Church.
- (2) The essential stages in visitation are: Notification, Inquiry, Finding and Report. The same forms may not all be as relevant or effective with different types of congregation, and may be adapted by Presbyteries within the authorised guidelines to achieve as far as possible the purpose indicated.
- (3) Guidelines on procedures and questions for visitations shall be authorised by the General Council from time to time.
- 248. Notification**
- (1) Congregations shall be given formal notice by Presbytery of the intended visitation and the proposed procedures being followed not less than two months previous to the public visitation.
- (2) A notice shall be sent to be read to the congregation by their minister on a convenient Sunday, with an invitation to members to forward any particular matter which they wish to bring to the Presbytery's attention concerning the congregation or the cause of Christ in their district.
- (3) With the Presbytery's notice there shall be sent preparatory questionnaires to be answered in writing by the minister, Kirk Session and Congregational Committee and returned one month prior to the public visitation. These answers shall eventually be filed in an appendix to the Presbytery's minute book.
- (4) Notice of the intended visitation shall also be sent by Presbytery to the Linkage Commission with a statement of congregational accounts for the last financial year, and comments thereon invited.
- (5) The Presbytery shall also notify the congregation of representatives appointed to examine its records and deeds prior to the public visitation. These shall include -
- (a) the minute books of its Kirk Session and Congregational Committee;
  - (b) the roll of its communicants and its register of baptisms and marriages;
  - (c) the inventory of Church property and articles of historic interest, if any;
  - (d) the title deeds of its property, or certificate of their safe custody; and
  - (e) the documents regulating any endowments belonging to or held in trust for the minister or the congregation.
- 249. Inquiry**
- (1) Prior to the public visitation -
- (a) preparatory meetings shall be held, separately and privately, by the Presbytery or its representatives with the minister (ordained assistant and deaconess), the Kirk Session and the Congregational Committee; and also, if seen fit, with various Church organisations and concerned members;
  - (b) discussion at the preparatory meetings shall deal with matters referred to in the questionnaires already returned, and with other matters particularly concerning the life, work and ministry of the congregation.
- (2) At the public visitation -

- (a) initiative should be shown in seeking to make the occasion as meaningful and helpful as possible to the congregation, so that they may be aware of the interest of the wider Church in their particular circumstances, their achievements, difficulties and opportunities, and their part in the life and work of the whole Church;
- (b) proceedings may include -
  - (i) Opening worship
  - (ii) Introductory explanation by the Moderator of the purpose and plan of the visitation.
  - (iii) Report by the Visitation Convener that the preliminaries have been duly completed, with any observations thereon.
  - (iv) Summarised reports on significant answers returned by the minister, Kirk Session and Congregational Committee with selected or supplementary questions being put and further questions or comment thereon offered by members of the Presbytery or of the congregation.
  - (v) A special address or demonstration may also be given on some aspect of the congregation's or of the Assembly's work.

#### **250. Finding**

- (1) Subsequent to the public visitation the Presbytery, or its visitation commission, shall reach an official finding. The minister and representative elders of the congregation, being interested parties, shall not be present at the consideration of this, but the finding shall thereafter be read to them in private. Unless there is an appeal, the finding as adopted shall be published.
- (2) A minute of the procedure followed and the finding adopted shall be inserted in the Presbytery minute book; and a copy of the finding shall be furnished to the Kirk Session for retention in their minute book.
- (3) The Presbytery shall appoint a minister to exchange with the minister of the congregation on a convenient Sunday and -
  - (a) either publicly read the finding and address the people thereon, or
  - (b) preferably, the finding having been circulated to the congregation, address the people thereon.
- (4) Should the Presbytery, as a result of its enquiries, conclude that the congregation might be dissolved, merged with another congregation, or that its centre of worship and activities be moved to another area (i.e., "ported"), it shall forthwith report its findings to the Linkage Commission and the Council for Mission in Ireland.

#### **251. Report**

- (1) Within twelve months after the visitation of a congregation, the Presbytery shall enquire of the minister or representative elder how far the recommendations of Presbytery have been carried out.
- (2) In case of neglect to give effect to its recommendations, or at the desire of the minister or representative elder, the Presbytery shall again send a member to address the congregation; or it shall take such other action as it sees fit.

## CHAPTER XVI - RECORDS AND REPORTS

### SECTION I - GENERAL

- 252.** (1) **A minute book** shall be kept by each Church court, commission, council or committee for the record of proceedings under the authority of its Clerk, Convener or Secretary.
- (2) The minutes of proceedings shall include the date and place of meeting, the fact that it has been opened and closed with prayer, the attendance of those present, what minutes have been confirmed, all motions moved and seconded and the decisions taken thereon.
- 253.** (1) **Minutes of proceedings** at each meeting shall be presented at the close of the meeting or at a subsequent meeting, either by being read or, preferably, by being circulated to members, to be corrected if found to be inaccurate and confirmed -
- (a) either by the signature of the person presiding at the time of their confirmation, or
- (b) in the case of the General Assembly by the attestation of the Clerk after the close of the Assembly.
- (2) In correcting minutes before confirmation, no alteration shall be made in any resolution which was passed or rejected by a court or committee.
- (3) No change shall be made in the minutes of an inferior court or committee after their confirmation without the direction of a superior court or supervising council; and such change shall be effected by the Clerk of the superior court or Convener of the supervising council, or as such court or council may direct.
- (4) Official extracts from the minutes of proceedings, under the hand of the Clerk, shall not be given, except to a superior court or supervising council, without the leave of the court or committee concerned, or of their Moderator and Clerk or Chairman and Convener as the case may be. Such extracts shall be accepted as authoritative evidence.
- 254.** (1) **The custody of minute books** shall be the responsibility of the Clerk, Convener or Secretary involved, while remaining the property of the Church body concerned which may require them of him at any time. It shall be his duty to ensure their preservation and prompt transfer to successors in office.
- (2) Upon the dissolution of any Church court, commission, council or committee, the minute book shall become the responsibility of the superior court or supervising council, to be disposed of only at the direction of such court or council.
- (3) No minute book or records of historic significance shall be disposed of without prior consultation with and advice from the Clerk of Assembly.
- (4) All minute books of Presbyteries or Assembly commissions or councils no longer required for the business of the body concerned shall be lodged with the Clerk of Assembly for safe custody and preservation.

### SECTION II - CONGREGATIONS

- 255.** **The official records** of a congregation include both the current and disused Baptismal and Marriage Registers, Communion Rolls, Minute Books of the Kirk Session and Congregational Committee and Legal documents relating to the properties of the congregation.
- 256.** (1) **A list of official records** shall be kept in the current minute book of Kirk Session and regularly kept up to date, specifying also the dates at which each volume begins and ends and in whose custody they are lodged, furthermore including lists of -
- (a) the bequests and endowments of the congregation, together with a statement of the purposes to which each is to be devoted; and
- (b) all other Church property of historic interest, including sacramental vessels, communion tokens, collecting ladles and ancient books, and in whose custody they are lodged.
- (2) The minute book containing this inventory shall be produced to Presbytery at each visitation of the congregation or change of ministry and assurance given of the due preservation of the items listed, by their production to Presbytery or otherwise as it may require.
- (3) Upon amalgamation or dissolution of a congregation the Linkage Commission shall also ensure that adequate steps are taken to safeguard all such Church property.

- 257.** (1) **Annual reports**, including a financial statement, from each organisation in a congregation, shall be presented to the Kirk Session and, at the Session's discretion, transmitted to a meeting of the congregation.
- (2) (a) The annual report of the Congregational Committee shall include a full statement of accounts, which shall be submitted to the Kirk Session for approval and then to the congregation for adoption.
- (b) The statement of accounts, together with a list of all contributors to the weekly freewill offering, or stipend and C.M.F., shall be printed and circulated to the congregation in such form as the Presbytery shall decide and individual contributors shall be notified of their contributions either by publication in the report or individually. Where individual contributions are not published a statistical analysis of contributions shall be published in the Committee's annual report.
- 258. Statistical returns** of the persons and finances connected with the congregation, as ordered by the Assembly, shall be transmitted annually through Presbytery to the appropriate Assembly body as follows.
- (a) Ministers shall have the Statistical Sheets sent them clearly filled up with an answer to each question and duly signed.
- (b) Ministers and congregational Treasurers, when forwarding the completed Statistical Sheets to Presbytery, shall submit with them a full statement of the congregational accounts, duly independently examined or audited, together with those of congregational organisations. (Where printed congregational Reports are not available at the date when the sheets are due to be furnished, Presbyteries shall accept manuscript copies of the financial statements, provided that such statements are in no wise altered afterwards).
- (c) The Statistical Sheets when so completed shall:
- (i) be presented to the Presbyteries at their stated meetings in February or March each year, to be examined and certified by them; and
- (ii) when so certified, be forwarded by the Clerks of Presbyteries to the Financial Secretary, Church House, not later than 10th March.
- (d) The Presbytery shall not certify the annual statistical returns from a congregation unless -
- (i) it is satisfied of their completeness;
- (ii) the congregation has taken up and forwarded all the collections directed to be taken up by the Assembly or included in its United Appeal or given a satisfactory explanation of its default in each case;
- (iii) the congregation has made payment of the fees payable by it to the Clerks of Presbytery, and of the assessments to the Incidental Fund of the Presbytery and the General Assembly.

### SECTION III - PRESBYTERIES

- 259. Minute books** of Presbyteries shall be submitted to the General Assembly for annual examination.
- 260. Each Presbytery shall report** annually to the General Assembly -
- (a) the name of its Moderator;
- (b) the names of ministers who, since its last annual report, have died, been designated Minister Emeritus (Released), retired from active duty, resigned their charges, or have been installed, inducted, ordained or licensed by Presbytery, with the respective dates;
- (c) the names of ministers without charge or licentiates under the care of the Presbytery, or who have been furnished with credentials, with the respective dates;
- (d) the names of ministers who, since its last annual report, have resigned the office of the ministry, or have been suspended or deposed, or have been declared to be no longer ministers of the Church; and of licentiates who have ceased serving an assistantship under Par 219A, or from whom licence has been withdrawn;
- (e) the names of candidates for the ministry placed under its care together with the name of any student whose candidature has been terminated during the year;
- (f) the names of congregations which have been constituted by order of the General Assembly; and the names of congregations which have been ported, linked, amalgamated or dissolved;

- (g) the names of congregations which have been visited during the year;
- (h) the names of congregations which have given no replies, or replies which were defective, to the annual Statistical Sheet; and the names of congregations which have not sent to the Church's Financial Secretary the amounts in full of each Assembly assessment or which have not contributed either to the Assembly's United Appeal or to each mission or committee listed therein;
- (i) that the financial reports of the congregations have been, or are being, printed in pamphlet form;
- (j) the numbers voting for and against any overture sent down by the Assembly for its judgment; and
- (k) any other matter upon which the General Assembly directs it to report.

No other matter than those above specified shall be dealt with in the Presbytery's annual report, which shall be sent to the Clerk of Assembly immediately after its adoption by Presbytery.

**261. Annual returns** shall also be made by Presbytery -

- (1) To the Clerk of Assembly listing-
  - (a) The congregations and Church Extension charges in the Presbytery with their times of stated Sunday Services.
  - (b) The names of ministers, retired (indicating whether Minister Emeritus or Minister Emeritus (Released)) or in active duty, showing the degree or degrees held by each, the charges which they hold, their postal addresses and telephone numbers.
  - (c) The names and addresses of licentiates or recognised ministers without charge under its care.
  - (d) The names and addresses of students for the ministry under its care and the stage reached in their studies.
  - (e) The names of persons currently serving as direct nominations to various Assembly commissions and councils.
  - (f) The names of those nominated to serve as Moderator of Assembly for the ensuing year.
- (2) To the Financial Secretary of the Church, the separate Statistical Query Sheets relating to the numbers of ministers, retired ministers (indicating whether Minister Emeritus or Minister Emeritus (Released)), licensures, etc., to be returned not later than March 10th each year.

**262. When a Presbytery desires formally to bring any matter before the General Assembly**, not covered by its report or returns it shall present it in the form of an overture on legislation or a memorial setting out the reasons for the action being requested.

- 263.** (1) **The Clerk of Presbytery** shall notify to the Clerk of Assembly forthwith on their occurrence, with the dates thereof, all licensures and ordinations, with the dates of birth of those involved, all ministerial changes and all changes in the eldership, including retirements (indicating changes of designation from Minister Emeritus to Minister Emeritus (Released)) and deaths.
- (2) In the case of ministerial ordinations and changes, the Clerk of Assembly shall be responsible for transmitting the information also to the Financial Secretary and the Secretaries of the Widows' Funds.
- (3) The Clerk of Presbytery shall also confirm, within one year of ordination, that each minister has qualified for membership in one of the Widows' Funds.

**264. – 265. (deleted)**

## SECTION IV - ASSEMBLY COMMISSIONS AND COUNCILS

266. (1) **Minute books** of each Assembly commission, council or committee not under a supervising council shall be submitted annually to the Assembly for examination.
- (2) Committees under the supervision of a council shall submit their minute books to the Convener of the council for examination before each annual meeting of Assembly.
267. (1) **The Convener** of each commission, council or committee shall submit to the Clerk of Assembly not later than March 15 each year a provisional report to the Assembly.
- (2) Final amendments to reports, together with suggested resolutions arising from the reports shall be submitted to the Clerk of Assembly not later than April 30.
- (3) A comprehensive printed volume of reports with appended resolutions shall be published and circulated to members of Assembly not later than one week before each annual Assembly.
- (4) Supplementary reports and resolutions from commissions, councils or committees may be submitted only where matters could not have been dealt with at the time of the regular reports. These must be received before the opening of the Assembly and made available to members as an appendix to the daily minutes.

## CHAPTER XVII - ASSEMBLY AGENCIES

### SECTION I - COUNCILS AND COMMITTEES

- 268.** (1) **Commissions, Councils and Committees** of the General Assembly may be either standing or occasional.
- (2) Councils, each having supervisory responsibilities over a broad field of work for which they are answerable to the General Assembly, may
- (a) include a number of official working Committees or specialist agents or directors appointed by the Assembly to promote particular aspects of work under the supervision of the Council, and
  - (b) from time to time appoint Panels, Task Groups, or agents, answerable to the Council for work remitted to them. A Panel will have on-going responsibility; a Task Group is appointed for a specific purpose and time.
- (3) Occasional Commissions and Committees may be appointed by the General Assembly for specific purposes, subject to annual renewal. Committees so appointed shall report to the General Assembly through the General Council.
- 269.** (1) **The membership of an Assembly Council** shall be appointed, in accordance with a scheme approved by the General Assembly from time to time, from representatives of the Church, nominated by Presbyteries, together with ex-officio members and others on the nomination of the Nominations Committee.
- (2) (a) (i) The Moderator and Clerk of Assembly shall be members of all Commissions, Councils, Committees, Panels and Task Groups, ex-officio.
- (ii) Where the Clerk of Assembly is ex-officio, the Deputy Clerk shall be permitted to attend in his place, if necessary.
- (b) The Convener and Secretary shall be a member ex-officio of their respective Commission, Council or Committee, and the Convener and Secretary of a Council shall similarly be a member of all its working Committees, Panels and Task Groups.
- (c) Any other members, ex-officio, not specified in rules, shall be appointed only after recommendation by the Nominations Committee.
- (d) The Committees in connection with any Council shall be appointed after report and recommendation by the Nominations Committee.
- (e) Full-time Council Secretaries shall be members of the General Assembly, where rules permit.
- (3) In addition to their ex-officio members, a working Committee shall normally consist of not more than twelve members, at least one half of whom shall be drawn from the Council and the others nominated by the Nominations Committee.
- (4) Presbyteries and the Nominations Committee should ensure that their nominations provide, so far as is reasonably practical, that
- (a) there is an equal number of ministers and other members of the Church;
  - (b) men, women and younger members are represented;
  - (c) no one is nominated a member of more than two Councils, unless specified above.
- (5) Presbyteries should make adequate arrangements for their representative to report back from Assembly Councils and Committees.
- (6) Annual nominations by Presbyteries shall be forwarded to the Clerk of Assembly before 31 March each year. The Presbytery should first confirm the willingness of individuals to serve.
- (7) In case any nominations are neglected, the retiring members shall be deemed re-nominated.
- (8) The Financial Secretary may act in an advisory capacity to all Councils and Committees.

**270.** (1) (a) **The Assembly shall appoint** its Commissions, Councils, and Committees, with their Conveners, after a report from the Nominations Committee.

(b) In the appointment of Conveners of Commissions, Councils and Committees the Nominations Committee shall make the vacancy known on the Presbyterian Church in Ireland website before considering the appointment

(2) In the event of an oversight in the appointment of an Assembly Commission, Council or Committee which has not been discharged, it shall be deemed reappointed with its previous membership.

(3) The period of appointment:

(a) for members shall generally be for four years, but for the Nominations Committee five years. No member shall serve for more than two terms, unless ex-officio. A member directly nominated to the Council by a Presbytery shall be a member of that Presbytery. Where a Presbytery nominee to a Council is not reappointed as a Congregation's representative elder to Presbytery they should be invited to sit and deliberate on Presbytery, enabling them to complete the appointed term. A Minister shall only remain on a Council while a member of the Presbytery.

(b) for Conveners of a Council, Committee or Panel shall normally be for five years. The Convener of a Council Task-Group shall serve for the life of the Task-Group, which shall normally be for not more than three years. No-one shall normally hold more than two consecutive Committee Convenerships on the same Council. A retiring Council Convener should not normally be appointed to another Council Convenership within three years.

(4) Any member who, without giving due reason, has failed to attend any of the meetings of his Commission, Council etc., for a year or for three successive meetings, whichever be the longer period, shall be deemed to have retired from membership.

(5) Where the quorum of any Commission, Council etc., has not been fixed by the Assembly it shall be one quarter of the total membership, or the number nearest one quarter, though in no case shall the quorum be less than three.

**271. Expenses** shall be paid to members attending the Assembly, Commissions, Councils etc. according to a scheme approved by the Assembly from time to time.

## **272. General Council of the Assembly**

(1) **The membership of the General Council** shall be:

(a) The Moderator, Clerk and Deputy Clerk of the General Assembly; Council Convener; Conveners of the Council Committees; Financial Secretary; preceding two Moderators; preceding Clerk of Assembly (for one year); Conveners of other Councils and Commissions.

(b) Clerks of Presbytery; one direct nominee from each Presbytery.

(c) Nine nominees of the Nominations Committee

(2) The membership of the Council Committees shall be as agreed by the General Assembly from time to time.

(3) The Council shall on behalf of the Assembly deal with such exceptional matters affecting public interest or the general work of the Church as may arise and require action between meetings of the General Assembly; and may either directly or through its authorised committees issue statements on such matters on behalf of the Church.

(4) The Council shall co-ordinate the work of all Councils including:

- co-ordination of work not in the remit of other Councils;
- co-ordination of work which overlaps two or more Councils and which is not the responsibility of another Council.

(5) The Council shall provide for effective communication of the Assembly's views both within and beyond the Church.

- (6) The Council shall, through an appropriate Committee:
- (a) facilitate the process of nominations to Councils etc. by:
    - allocating the 'general nominations' from Presbyteries to Councils (i.e. allocating those people not nominated to specific Councils by Presbyteries);
    - nominating Conveners of Assembly Councils (with appropriate co-operation with the Council involved);
    - the oversight of general matters relating to nomination of Councils and Committees to the General Assembly.
  - (b) order the business of the General Assembly:
    - dealing with and where appropriate licensing of all business to the Assembly;
    - recommending an order of business to the Assembly;
    - making all arrangements for the accommodation and discharge of the Assembly business;
    - nominating corresponding members and delegates to other Churches;
    - examining the records of all the Presbyteries and Assembly Councils.
  - (c) draw up priorities for the work of the General Assembly:
    - in discussion with the Presbyteries and other Councils, recommend priorities to the General Assembly.
    - through a suitable Council Reference Panel, independent of other Councils and reporting directly to the General Council:
      - report whether each Council is focussed on the remit allocated to it by the General Assembly;
      - report that the work of the Councils takes cognisance of the priorities agreed by the General Assembly;
      - approve, on behalf of the General Council, all new projects and/or staffing posts, following the scheme agreed from time to time by the General Council;
      - report that the United Appeal allocations are consistent with the remit of Councils and reflective of priorities agreed by the General Assembly.
  - (d) prepare general Church policy or statements on Doctrine for submission to the General Assembly.
  - (e) advise the Moderator and Clerk on matters of sensitivity for the Church:
    - providing assessors to sit with a lower Court if it invites help in cases of difficulty;
  - (f) develop relationships with other Churches:
    - monitor those inter-church bodies of which the Presbyterian Church in Ireland is a member.
  - (g) ensure that support services are being provided to the Councils efficiently and effectively and dealing with any related policy issues.
- (7) The Council itself, or through its appropriate Committee, is authorised to submit nominations for the offices of Clerk, Deputy Clerk, Theological Professors and College Principal.
- (8) The Council shall provide representation of the Church's interest in the Presbyterian Historical Society according to the following provisions:
- (a) The custody of various manuscripts and published records of the past of the Church together with relics of historical value may be entrusted to this Society, in terms of its constitution.
  - (b) The Society is also charged with promoting historical study and appreciation and with compiling accounts of Church life and of those who have played any significant part in its work.
- (9) The Council may call ministers to work in the administration of the Church or to facilitate the work of this or other Councils.
- (10) The Council, directly or through its appropriate committee, shall:
- (a) be responsible for the management of all personnel employed by the General Assembly or under the control of the Assembly whether in Assembly Buildings or in other related appointments, including the approval of all contracts of employment and amendments thereto. (In the appointment of the Financial Secretary, the Council, while retaining the power of appointment shall consult with the Trustees to permit the person to be also appointed Secretary to the Trustees).

- (b) ensure that all Councils and officials provide all information necessary for the review of staff matters.
- (c) ensure that Councils and officials and all staff adhere to any regulations introduced by or with the authority of the Council for the welfare or the general efficiency of the staff or the property of the Church.

(11) It shall be the duty of the Council, directly or through its appropriate committee, to:

(a) oversee the finances of the church, including the regulation of the systems for the control of all assets and funds of the Church, except those which are the responsibility of individual congregations or the Assembly Trustees.

(b) prepare and present the annual accounts to the Assembly and nominate independent examiners or auditors for appointment by the Assembly.

(c) ensure that Councils and officials follow guidelines approved by the Council for the receipt, recording, retention, and payment of monies, and that they provide financial and other information as and when the Council shall require.

(d) require Councils and officials to obtain the prior approval of the Council before adopting any policy or change of policy affecting the legal status of the Church, a Council, or an official of the Church.

(e) require Councils and officials to take all steps considered necessary by the Council, for the protection of the assets of the Church against all classes of risk.

(12) The Council shall, directly or through its appropriate committee, superintend the administration of the Assembly's Incidental Fund, as directed by the Assembly:

(a) for the payment of travelling expenses, postage, printing and administrative costs in connection with the work of the General Assembly or any of its Councils and Committees;

(b) for the payment of any other grants or expenses as approved by the General Assembly;

(c) to obtain the necessary funds by means of an annual assessment levied on congregations, at a rate which shall be fixed by the Assembly annually;

(d) but shall not be normally chargeable with the expenses of any committee for which the Assembly has made other provisions, as through the United Appeal; nor of members of commissions, councils and committees other than conveners or secretaries, unless by special direction of the Assembly; nor of deputations beyond the limits of the British Isles without the directions of the Assembly or decision of the Council itself.

(13) The Council shall, directly or through its appropriate committee, be responsible for the regular compilation and publication of Church Statistics as follows:

(a) it shall prepare and issue annually a query sheet to congregations to ascertain their numerical strength and financial condition together with any additional matters which it may decide; it is the responsibility of each Moderator, or interim Moderator, of Kirk Session, to ensure that all questions are answered and that the query sheets are submitted to Presbytery in time for examination and certification at their stated meeting in March, after which they shall be forwarded to the Council without delay;

(b) the information thus obtained shall be tabulated and subsequently published by the authority of the Assembly as a supplement to its annual Minutes.

(14) The Council shall, directly or through its appropriate committee, superintend the management of the Assembly Buildings (including the Assembly Hall) and the Fisherwick Buildings, caring for the fabric, effecting necessary repairs and improvements, arranging lettings of the various halls, rooms, and buildings and maintaining the order and cleanliness of the entire property and be responsible for all matters of health and safety within the buildings.

(15) The Council shall, directly or through its appropriate committee:

(a) administer The Central Ministry Fund (see Pars 311-318)

(b) administer The Retired Ministers Fund (see Pars 319-323)

(c) administer The Widows of Ministers Fund (see Pars 324-328)

(d) administer The Prolonged Disability Fund

(e) administer The Retired Ministers' House Fund

(f) appoint a committee to consider and report to the Assembly the cases of all ministers applying for special leave to retire from active duty. The committee shall have the right to issue a schedule of queries to be answered by the applicant.

(16) The Council shall, directly or through its appropriate committee, administer The Presbyterian Church in Ireland Pension Scheme (2009) Fund (see Pars 318(A)ff) and shall act as scheme employers for the Presbyterian Church in Ireland Pension Scheme (2009) or its successors.

(17) The Council shall have the authority to deal with urgent matters of financial administration, outside the other powers of the Council, which may arise between meetings of the General Assembly.

(18) The Council, directly or through its appropriate committee, shall prepare the annual United Appeal for mission as follows:

(a) the accounts of the previous year or an estimate thereof, together with the revised budget for the current year and the budget for the succeeding financial year, shall be submitted to the Council on behalf of the relevant Councils and Committees by the date notified by the Council each year; the Council may also request that longer term projections be prepared where appropriate.

(b) the Council shall satisfy itself, where necessary by interview with the conveners and others concerned, that the amounts so estimated are justified taking into account the General Assembly's guidelines on Priorities and shall have power to increase or reduce them;

(c) on the basis of the budgets submitted and approved, the Council shall prepare a United Appeal for the following financial year, for submission to the General Assembly in June of the current year;

(d) in so doing the Council shall endeavour to secure stability in the finances of organisations of the Church and may accordingly provide for a surplus which shall not exceed five per cent of the total Appeal;

(e) the Council shall also submit to the Assembly proposals for allocation between the Presbyteries of such proportion of the Appeal as shall appear to the Council to be equitable.

(19) In preparing the annual United Appeal for mission, the Council, directly or through its appropriate committee, shall carry out its work recognising that:

(a) except for ex-officio membership, no convener or secretary of a Council or Committee of the General Assembly whose work is supported by the United Appeal shall be eligible for membership of any committee involved in drawing up the annual appeal and shall not be present for consideration of the annual appeal at the Council itself;

(b) the General Assembly alone shall have power to include in, or exclude from, the United Appeal any mission, fund, or scheme of the Church, or of Funds or Societies recognised to be organisations of the Church. Such inclusion or exclusion shall normally follow notice of motion received and entered on the books at the Assembly twelve months previously. No mission, scheme or fund whose work is supported by direct assessment shall normally be included.

(20) After adoption by the Assembly of the United Appeal for mission, with or without amendment:

(a) it shall become the responsibility of each Presbytery to distribute its proportion of the Appeal equitably among the congregations under its jurisdiction;

(b) any congregation believing the amount allocated to it to be excessive may appeal to Presbytery;

(c) when a congregation raises a sum in excess of its allocation it may distribute the excess among the funds of the Church included in the Appeal in such proportion as it thinks fit;

(d) congregations shall endeavour to transmit all United Appeal contributions received, as soon as practicable to the Church's Financial Secretary and the total amount, in any case, before the 31<sup>st</sup> December following;

(e) in the event of the United Appeal not being fully contributed in any year the Council, or its appropriate committee, shall determine the extent to which each Council or Committee due to benefit shall receive funds for its work less than the amounts adopted by the Assembly;

(f) in the event of an emergency arising which necessitates a special appeal to congregations, the Council, directly or through its appropriate committee, may grant permission for such an appeal to be made and state the conditions upon which it is to be made, but without such permission no special appeal shall be launched by any Council or committee participating in the United Appeal.

(21) The General Council shall act as charity trustees for the Assembly.

**273. Linkage Commission** - see Code Par 128.

The Commission shall operate in accordance with the following rules:

(1) Upon knowledge of a vacancy arising in a congregation it shall be the responsibility of the Clerk of Presbytery forthwith to notify this in writing to the Convener of the Commission and to inform the congregation of the rules governing vacant pastorates and preliminaries to any call.

(2) Where there is not a vacancy in a congregation, but a Presbytery following the visitation of a congregation, or a congregation of their own initiative, refer a case to the Commission, or the Commission itself deem it appropriate, the Commission shall have power to examine the circumstances and take appropriate action.

(3) A candidate for a vacant pastorate shall be deemed to have satisfied themselves before accepting a call as to whether the Commission has dealt with the congregation under these rules (and is advised to confirm the matter with the Convener of the Commission).

(4) Where a congregation or linkage of congregations which has become vacant should, in the opinion of the Commission, be continued and agreement has been reached on the terms for a new ministry and the Commission is satisfied that the Manse (if any) is being put into suitable condition for the use of the Minister:

(a) leave to call shall be issued by the Commission on behalf of the Assembly, but

(b) this leave shall be operative for 12 months only, after which, should the vacancy not have been filled, it shall be referred back to the Commission for the whole arrangement to be reconsidered.

(5) Where it is not expedient formally to link a congregation, in the opinion of the Commission, and yet such congregation in itself does not provide sufficient work for a normal appointment, or where a linkage, either existing or new, does not provide sufficient work for a normal appointment, or where a congregation or linkage is otherwise in special circumstances, the Commission shall have power to:-

(a) classify such congregation or linkage as a Restricted List charge upon the following terms:

(i) when a vacancy arises, the Commission shall have power to limit the list of candidates to those who, in its opinion, may reasonably be suited to such work, or may become available for service under subsequent rules;

(ii) where a congregation or linkage so designated receives no application from eligible candidates within twelve months of classification, the whole arrangement shall be reconsidered by the commission.

(b) arrange for the appointment of a Stated Supply to provide for the work of the ministry in the congregation or linkage upon the following terms:

(i) appointments shall be made by Presbytery on the nomination of, and on terms settled by, the Commission;

(ii) appointment shall not of itself qualify for membership in the courts of the Church;

(iii) the appointment shall be terminable on two months' notice given, after consultation among them, by the supply, the Presbytery or the Commission, or otherwise by mutual arrangement.

(c) issue leave to call to Part-Time Ministry in the congregation or linkage, under the Commissions scheme for Part-Time Ministry.

(d) arrange for a Reviewable Tenure appointment upon the following terms:

(i) the form of Leave to Call shall provide for the appointment to be reviewed and/or terminated after a specified time or in specified circumstances;

(ii) If the congregation concerned is subsequently linked with another congregation, and the minister is accepted by that congregation also as its settled minister, the Reviewable Tenure provisions shall be deemed to have lapsed;

(iii) except as provided for in sub-paragraph (5)(c)(ii) above, the outgoing minister shall not be eligible to apply for the linked charge;

(iv) the appointment shall not be terminated without six months' notice in writing given by the Commission to the minister, the congregation and the Presbytery;

(v) after termination of the appointment the minister shall be eligible for salary and pension contributions at the rate of the appropriate ministerial minimum as a charge upon the Central Ministry Fund until the minister receives another Call, or for a period not exceeding twelve months, whichever is the sooner. During such period suitable work may be offered to the minister by the Commission. Should such minister at any time refuse to perform the duties thus assigned, without giving reasons deemed satisfactory by the Commission, this financial arrangement shall cease;

(vi) the provisions of Code Par. 273(8)(b)(ii) shall not apply;

(vii) where a congregation granted a Reviewable Tenure appointment receives no application within twelve months the whole arrangement shall be reconsidered by the Commission.

(6) (a) Where in the opinion of the Commission the pastorate of two or more congregations may be linked the Commission shall consult with the Kirk Sessions and Congregations involved (either directly or through the Presbytery), with the Presbytery itself and, in the case of Home Mission Congregations, with the Council for Mission in Ireland. The Commission shall endeavour to agree the terms with the Kirk Sessions involved. Where it proves impossible to obtain the agreement of one or more Kirk Sessions, but the Presbytery consents and in the case of Home Mission congregations the Council for Mission in Ireland consents, terms of linkage shall be fixed by the Commission, a date for its commencement set and such action reported in due course to the Assembly. These terms shall be binding on all the parties concerned. The same action may be taken to facilitate a porting. The Commission shall be the final authority as to the area of porting to be effected.

(b) No congregation shall be dissolved or amalgamated, with loss of its identity, except by authorisation from the Assembly. Where the Commission has been instructed by the General Assembly to agree terms, where one or more congregations are being amalgamated or dissolved by resolution of the Assembly, the Commission shall endeavour to agree the terms with the Kirk Sessions involved. Where it proves impossible to obtain the agreement of one or more Kirk Sessions, but the Presbytery consents, and in the case of Home Mission congregations the Council for Mission in Ireland consents, the terms shall be set by the Commission and shall be binding on all the parties concerned.

(c) When any congregation is considering a proposal for dissolution, amalgamation or linkage with another congregation, no arrangements regarding the sale of its properties and distribution of the proceeds or the income therefrom shall be made without first obtaining the agreement of the Commission.

(d) Where it is decided that within five years from the date of the leave to call the vacant congregation or congregations shall be linked with another congregation or congregations where there is still a minister in active duty (hereafter referred to as "the other congregation or congregations"), the Commission may issue leave to call to the vacant congregation or congregations on deferred linkage terms.

(i) The Commission will have power to direct that in the choice of a Minister the vacant congregation or congregations and the other congregation or congregations shall act as one congregation and the Kirk Session as one Kirk Session.

(ii) The rights and entitlements of the active minister or ministers in the other congregation or congregations shall not be adversely affected by this arrangement.

(iii) When the minister or ministers in active duty retire or cease to be minister or ministers of the other congregation or congregations in the deferred linkage the Commission shall agree final terms of linkage and the Presbytery arrange a service of installation in the other congregation or congregations.

(iv) If the minister called to the original vacant congregation in the deferred linkage resigns their charge, the same procedure as above will be followed.

(7) When congregations belonging to different Presbyteries are being linked or a congregation is ported to a new area the Commission shall have power to remove congregations and ministers from one Presbytery to another.

(8) For the purpose of effecting a linkage of congregations, or a porting or dissolution, where there is still a minister in active duty involved and except when Par 273(5)(c)(v) or Par 318(3)(d) is applicable,

(a) the minister may be retired by the Commission on such terms as may be agreed, or  
 (b) where prepared voluntarily to resign, the minister shall, notwithstanding, continue to remain a member of the Assembly and subject to its jurisdiction on the following terms.

(i) Suitable work shall be offered by the Commission, or by the Council for Mission in Ireland on application of the Commission, and if appointed as Stated Supply the minister shall be a member of the Presbytery concerned.

(ii) Provision shall be made, in conjunction with the Central Ministry Fund, that until eligible to retire official income (including any payment in lieu of manse) shall be at least equal to that which is surrendered, from and after which time the minister shall be in the same financial position as an ordinary retired minister of a congregation.

(iii) Should such minister at any time refuse to perform the duties thus assigned, without giving reasons which shall be deemed satisfactory by the Commission, the above financial arrangement shall become null and void.

(9) When in the opinion of the Commission and of the Presbytery or the Council for Mission in Ireland, the work of a congregation whose minister receives a grant from the Home Mission, or from any other Assembly fund for the augmentation of ministerial income, can be adequately performed by the minister of a neighbouring congregation, or can be adequately arranged for otherwise:

(a) the grant to such minister shall cease;

(b) the Commission is empowered to direct Presbytery to release them from their charge;

(c) upon such release other work shall be offered and financial provision made as set out under subparagraph (8)(b) above.

(10) When a congregation is opposed to dissolution, or linkage, or porting, on the terms fixed by the Commission, but a minister is nevertheless allowed to be appointed,

(a) the minister shall not receive from the Central Ministry Fund in any year any sum greater than the amount paid into the Fund by the congregation for that year, and

(b) the minister shall not receive any grant from any other fund of the Assembly.

(11) When any congregation which has been dealt with by the Commission shall make default in carrying out the terms and conditions which the Commission has fixed for it, the minister of such congregation, while such default continues,

(a) shall not receive from the Central Ministry Fund in any year any sum greater than the amount paid into the Fund by the congregation for that year, and

(b) shall not receive any grant from any other fund of the Assembly, and the Assembly shall have the powers to determine the future status of the congregation.

(12) The Commission shall have power to dissolve a linkage between two congregations where, in its opinion, it would be better to link each or either of the congregations with another congregation, or where other developments render such action desirable.

(13) When the Minister of a congregation, which becomes linked with another congregation, is accepted by that congregation also as its settled minister, the Presbytery shall arrange for an installation service in this second congregation.

(14) Any request to vary the application of the rules about the provision of a Manse and residence therein (as set out in Par. 195 (11)(c) and Appendix 5A of the Code) shall be referred to the Commission, which shall have power to issue after consultation with the Presbytery, congregation and minister (if any).

**274. Council for Public Affairs**

- (1) The membership of the Council for Public Affairs shall be:
  - (a) The Moderator and Clerk of Assembly; Public Affairs and Press Officers; Council Convener; Committee and Panel Conveners; preceding Moderator; Convener and Secretary of Council for Social Witness;
  - (b) One direct nominee from each Presbytery;
  - (c) Six nominees of the Nominations Committee.
- (2) The membership of Council Committees shall be as the General Assembly may agree from time to time.
- (3) The remit of the Council shall be to:
  - (a) identify current issues which the Church needs to address; helping to develop the Presbyterian Church in Ireland's thinking in these areas and communicating the General Assembly's views in the public square (for clarity this will include all aspects of public policy including education, youth, children's, social and ethical issues);
  - (b) develop relationships with the Westminster and Dublin Governments and Parliaments and the Northern Ireland Executive and Assembly, making representations to them on behalf of the Church and responding to consultations from them (for clarity this will include all aspects of public policy including education, youth, children's, social and ethical issues);
  - (c) develop relationships with civic society;
  - (d) provide nominations to education and other state bodies where the Church is a stakeholder;
  - (e) work with the press and media office to ensure the Church's view is heard in the public square.

**275. Council for Training in Ministry**

- (1) **The membership of the Council for Training in Ministry** shall be:
  - (a) The Moderator and Clerk of the General Assembly; Council Convener and Secretary; Committee and Panel Conveners; Principal of Union Theological College; Dean of Ministerial Studies and Development;
  - (b) One direct nominee from each Presbytery
  - (c) Seven nominees of the Nominations Committee
- (2) The membership of Council Committees shall be as agreed by the General Assembly from time to time.
- (3) The Council shall consider all aspects of leadership training for ministers including responsibility for:
  - (a) selection, training and on-going development of full-time ministers;
  - (b) pastoral care of ministers and manse families;
  - (c) selection, training and on-going development of auxiliary ministers and accredited preachers;
  - (d) selection and initial training of deaconesses, including probationary period;
  - (e) reception of ministers and licentiates from other Churches, subject to rules approved from time to time by the General Assembly;
  - (f) management of Union Theological College and the Magee Fund Scheme;
  - (g) provision of a conciliation service.

**276. Council for Congregational Life and Witness**

- (1) **The membership of the Council for Congregational Life and Witness** shall be:
- (a) The Moderator and Clerk of Assembly; Council Convener and Secretary; Committee and Panel Conveners; Presbyterian Women President;
  - (b) Two direct nominees from each Presbytery, one of whom may be from outside the membership of the Presbytery;
  - (c) Fifteen nominees of the Nominations Committee.
- (2) The membership of Council Committees shall be as the General Assembly may agree from time to time.
- (3) The Council shall:
- (a) seek to support the on-going life, mission and witness of congregations in their work with all age-groups, through casting vision; assisting in development; offering training; providing and signposting models of good practice and resourcing in key areas including:
    - (i) worship;
    - (ii) discipleship, nurture and teaching;
    - (iii) pastoral care;
    - (iv) evangelism and outreach in the community, including social outreach;
    - (v) co-operative working with others;
    - (vi) involvement in global mission;
    - (vii) leadership, including elder training.
  - (b) take specific responsibility for ensuring the strategic development within the Presbyterian Church in Ireland of:
    - (i) youth and children's ministry;
    - (ii) Presbyterian Women and ministry among women generally;
    - (iii) young adults' ministry;
    - (iv) support for the family (including PCI Family Holiday);
    - (v) marriage and counselling services.
  - (c) have responsibility for encouraging and resourcing congregations in:
    - (i) building supportive links with local schools;
    - (ii) supporting Christians in the workplace;
    - (iii) being proactive in the work of good relations.
  - (d) be responsible, in co-operation with other Councils, for providing congregations with support and training in specific areas, such as:
    - (i) finance, health & safety and personnel issues;
    - (ii) disability awareness;
    - (iii) Taking Care.

**277. Council for Mission in Ireland:**

- (1) **The membership of the Council for Mission in Ireland** shall be:
  - (a) The Moderator and Clerk of Assembly; Council Convener and Secretary; Linkage Commission representative; two Presbyterian Women representatives; Committee and Panel Conveners;
  - (b) One direct nominee from each Presbytery;
  - (c) Ten nominees of the Nominations Committee.
- (2) The membership of Council Committees shall be as agreed by the General Assembly from time to time.
- (3) The Council shall:
  - (a) develop strategic priorities in all-age mission in Ireland, planning initiatives at a General Assembly level where appropriate;
  - (b) consider new church development and church planting;
  - (c) oversee all aspects of the work of the Home and Irish Mission, including the Irish Mission Fund;
  - (d) oversee the deployment and on-going support of deaconesses;
  - (e) support a chaplaincy service in the Forces, Hospitals, Hospices and Prisons;
  - (f) support mission and ministry in Universities and Colleges through chaplaincy services;
  - (g) oversee the funds of the Presbyterian War Memorial, ensuring that its terms of trust are fulfilled.
- (4) The Council may call ministers, elders, auxiliary ministers, deaconesses or lay agents to recognised work in Ireland and allocate them to their spheres of service.

**278. Council for Global Mission**

- (1) **The membership of the Council for Global Mission** shall be:
  - (a) The Moderator and Clerk of Assembly; Council Convener and Secretary; two Presbyterian Women representatives; Committee and Panel Conveners;
  - (b) One direct nominee from each Presbytery.
  - (c) Ten nominees of the Nominations Committee.
- (2) The membership of Council Committees shall be as agreed by the General Assembly from time to time.
- (3) The Council shall:
  - (a) supervise the Overseas Mission of the General Assembly, including the interests of the individual missions listed in Par. 115 of the Code;
  - (b) develop a strategy on mission overseas, including partnership with overseas Churches and sending personnel;
  - (c) promote world development issues, including providing for an annual appeal;
  - (d) lead thinking on issues of global concern such as the environment, race relations, international relations.
- (4) The Council may select and call missionaries and allocate them to their spheres of service.

**279. Council for Social Witness**

- (1) **The membership for the Council for Social Witness** shall be:
- (a) The Moderator and Clerk of Assembly; Council Convener and Secretary; one Presbyterian Women representative; Committee and Panel Conveners;
  - (b) One direct nominee from each Presbytery
  - (c) Nine nominees of the Nominations Committee
- (2) The membership of Council Committees shall be as agreed by the General Assembly from time to time.
- (3) The Council shall:
- (a) deliver an effective social witness service on behalf of the Presbyterian Church in Ireland and to the wider community in partnership with appropriate organisations, in the areas of:
    - older people services including residential care, nursing care, day care, respite care, supported housing and care in the community;
    - disability services; including residential care, day care, respite care, supported housing and care in the community;
    - criminal justice; including the management and professional oversight of Thompson House;
    - substance abuse; including the management and professional oversight of Carlisle House and Gray's Court.
  - (b) oversee policy development and administration of Taking Care.
  - (c) support the ministry of the Kinghan Church;
  - (d) relate the work of the Presbyterian Old Age Fund and similar funds to the witness of the Church.

**280 – 288.** *(deleted)*

## SECTION II - MISSION RULES

**289. Mission Overseas**

- (1) **The missionary enterprise** is to be regarded as an integral part of the life and nature of the Church. The policy of the Presbyterian Church in Ireland is to fulfil this purpose by working in association with Churches and Societies round the world, as mutually agreed from time to time.
- (2) Individual missionary service springs from personal experience of the love of God, through faith in the Lord Jesus Christ, which in obedience to the Lord's command desires to make this love known to others, win them to faith in Christ and to his service and, by his grace, to enlarge and build up some part of the universal Church.

- 290.** (1) **Candidates for appointment** to service overseas shall make application to the Council for Global Mission to be considered by its Personnel Committee, or by other appropriate means, such application to be accompanied by a commendation from the candidate's Presbytery.
- (2) Candidates when so accepted by the Council for Global Mission normally shall be required to have an appropriate period of training and preparation as determined by the Council for Global Mission before taking up an appointment.
- (3) Appointments normally shall be made only in response to the request of an overseas partner Church or Society and in the first instance for a single term of years. Such appointments may subsequently be extended after consultation with the Council for Global Mission and the partner Church or Society. The Council for Global Mission may also make short term appointments.
- (4) After approval by the Personnel Panel or other agency of the Council for Global Mission and completion of any necessary training and preparation, the candidate shall be eligible for call by the Council for Global Mission; and for appointment as missionaries of the Church by the Presbytery with which they are connected, in a service of ordination, installation or commissioning as the case may be. The appointment shall commence at the date of such service.
- (5) In the case of a missionary couple, where the spouse does not receive a call but desires to be recognised as participating in the work of mission, the Presbytery shall arrange that, at the service of ordination, installation, or commissioning, the spouse shall also be commissioned.

(6) All missionaries of the Church are appointed on the understanding that they accept the policy set out in Par. 289(1) above and are willing to implement it in the place where they are appointed to serve.

**291. (1) While overseas**, the location and work of missionaries shall be the responsibility of the partner Church or Society under which they are serving, in consultation with the missionaries and the Council for Global Mission.

(2) Missionaries normally shall serve as members of the local Church concerned, and under its direction, discipline and control, but without prejudice to their relationship with the Council for Global Mission or to their continuing membership in a Presbytery of the Church in Ireland; and no decision of any Church court overseas affecting their ecclesiastical status shall take effect in the Church until confirmed by the General Assembly.

(3) The ordination, installation, commissioning, resignation or retirement and any investigation of a complaint or action affecting the ecclesiastical status in Ireland of missionaries or full time workers of the Church serving overseas, shall rest with the Presbytery in whose membership or under whose care they have been placed after full consultation with the Council for Global Mission.

**292. Conditions of service**, including length of tours, furlough arrangements, remuneration and allowances, retirement and pension arrangements and similar matters shall be determined by the Council for Global Mission from time to time.

**293. In exceptional circumstances** the Council for Global Mission shall have the power in any matter to take emergency action outside these rules; but every such action shall be reported to the following meeting of the General Assembly.

**294. – 299. (deleted)**

**300. The Home Mission** (cf. Code, Par. 114(1))

(1) Home Mission congregations are those which have been accepted as such by the Council for Mission in Ireland, with the following being generally eligible -

- (a) congregations situated wholly or mainly in the Republic of Ireland which, in the opinion of the Council by reason of their geographical situation or financial condition, require grants from Home Mission funds;
- (b) congregations situated mainly or wholly within Northern Ireland, the membership of which is dispersed in areas where Presbyterians are a small minority and which, in the opinion of the Council, require grants from Home Mission funds.
- (c) congregations in urban situations which, in the opinion of the Council by reason of their locality and/or membership require grants or loans from Home Mission funds. Such a congregation may be designated as an 'Urban Mission Congregation under the Home Mission Development Scheme'.
- (d) new congregations or development congregations which, in the opinion of the Council require grants or loans from Home Mission funds towards the establishment of the cause.

(2) Congregations seeking designation as a Home Mission or Urban Mission congregation shall obtain the approval of Presbytery and of the Linkage Commission before applying to the Council. Presbytery approval shall be sought before a new church plant is commenced within its bounds, and the Presbytery shall apply to the Council for appropriate status.

(3) A Home Mission congregation or Urban Mission congregation shall retain the right to terminate its connection with the Home Mission so long as systems of governance are in place that are in conformity with the Presbyterian form of Church government as defined in the Code and that Presbytery approves the proposed change of status; in which case the Council shall have power to require that a proportion of grants paid to the congregation from Home Mission funds over the previous five years shall be repaid.

(4) When the sale or other disposal of Church property which was held in connection with the Home Mission, has been duly sanctioned and decided, the net proceeds, whether principal or income, of such sale or disposal, shall, subject to the trusts relating thereto, be sent to the Financial Secretary of the Church and placed to the credit of the Council for Mission in Ireland so that grants may be made from time to time.

(5) No programmes of refurbishment, development or purchase, the total expenditure of which is greater than the prevailing basic Ministerial Minimum, or employment of additional personnel, may be undertaken by a Home Mission Congregation or an Urban Mission congregation without the prior consent of the Council for Mission in Ireland.

(6) Where a manse or residence is provided for a minister in a Home Mission congregation or Church Extension charge, the minister shall reside in the manse or residence on the same terms as if he had received the call of a congregation according to rules; and the minister's obligation so to reside is owed to the trustees of the manse or residence on behalf of the Council.

(7) Congregations and Church Extension charges served by the Home Mission shall make such contributions to the central funds of the Church as the Linkage Commission shall decide; and the remuneration of those so serving shall be determined also by that Commission, who shall allocate appropriate contributions among the various funds of the Church.

**301. (1) Ministers or others who offer themselves for service** with the Home Mission, in congregations or in special work, shall accept an obligation to serve as and where called by the Council for Mission in Ireland, which shall endeavour to see that the various fields of service entrusted to the Home Mission are adequately staffed.

(2) No individual appointment shall be made to a congregation without the consent of the congregation.

(3) Ministers called by the Council for Mission in Ireland shall be inducted to their work by Presbytery; and shall have the rights, privileges and responsibilities in Kirk Session, Presbytery and Assembly as ministers called in the usual way. Ministers serving in congregations shall be eligible for payments from the Central Ministry Fund.

(4) Presbytery shall exercise normal supervision over Home Mission congregations and ministers in their life and work; and the Home Mission shall be associated with them in such supervision.

(5) Ministers or others who have served the Home Mission for an agreed period shall be free to take up other work for which they may be eligible.

(6) Years of service with the Home Mission shall qualify ordained ministers on the same basis as years of service in a congregation, with the necessary payments to pension funds, etc., made by the congregations served or by the Mission, and the Mission shall also be responsible for appropriate provision for others not eligible for such pensions.

**302. Irish Mission** (cf. Code, Par. 116 (1))

(1) (a) Irish Mission Workers under the call of God, are pledged to the special service of Jesus Christ and His Church, having been received, duly trained and commissioned thereto in conformity with the doctrine and the discipline of the Presbyterian Church in Ireland.

(b) Irish Mission Workers shall exercise a Church-based or Church Planting Christian ministry in the sphere of evangelistic outreach, Bible teaching, Christian education and visitation under the direction of the Council for Mission in Ireland.

(c) To be considered as a candidate for the office of Irish Mission Worker application shall be made to the Secretary of the Council for Mission in Ireland.

(2) The qualifications of an Irish Mission worker shall be ;

(a) Communicant membership in a congregation of the Church.

(b) A sense of vocation for the office, a required standard of education and medical fitness.

(c) Acceptance by the Council for Mission in Ireland as a candidate for the office under the care of Presbytery.

(d) Satisfactory completion of a course of training as approved by the Council, followed by a period of probation subsequent to commissioning as an Irish Mission Worker.

(e) The Council shall be responsible for the training fees and allowances to candidates upon such scale and conditions as the Council shall determine.

(3) (a) Immediate responsibility for the direction and supervision of the work of Irish Mission Workers shall rest with the Secretary of the Council for Mission in Ireland. The Council shall exercise a general responsibility. Irish Mission Workers shall report annually on their work.

(b) The placing of an Irish Mission Worker shall be decided by the Council after consultation with the Presbytery, the Worker and any other appropriate body.

(c) Irish Mission Workers shall be invited to sit and deliberate at meetings of the General Assembly and Presbytery, and may be invited to sit and deliberate at Assembly Councils and Committees as appropriate.

- (4) (a) The scale of salaries for Irish Mission Workers shall be determined by the Council for Mission in Ireland and reported to the General Assembly. Payment shall be made monthly. National Insurance shall be paid according to law.
- (b) Upon appointment an Irish Mission Worker may enter into a Pension Scheme as approved by the Council.
- (c) Annual leave shall be as determined by the Council.
- (d) Irish Mission Workers shall normally retire at 65 years of age.

**303. Deaconesses** (cf. Code, Par. 114 (2))

- (1) A deaconess in the Church is one who has, under a call from God, pledged herself to the special service of Jesus Christ and his Church; and who has been received, trained and commissioned thereto, in conformity with the doctrine and discipline of the Church.
- (2) The work of a deaconess is to exercise a ministry, complementary to the ministry of Word and Sacraments, in the spheres of pastoral counselling, education, social work, mission outreach, etc. She may also have some share in the leadership of worship.
- (3) A deaconess may be called to serve in a congregation, in special work under the Council for Mission in Ireland, or may be seconded to some institution or area of outreach approved by a Court of the Church.
- (4) Qualifications of a deaconess are -
  - (a) communicant membership in a congregation of the Church;
  - (b) a sense of vocation for the office, a required standard of education and medical fitness;
  - (c) acceptance by the Council for Training in Ministry as a candidate for the office under the care of Presbytery; and
  - (d) satisfactory completion of a course of training, and probationary period, as approved by the Council for Training in Ministry.

**304. (1) The Council for Mission in Ireland** shall determine the number of deaconesses required to be trained in any given period.

- (2) The procedures for enquiry and application to be considered as a candidate for the office of deaconess shall be as determined jointly by the Council for Mission in Ireland, the Council for Training in Ministry, and Presbyterian Women.
- (3) Following commendation by the Kirk Session and Presbytery with which she is connected, the Council for Training in Ministry may, after interview, accept an applicant as a candidate for the office.
- (4) Presbyterian Women together with the Council for Mission in Ireland shall be responsible for the training fees and allowances for candidates, upon such scale and conditions as the Council shall determine.

**305. (1)** The appointment of deaconesses shall be as decided by the Council for Mission in Ireland, after consultation with the parties concerned; and any congregation or Council of the Church wishing for the services of a deaconess shall make official application to the Secretary of the Council for Mission in Ireland.

- (2) The Council shall call to each appointment for service as a deaconess in connection with Presbyterian Women, and shall thereupon forward the call to be sustained by the Presbytery under whose jurisdiction it is proposed that she shall work. When sustained, the call shall be presented, either by that Presbytery if the deaconess is already under its care, or certified and forwarded to the Presbytery then having jurisdiction for the issue of credentials. A call may be retained for consideration for fourteen days after presentation, but if not then accepted shall be deemed to be declined. If the call is declined the Council for Mission in Ireland shall reconsider the matter in the light of Par 305(1). Without such call a deaconess shall not change her appointment.
- (3) The Presbytery shall conduct a service of commissioning and/or induction to her appointment for the deaconess. Commissioning shall be regarded as an authoritative appointment to the office of deaconess in the Church, to be administered once only; but there shall be a formal induction to each particular appointment.
- (4) Deaconesses are appointed on the provision that after at least a three year period or other term as agreed with the Council for Mission in Ireland they may apply for or be offered a transfer to another appointment.

(5) In the event of a vacancy in the pastorate of a congregation in which she is serving, one month's notice offering resignation shall be given upon the installation of a new minister though, upon the request of minister and Session and with the consent of the deaconess, the appointment may be renewed by the Council for Mission in Ireland. In the event of the appointment not being renewed, the deaconess shall be retained on the records of the Presbytery and her income continued from central funds, for a period of not longer than one year or, if sooner, until she becomes eligible for retirement, receives another Call or is placed in other work by the Council for Mission in Ireland.

(6) Special leave of absence may be granted by the Council for Mission in Ireland for further studies or in the case of illness or other emergency, and appropriate financial arrangements may then be made. In such cases the standing of the deaconess within the Presbytery shall not be affected.

(7) A deaconess, on voluntarily resigning from her appointment for further studies or in the case of illness or other emergency, may apply to be retained on the records of the Presbytery for a period of not longer than two years and, if approved, she shall report to Presbytery, not less than annually, on her life and studies or other responsibilities.

(8) An appointment as a deaconess may, after twelve months' service, be terminated by mutual agreement, or by two months' notice given by the deaconess, the minister of the congregation, the Session (or in the case of a deaconess in special work by the Council for Mission in Ireland) subject to the approval of the Presbytery. In such cases a deaconess may apply to be retained on the records of Presbytery for a period of not longer than one year but she shall have no entitlement to special support from central funds, though the Council for Mission in Ireland may make a special arrangement.

(9) The normal retirement age of a deaconess shall be sixty-five but her appointment may be extended on an annual basis with the approval of the Council for Mission in Ireland.

(10) Calls to deaconesses to work in Church Extension Charges shall be under the same conditions as Call to Ministers to such charges and the appointment of deaconesses shall terminate on the charge being fully constituted as a congregation. In such cases deaconesses shall be retained on the records of the Presbytery and their income continued from central funds for a period of not longer than one year or, if sooner, until they become eligible for retirement, receive another Call or are placed in other work by the Council for Mission in Ireland.

(11) When a deaconess, having placed herself in a position where it is imperative that she does not remain in her appointment, does not resign voluntarily, the Presbytery, having conducted an investigation in consultation with the Home Mission, Irish Mission and Deaconess Committee of the Council for Mission in Ireland, shall have power to loose her from her appointment, without further financial obligation, and to decide whether or not she is to be retained on the records of the Presbytery for a period of not longer than one year. The Council for Mission in Ireland may grant allowance for a temporary period after consultation with the Judicial Commission.

(12) A former deaconess, whose name has been removed from the records of Presbytery for any reason and who wishes to be restored to the office of deaconess, shall make application to her former Presbytery which, if satisfied with all the circumstances concerning her character, health and reasons for wishing to be restored, shall refer the case to the Council for Mission in Ireland.

**306. (1) A deaconess is responsible** to Presbytery for her life and doctrine; and at visitations enquiry should be made about her work.

(2) Immediate responsibility for the direction and supervision of her work shall rest with the minister or Council having charge; while Presbyterian Women shall exercise a general responsibility. Each deaconess shall submit an annual report on her work to Presbyterian Women, and to the Council or minister concerned if required.

(3) Deaconesses shall be invited to sit and deliberate at meetings of Assembly, Presbytery and Kirk Session and, as appropriate, may be invited to sit and deliberate at meetings of the Congregational Committee or Assembly Councils or Committees relating to their work.

**307. (1) The scale of salaries** for deaconesses shall be as determined by the Council for Mission in Ireland and reported to the Assembly. Payment shall be made monthly; but grants in aid may be made quarterly by Presbyterian Women and by the Home Mission. National Insurance shall be paid according to law.

(2) A deaconess may, upon appointment, enter into the Pension Scheme approved by the Council for Mission in Ireland.

(3) The Council for Mission in Ireland shall fix at regular intervals a realistic allowance for expenses incurred in the course of duty. Reports on expenses shall be made to the Council as required.

(4) Each deaconess shall have one month's annual holiday with pay and one week's holiday with pay at both Christmas and Easter.

(5) The cost of a deaconess's uniform up to an agreed amount shall, in the first instance, be provided by the Council for Mission in Ireland; this uniform to be worn when carrying out the duties of the office. An annual grant will thereafter be provided towards renewal.

## SECTION III – PRESBYTERIAN WOMEN CONSTITUTION

**308. (1) Name:** The name of the organisation shall be *Presbyterian Women*, incorporating the former *Presbyterian Women's Association* and the former *Young Women's Groups*, and hereinafter referred to as PW.

(2) **Motto:** The motto of PW shall be: Living for Jesus.

(3) **Mission Statement and Aims:**

*Presbyterian Women* encourages women to become disciples of Christ.

*Presbyterian Women* aims to highlight the need for –

- (i) Love and unity
- (ii) Obedience to God
- (iii) Christian living and spiritual maturity
- (iv) Service using gifts, time and money
- (v) Local and global mission

(4) **PW Groups:**

Where possible a group shall be formed in each congregation to bring together women at a congregational level, encourage them to become disciples of Jesus Christ and work to fulfil the aims of PW. Each group shall operate under the authority of the Kirk Session. Stated meetings shall be held and membership shall be open to all women who accept the aims of PW.

(5) **PW LINK (Living, Inspiring and Nurturing for the Kingdom):**

There shall be in each Presbytery a PW Committee known as the PW LINK to bring together members of PW.

Constituent members:

Three members from each PW Group, at least one of whom should be an Office Bearer. Each member to serve for three years, unless:

- (i) elected to serve on the PW Central Committee, the PW Forum or the PW LINK Planning Committee, or
- (ii) appointed to represent PW at the General Assembly, Councils or Presbytery.

In these circumstances membership of the PW LINK shall be extended until the additional responsibilities end.

(6) **PW Forum:**

There shall be a PW Forum to bring together PW LINK representatives at a central level.

The PW Forum shall be made up of:

- (a) members of the PW Central Committee and its Sub-Committees;
- (b) five representatives from each PW LINK:
  - (i) the three serving PW LINK Office Bearers i.e. Chairperson, Secretary and Treasurer; and
  - (ii) two others from each PW LINK, appointed to attend for 3 years.

The following may also be invited to attend: four members of the Deaconess Association; missionaries on home assignment and others, as appropriate.

(7) **PW Central Committee:**

There shall be a Central Committee of PW which shall be the decision making body of the organisation.

Constituent members:

- (a) one representative elected from each PW LINK for a period of seven years;
- (b) the President, the Home Vice-President, the Overseas Vice-President and the General Secretary of PW.

The Editor of "Wider World" and, where appropriate, the wife of the Moderator of the General Assembly shall be invited to sit and deliberate. In exceptional circumstances the PW Central Committee reserves the right to co-opt additional members to meet specific needs for a period of 1 – 2 years.

- (8) **Finance:** The financial year of PW shall end on 31<sup>st</sup> December. A statement of income and expenditure shall be submitted to the PW Annual Meeting. A report and statement of annual accounts shall be submitted to the PW Central Committee, the General Assembly and, if appropriate, the relevant Councils. Each PW Group will receive a copy of an Annual Report including a Financial Supplement.

## SECTION IV – THE THEOLOGICAL COLLEGE

*(cf. Code Pars. 118-121 App. 16, 17)*

- 309.** (1) The Assembly's normal direction and control of its Union Theological College shall be exercised in general through its Council for Training in Ministry and in particular through a Management Committee as prescribed in the governing statute and appointed from time to time by the General Assembly. (See *Par 275(2)*)
- (2) The Assembly shall discharge its rights and responsibilities in appointments to academic office in the College by such procedures and in such form as it considers desirable. A minister in a charge elected and appointed to a chair or full-time lectureship shall resign his charge and all emoluments arising from it before taking up his duties.
- (3) Each professor appointed by the Assembly, before his appointment shall subscribe to the Westminster Confession of Faith in terms of the General Assembly's formula; and he shall, on presentation of his credentials of ministerial standing, be ordained and installed or installed by the Presbytery with which his congregational connection lies. Such service shall be held in Union Theological College with the Moderator of Assembly and Principal also taking part.
- (4) Each senior lecturer shall be appointed by the Council for Training in Ministry. If he is a minister or licentiate of the Church he shall be called by the Council and, on presentation of his credentials of ministerial standing, be ordained and installed or installed by the Presbytery with which his congregational connection lies. Otherwise, he shall be commissioned and inducted or inducted by the Presbytery with which his congregational connection lies. In either case such service shall be held in Union Theological College with the Convener of the Council and the Principal also taking part.
- (5) Each lecturer (as distinct from senior lecturer) shall be appointed by the Council for Training in Ministry. If he is a minister or licentiate of the Church he shall be called by the Council and, on presentation of his credentials of ministerial standing, be ordained and inducted or inducted by the Presbytery with which his congregational connection lies, with the Convener of the Council and the Principal of Union Theological College also taking part. Otherwise, he shall be appointed by the Council only after it is satisfied that he evidences an understanding of, and commitment to, working within the Christian ethos and doctrinal framework of the Presbyterian Church in Ireland as outlined in the Westminster Confession of Faith.
- (6) Part-time or temporary lecturers shall be appointed by the College Management Committee as occasion may require. Should a vacancy in a chair or senior lectureship occur during the College session, the Committee, on the recommendation of the Faculty, shall make provision for discharge of the duties.
- (7) A professor who retires with the leave of the General Assembly shall be known as Professor Emeritus and have the same status as a minister retired from active duty in a congregation.
- (8) A senior lecturer or lecturer who is a minister and who retires with the leave of the General Assembly shall be known as Senior Lecturer or Lecturer Emeritus and have the same status as a minister retired from active duty in a congregation.
- (9) A senior lecturer who is not a minister and who retires with the leave of the Council for Training in Ministry shall be known as Senior Lecturer Emeritus.
- 310.** (1) **The Faculty shall report** annually to the College Management Committee on the attendance, diligence, proficiency and conduct of the students in all classes, and on any matters which it may desire to bring to the attention of the Assembly.
- (2) Any complaint or appeal arising from the exercise of discipline or in the discharge of its duties by the Faculty shall in the first instance come to the College Management Committee.
- (3) The income of the College available for the purposes of incidental expenditure, including the residential fees of the students and grants authorised by the Committee shall be under the control of the Faculty and an independently examined or audited annual statement of accounts submitted annually to the Assembly through the Committee.

## CHAPTER XVIII - MINISTRY AND PENSIONS FUNDS

### SECTION I - CENTRAL MINISTRY FUND, etc.

311. (1) **A Central Ministry Fund** shall be maintained by the Assembly, to which shall be paid and from which shall be distributed, in accordance with Rules, moneys intended for the support of ministers and agents engaged in the pastoral work of the Church.
- (2) The property and assets of the Central Ministry Fund shall be held by (and on behalf of) the Trustees of the Presbyterian Church in Ireland (as defined in Par. 122 of the Code).
- (3) The administration of the Fund (including the administration of the Church's Commutation, Sustentation and Augmentation Funds, together with any other special Funds or Trusts, accrued to, or which may fall within the objects of the Central Ministry Fund) shall be supervised by the Assembly's General Council, directly or through its appropriate committee.
- (4) This Council shall also be responsible for the administration of:
- (a) The Presbyterian Church in Ireland Pension Scheme (2009) (in these Rules referred to as the '2009 Pension Scheme');
- (b) contributions to be made in respect of Ministers' National Insurance;
- (c) arrangements for the payment centrally of ministers' salaries throughout the congregations of the Church;
- (5) The Treasurer of the Fund shall be the General Assembly's Financial Secretary.
312. (1) **No amendment of the Rules** of the Fund shall be made unless notice of such amendment has been received by the preceding Assembly and the proposed amendment thereafter approved by the Assembly.
- (2) If any dispute shall arise as to the interpretation of any of the Rules of the Fund, this shall be determined by the Support Services Committee of the General Council; and its decision shall be binding, subject only to review by the General Council and the next Assembly.
- (3) No change in financial assessments for the support of the Fund, and no memorial making any pecuniary claim upon the Fund, shall be decided by the Assembly until a report thereon has been received from the administering Council or Committee.
313. (1) **The Fund shall be made up** of quarterly contributions assessed on congregations together with bequests, donations and endowment income received for the objects of the Fund.
- (2) Each congregation of the Church shall pay a contribution to the Fund assessed on a basis and at rates determined annually by the General Assembly on the advice of the General Council, or as fixed by the Linkage Commission in giving leave to call in a vacancy. The General Council may apply provisional rates of assessment from the first quarter of each year.
- (3) Moneys received by the Fund shall also include:
- (a) Income from investments and trust funds, including the Commutation, Sustentation and Augmentation Funds; and other income to which the Central Ministry Fund is, or may become, entitled;
- (b) All donations or bequests for the benefit of the objects of the Fund, which shall, where so directed by the donor or testator, be permanently invested by the Trustees and the income paid to the Fund.
314. **It shall be the duty** of the General Council each year, directly or through its appropriate committee, on the recommendation of the Finance Panel made in the light of moneys available in the Fund or reasonably to be expected, to set a Basic Ministerial Income for ministers of the Church in active duty in congregations.
315. **The income of the Central Ministry Fund shall be applied** as follows:-
- (1) to pay the expenses of administering the Fund, including its proportion of the expenses of Trustees;
- (2) to pay (out of income received from the Sustentation Fund) to every qualified minister a monthly sum to be fixed from time to time by the supervising Council.
- (3) to provide such supplemental payments in respect of qualified ministers for whom local sources and other contributions may be insufficient to pay for the Basic Ministerial Income or appropriate

retirement pension: on condition that for assistant ministers their income shall be fixed at 85%, 90%, 95% and 100% respectively of the Basic Rate for the years succeeding ordination; and for ministers of more than 5 years service, or of more than 10 years service, or of more than 15 years service, or of more than 20 years service, or of more than 25 years service, or of more than 30 years service since ordination of 102.5%, 105%, 107.5%, 110%, 112.5%, and 115% respectively of the Basic Ministerial Minimum;

(4) to pay (in the first place out of income received from the Augmentation Fund) family grants to qualified ministers, at rates and on conditions fixed from time to time by the Council, in respect of each child under the age of 16, or in full-time attendance at a recognised educational institution provided that post secondary level studies are towards a primary degree, or other recognised third level qualification, as determined by the Council; that the student is not in receipt of income above the level to be determined annually by the Council and that these studies are commenced not later than 31 December following the student's 21<sup>st</sup> birthday. Children shall qualify in terms of their age and circumstances at the beginning of each financial year and payment be made only upon application on the Council's official form, received by the Financial Secretary before the close of the same year; and

(5) to pay special grants to ministers or agents of the Church such as may be authorised from time to time by the Assembly or its Linkage Commission.

(6) to pay grants (including family grants) to licentiates of the Church serving in congregations.

**316. For the purpose of the preceding paragraph:-**

(1) A qualified minister shall mean a retired minister, minister, colleague minister, associate minister, assistant minister of a congregation or Church Extension charge which has, by the 15th of February, May, August and November (or the first banking day thereafter) each year, paid to the C.M.F. Committee all moneys due under Rules, including:-

- (a) in respect of the C.M.F. assessment, a sum not less than one-quarter of the annual sum due according to the regulations for the time being of the General Assembly;
- (b) a sum equal to one-fourth of the annual assessment in respect of the congregation's or charge's contribution to the minister's National Insurance and the Presbyterian Church in Ireland Pension Scheme; and
- (c) in respect of stipend, where there is a minister in active duty, a sum equal to at least one-fourth of the total congregational stipend paid in the preceding financial year; or as fixed by the Linkage Commission in giving leave to call in a vacant pastorate; or, in the case of a Church Extension charge, of the sum fixed annually by the Linkage Commission.

(2) In reckoning the supplemental payment, required where local sources and other contributions are not sufficient to provide for the Basic Ministerial Income, account shall not be taken of

- (a) special payment for additional work undertaken, as determined by the Linkage Commission;
- (b) payments, from central funds of the Church, of travelling expenses or family grants;
- (c) a sum not exceeding £500 (or as may be fixed from time to time by the supervising Council) being income from endowments for the benefit of the minister received during his ministry in the congregation;
- (d) (i) a sum not exceeding £2,500 (or as may be fixed from time to time by the supervising Council), being income earned from Clerkships, Chaplaincies, Licenserships, Convenerships or other Church appointments, or Church-nominated appointments;
- (ii) a sum not exceeding £1,500 (or as may be fixed from time to time by the supervising Council) being income earned from any other work outside his congregation;
- (iii) the total sum to be disregarded under sub-sections (i) and (ii) shall in no case exceed £2,500 in all (or as may be fixed from time to time by the supervising Council);
- (e) a sum not exceeding £300 per annum (or as may be fixed from time to time by the supervising Council) being income from any or all of the following, the Commutation Fund, the Sustentation Fund or the Central Ministry Fund.

(3) Where it may appear that exceptional circumstances have arisen or exceptional hardships have been created, either the minister or the congregation may, with the approval of Presbytery, memorialise the General Council. The Council, through its appropriate committee, shall have power, subject to review by the General Council itself and the Assembly, to diminish the assessments due during the current financial year, or to make such other change as appears

desirable in the circumstances of the case. In all such cases the action taken shall be fully reported to the Linkage Commission and the Assembly.

- 317. The Council shall maintain** such central banking account or accounts as it may think necessary for the payments:-
- (a) on behalf of the congregations, funds, ministers and agents of the Church, as may be applicable, of contributions in respect of National Insurance and the 2009 Pension Scheme; and
  - (b) of the regular salaries of ministers and agents of the Church, including stipends received from congregations as may be determined by Congregational Committees subject to the laws of the Church.
- 318. (1) It shall be the duty of every congregational treasurer and minister**, jointly, to make a full return to the Assembly's Financial Secretary, not later than 10th February each year, of:-
- (a) the rate of estimated stipend for the incoming year and all payments (including allowances, bonus payments and endowments) being made by the congregation to their minister or ministers; and
  - (b) all other income and payments (including allowances, bonus payments, fees and endowments) except those from the congregational treasurer, received by the minister or ministers either directly or indirectly on account of their ministerial office; and to notify the Financial Secretary within one week of any change in these items occurring during the course of the year.
- (2) If there is any failure to make the foregoing returns or notifications or any failure to transmit any portion of the quarterly moneys which may be due, either from a congregation or a minister:
- (a) the Financial Secretary shall immediately refer the case to Presbytery, which shall be under obligation to take such action as it may deem necessary to ensure that the information is supplied or moneys paid up without delay;
  - (b) if the Presbytery fails to ensure that the information is supplied or moneys paid without delay, the Presbytery and/or the General Council, directly or through its appropriate committee, shall refer the matter to the Linkage Commission which shall investigate and take whatever action it may deem necessary. This referral shall take place no later than following the third failure within any three year period to transmit any portion of the quarterly moneys which may be due.
- (3) The Linkage Commission shall have the power, in the foregoing circumstances:
- (a) to instruct the General Council, or its appropriate committee, to reduce the assessments payable by the congregation in the current financial year;
  - (b) to make any appropriate arrangement for future ministry in the congregation;
  - (c) to instruct the Presbytery, under Linkage Commission guidelines, to loose the minister from the charge and declare the congregation vacant, prior to a reconfiguration of ministry;
  - (d) to make appropriate arrangements for the minister. In so acting, the Linkage Commission shall have power to fix a retiring allowance, according to the rules for the time being of the General Assembly, or to fix an allowance for a temporary period.
- (4) The Linkage Commission shall not give leave to call to any vacant congregation, or linkage, which remains in default to the Central Ministry Fund or other funds of the Church.

## **PRESBYTERIAN CHURCH IN IRELAND PENSION SCHEME (2009) FUND**

- 318(A)(1) The object** of the Presbyterian Church in Ireland Pension Scheme (2009) Fund shall be to provide the appropriate funds for the contribution to be made by the Presbyterian Church in Ireland to the Presbyterian Church in Ireland Pension Scheme (2009).
- (2) (a) The property and assets of the Fund shall be held by (and on behalf of) the Trustees of the Presbyterian Church in Ireland (as defined in Par.122 of the Code).

(b) The administration of the Presbyterian Church in Ireland Pension Scheme (2009) shall be supervised by the Assembly's General Council, directly or through its appropriate Committee.

- 318(B)(1) The Fund shall be made up** of quarterly contributions assessed on congregations together with bequests, donations and endowment income received for the objects of the Fund.
- (2) Each congregation of the Church shall pay a contribution to the Fund assessed on a basis and at rates determined annually by the General Assembly on the advice of the General Council, or as fixed by the Linkage Commission in giving leave to call in a vacancy. The General Council may apply provisional rates of assessment from the first quarter of each year.
- (3) If any congregation shall be in default of the contribution to the Fund for which it has been assessed according to the Rules:
- (a) (i) The Financial Secretary shall report the default to Presbytery; and  
(ii) The Presbytery concerned shall be under obligation to take such action as it may deem necessary to ensure that the contribution is paid up without delay.
- (b) No leave to call shall be given by the Linkage Commission to a vacant congregation which remains in default to the Presbyterian Church in Ireland Pension Scheme (2009).
- 318(C)(1) No change in general financial assessments** for the support of the Fund and no memorial making any pecuniary claim upon the Fund shall be considered by the Assembly until a report thereon has been received from the administering Council, directly or through its appropriate Committee.
- (2) No amendment of the Rules of the Fund shall be made unless notice of motion has been received by the preceding Assembly and the proposed amendment thereafter is approved by the Assembly.

## SECTION II - RETIRED MINISTERS' FUND

- 319. (1) The object of the Retired Ministers' Fund** (formerly called the Aged and Infirm Ministers' Fund) shall be to provide the appropriate annuity to be paid from central funds to ministers of the Church retired from active duty according to Rules, in respect of service given before 1st April, 1978, or as otherwise may be required to complement payments under The Presbyterian Church in Ireland Pension Scheme (2009).
- (2) The property and assets of the Fund shall be held by (and on behalf of) the Trustees of the Presbyterian Church in Ireland (as defined in Par. 122 of the Code).
- (3) The administration of the Fund shall be supervised by the Assembly's General Council, directly or through its appropriate Committee.
- 320. (1) The Fund shall be made up** of quarterly contributions assessed on congregations together with bequests, donations and endowment income received for the objects of the Fund.
- (2) Each congregation of the Church shall pay a contribution to the Fund assessed on a basis and at rates determined annually by the General Assembly on the advice of the General Council, or as fixed by the Linkage Commission in giving leave to call in a vacancy. The General Council may apply provisional rates of assessment from the first quarter of each year.
- (3) If and when the Fund shall be no longer required to complement pensions accruing under the Presbyterian Church in Ireland Pension Scheme (2009), any remaining assets shall be transferred to assist with contributions towards the retirement pensions provided by that Scheme.
- 321. (1) The retirement pension**, inclusive of the designated payment under the Central Ministry Fund in respect of service given in this Church before 1st April, 1978, to which every Minister while in good standing shall be entitled, whether he has been serving in Congregation or in special work accepted for such purpose, shall be at the rate agreed from time to time by the General Council, on the recommendation of its appropriate Committee.
- (2) This pension shall be paid to:-
- (a) ministers who have completed 40 years' service in this Church since ordination;
- (b) ministers attaining 70 years of age who have completed 30 years' service; and
- (c) ministers given leave to retire on medical grounds, who have completed 30 years' service.

- (3) Ministers who have reached 65 years of age who are granted leave to retire, shall, on the recommendation of the Council, receive a pension equal to one thirty-fifth of the full pension for each year's service in this Church prior to 1<sup>st</sup> April, 1978, on condition that the sum thus calculated shall not exceed the full retirement pension.
- (4) Ministers retiring after 1st April, 1978, shall, in line with the foregoing provisions, receive a proportionate pension for the number of years served, not exceeding thirty-five, which are not then covered by the Presbyterian Church in Ireland Pension Scheme (2009).
- (5) A minister demitting his charge after at least two years' ordained service in this Church may, upon application to the Council, be granted a pension equal to one fortieth of the full retirement pension for each year served in this Church, completed before 1 April, 1978, beginning at age 65 or on his date of retirement, if later, or on becoming permanently incapacitated for duty. No back payments shall be made for more than one year from the date of application.
- (6) A minister retired under special arrangements, other than for reasons of health, shall not be entitled to any benefit from the Fund until he has reached 65 years of age, save as permitted by Par 223(3); but the Assembly shall have power, on the recommendation of the Council, to authorise ex gratia payments in cases of particular hardship.
- (7) In cases of hardship caused by the introduction of the Ministers' Pension Scheme (1978) the Assembly shall have power, on the recommendation of the Council, to authorise ex gratia payments in the case of particular hardship.

**322. If any congregation** shall be in default of the contribution to the Fund for which it has been assessed according to Rules:-

- (1) (a) the Financial Secretary shall report the default to Presbytery; and  
 (b) the Presbytery concerned shall be under obligation to take such action as it may deem necessary to ensure that the contribution is paid up without delay.
- (2) No leave to call shall be given by the Linkage Commission to a vacant congregation which remains in default to the Retired Ministers' Fund.

**323. (1) No change** in general financial assessments for the support of the Fund and no memorial making any pecuniary claim upon the Fund shall be considered by the Assembly until a report thereon has been received from the administering Council.

- (2) No amendment of the Rules of the Fund shall be made unless notice of motion has been received by the preceding Assembly and the proposed amendment thereafter is approved by the Assembly.

### SECTION III - WIDOWS OF MINISTERS' FUND

**324. (1) The object of the Widows of Ministers' Fund** (formerly called the Supplemental Widows' Fund), shall be to make provision for widows and widowers of qualified ministers who are not fully provided for by the Presbyterian Church in Ireland Pension Scheme (2009).

- (2) The property and assets of the Fund shall be held by (and on behalf of) the Trustees of the Presbyterian Church in Ireland (as defined in Par. 122 of the Code).

(3) The administration of the Fund shall be supervised by the Assembly's General Council, directly or through its appropriate Committee.

**325. (1) The Fund shall be made up** of quarterly contributions assessed on congregations, together with bequests, donations and endowments income received for the objects of the Fund.

- (2) Each congregation of the Church shall pay a contribution to the Fund assessed on a basis and at rates determined annually by the General Assembly on the advice of the General Council, or as fixed by the Linkage Commission in giving leave to call in a vacancy. The General Council may apply provisional rates of assessment from the first quarter of each year.

(3) If and when the Fund shall no longer be required to complement pensions accruing under the Presbyterian Church in Ireland Pension Scheme, any remaining assets shall be transferred to assist with contributions towards the widows' pensions provided by that Scheme.

**326. (1) (a) Qualified ministers for the purposes of this Fund** shall be those who have served the Church in a congregation, or in special work accepted for such purposes and not otherwise provided for, and who at their deaths are ministers in good standing in this Church.

(b) Widows whose names were added to the roll of widows on or before 9th June, 1995, shall receive an equal dividend at the rate agreed from time to time by the General Council, on the recommendation of its appropriate Committee, proportionately diminished by one-fortieth for every year which was served after 6th April, 1978, and not provided for from the Presbyterian Church in Ireland Pension Scheme (2009). This provision shall be for widows of qualified ministers during the period of their widowhood.

(c) Widows of qualified ministers whose names were added to the roll of widows after 9th June, 1995, and not entitled to death-in-service benefits provided under the Presbyterian Church in Ireland Pension Scheme (2009), shall receive an annuity of one four hundred and twentieth of the rate agreed from time to time by the General Council, on the recommendation of its appropriate Committee for each complete month of ministerial service in this Church from the day of ordination until 6th April, 1978, this annuity to be payable for life.

(d) In cases of hardship caused by the introduction of sub-paragraph (c) above the Assembly shall have power, on the recommendation of the Council, to authorise ex gratia payments in the case of particular hardships.

(2) Special provision from this Fund, as determined by the administering Council, may be made for widows who are not qualified to receive benefit from National Insurance.

(3) Special arrangements, at the direction of the administering Council, may be made so that payments from the Fund to beneficiaries may be distributed through the Presbyterian Widows' Fund Association.

**327. If any congregation** shall be in default of the contribution to the Fund for which it has been assessed according to Rules:-

(1) (a) the Financial Secretary shall report the default to Presbytery; and

(b) the Presbytery concerned shall be under obligation to take such action as it may deem necessary to ensure that the contribution is paid up without delay.

(2) No leave to call shall be given by the Linkage Commission to a vacant congregation which remains in default to the Widows of Ministers' Fund.

**328. (1) No change** in general financial assessments for the support of the Fund and no memorial making any pecuniary claim upon the Fund shall be considered by the Assembly until a report thereon has been received from the administering Council.

(2) No amendment of the Rules of the Fund shall be made unless notice of motion has been received by the preceding Assembly and the proposed amendment thereafter is approved by the Assembly.

# CHAPTER XIX - SPECIAL PROVISIONS AS TO DISCIPLINARY PROCEEDINGS

(For Administrative Inquiries, Appeals and References see Pars. 161- 174)

## SECTION I - INITIATION OF PROCEEDINGS

(See App. 11 for Model Forms)

- 329. First steps** for the exercise of disciplinary jurisdiction in any matter with respect to which such jurisdiction is vested by the Code in a Church court shall be taken by that court, save that -
- (a) upon neglect or failure to take such steps a superior court may direct an inferior court to take them;
  - (b) any case within the jurisdiction of a Kirk Session which is a case of special difficulty or importance or involves the severest censures of the Church may, and every charge of heresy coming before a Kirk Session shall, be referred by the Session to the Presbytery.
- 330. Offences cognisable** by an inferior court shall not come before a superior court except by reference or on appeal; except that an offence committed in the presence of any court may be tried and determined by that court either immediately or subsequently.
- 331. (1) A preliminary enquiry** as authorised by paragraph 161 shall be made if the court has reason to believe an alleged offence may have occurred or where a public rumour of an offence ("fama clamosa") has arisen.
- (2) If a charge be made or a fama clamosa arise concerning the doctrinal views, moral conduct or official duties either of a minister who is a professor, or of an overseas missionary, or of a ruling elder in special work, a preliminary enquiry under this rule shall be conducted;
    - (a) in the case of such a minister, by the College Management Committee appointed to superintend the College of which he is a professor;
    - (b) in the case of such a missionary, by the Council for Global Mission or in the case of such a ruling elder in special work other than as an overseas missionary by the appropriate Assembly Council; provided that in any of the cases designated in this sub-paragraph, paragraph 161 (with the omission of sub-paragraph (a) thereof) shall apply to the committee or Council concerned as it applies to a Church court.
  - (3) On the basis of a fama clamosa a court may initiate a preliminary enquiry under this rule by conferring privately with the alleged offender. Should such rumour appear groundless, the court shall take effective steps to discredit it and to counteract any harm it may have done. If, however, further proceedings are required the alleged fama shall be specifically set out.
  - (4) Before considering any charge brought against any person in a court, the court shall in the first instance consider whether the charge may properly be entertained by it or should be prepared for a superior court.
  - (5) Subject to paragraph 19(4) of the Code, all courts shall, in exercising disciplinary jurisdiction, avoid unnecessary publicity.
- 332. (1) A Church court shall not entertain proceedings** for an alleged offence unless some person or persons (in these rules referred to as the complainants) undertake to prosecute the charge or unless the court finds it necessary by reason of fama clamosa or for the ends of discipline to investigate the alleged offence.
- (2) Where the court so finds it necessary, it shall appoint such person or persons, being ministers or ruling elders of the Church, as it may think proper to prosecute a charge for the alleged offence, and it shall be the duty of the person or persons so appointed conscientiously and fairly to do so.
  - (3) The subsequent provisions of these rules may apply to the persons so appointed as if those persons were complainants.
  - (4) A member of the court shall not act as such member in relation to any charge if he is a complainant or an accused.

(5) A court may find it necessary to proceed in accordance with this and subsequent rules by reason of fama clamosa or for the ends of discipline in a case where a complainant withdraws his charge, and in that event, may summon him as witness.

- 333.** (1) **The charge for an offence** must, in every case, be reduced to writing and a copy thereof served on the accused whether the charge be brought before the court by another party or be made by the court itself.
- (2) Before a copy is served on the accused in accordance with this paragraph, a charge shall be signed by each complainant in the presence of the Clerk of the court or of a deputy, being a minister or ruling elder, appointed by the Clerk to attest such signing; and a copy of the charge, signed and attested in a like manner, shall be left with the attestor who shall arrange for it to be duly served on the accused.
- (3) Such service shall be effected not less than fourteen days before the sitting of the court at which the charge is to be considered.
- (4) Upon service of a charge pursuant to this rule, the accused shall be informed in writing that he has the right to cite witnesses in his defence provided he sends to the Clerk of the court, within at least seven days before the sitting of the court at which the charge is to be considered, the correct names and designations and postal addresses of the witnesses known and available whom he desires to be so cited.
- (5) The court may also, if it sees fit, require the complainant to furnish to it and to the accused a further statement, specifying in such detail as the Court may indicate, the nature of the evidence to be offered against the accused.

- 334.** (1) **The charge must -**
- (a) set forth the nature of the alleged offence;
  - (b) narrate the facts alleged to constitute the commission of the offence by the accused, specifying as far as possible, the time, place, and circumstances in which it is alleged to have been committed; and
  - (c) give the names and designations of the witnesses, known and available, who are to be cited in support of the charge together with a list of any documents to be cited in its support.

This shall not prevent the production of any additional witness or documents if notice of their intended production is given at least two days beforehand.

- (2) Charges for more than one offence may be made in the same document but only if the offences are alleged to be founded on the same facts or form part of a series of offences of the same or a similar character.
- (3) Where it appears proper to the court, the court may try separately charges included in the same document. In every case, the court shall separately record the final disposal of each charge.
- (4) A charge of heresy must state the doctrine which the accused is alleged to have impugned, or the false doctrine which he is alleged to have taught contrary to the Word of God and the subordinate standards of the Church; and must set forth the statements from the teaching of the accused, or the quotations from his writings, which are relied upon to establish the charge.
- (5) In all cases of alleged personal and private wrongs the charge must be accompanied by a written averment that the course prescribed by our Lord, in Matthew xviii, 15-17, has been followed.

## SECTION II - CITATION, ETC., OF PARTIES AND WITNESSES

*(See App. 11 for Model Forms)*

- 335.** (1) **A court, having resolved to proceed to trial** in a case of discipline, must cite the following to appear before it, namely:-
- (a) the complainant;
  - (b) the accused;
  - (c) the witnesses to be called upon the application of the complainant; and
  - (d) the witnesses to be called upon the application of the accused.
- (2) A citation may be oral or written; and
- (a) an oral citation is made by authority of the court through its Moderator or Clerk when the parties or witnesses to be cited are present in court. It specifies the time and place of the meeting of court at which the persons cited are to appear;
  - (b) a written citation must -
    - (i) be issued in the name of the court.
    - (ii) specify the time and place of the meeting of the court at which the persons cited are to appear,
    - (iii) set forth the nature of the charge to be tried, and
    - (iv) be signed by the clerk of the court.
- (3) The issue of every citation must be recorded in the minutes.
- (4) The time allowed, after citation has been served, for the appearance of a party or witnesses is determined by the court, with proper regard to the circumstances of the case, and must not be less than three clear days.
- (5) A written citation is duly served upon a party or witness when delivered to him personally by the hand of someone authorised by the court, or by a registered or recorded delivery letter addressed to him at his last known place of residence.
- 336.** (1) **Members of the Church, when duly cited by a court to appear**, either as parties or as witnesses, are bound to obey the citation; and if, after a second citation, a member does not appear or furnish satisfactory reason for non-appearance, he shall be dealt with as contumacious.
- (2) The citation of witnesses who are not members of the Church can only take the form of a request from the court to appear and give evidence.
- 337. Members of the Church refusing** without good cause to give evidence or to submit to examination as witnesses may be suspended indefinitely from membership; or, in grave cases, may be declared to be no longer a member of the Church.
- 338.** (1) **If a party in a case of discipline**, after being orally cited, or after written citation duly served upon him to attend two separate meetings of the court with not less than six clear days between them, does not appear or furnish satisfactory reason for his non-appearance, the court at the second meeting may either -
- (a) treat him as having withdrawn from discipline, hold him liable to censure for contumacy, and subject to Par. 336 may declare him no longer a member of the Church or a holder of any office therein;
  - (b) suspend him from the communion of the Church until he submits to the jurisdiction of the court and gives evidence of repentance for not having done so before; or
  - (c) proceed to trial and judgment in his absence and, subject to paragraph 339, may appoint some person to conduct his defence.
- (2) If the person found contumacious is not under the immediate jurisdiction of the court, it shall certify his contumacy to the Kirk Session of the congregation to which he belongs or if he is a minister, licentiate or ruling elder, to the Presbytery under whose jurisdiction he is, and the Kirk Session or Presbytery may suspend him from communion until he gives evidence of repentance.

### SECTION III - PROCEDURE IN CASES OF DISCIPLINE

- 339.** If at any stage an accused admits his guilt, the court may forthwith proceed to consider the censure to be pronounced and the case shall conclude upon his submission to such censure.
- 340.** (1) **A barrister or solicitor** shall not be permitted to prosecute or defend an accused but, if an accused feels unable to state his case with advantage, he may ask a member of the Church not qualified as a lawyer to act with him and assist him in the case.
- (2) If that member of the Church is a member of the court concerned he shall not have any vote on the case.
- (3) If that member of the Church is not, as such, already under the jurisdiction of the court, he becomes so for all purposes connected with the case.
- 341. A court met to consider a charge shall proceed as follows:-**
- (1) announce the actual charge and by and against whom it is made;
- (2) take evidence, if the facts are not admitted, of service of the charge and citations of the parties and the witnesses cited and of requests made to witnesses to attend;
- (3) hear any preliminary objection from a party or a member of the court which -
- (a) relates to the constitution or jurisdiction of the court or the sufficiency of the charge;
- (b) relates to the order or regularity of the proceedings and, if sustained, would cause unfairness to any party;
- (4) if the court consider any such objection justified, either -
- (a) dismiss the charge; or
- (b) permit amendments to the charge which do not alter the substantial character of the facts narrated therein and may, if satisfied that no party shall be prejudiced thereby, forthwith proceed, in accordance with the succeeding provisions of these rules, to try the charge as amended or try the amended charge at a later time and place specified by the court;
- (5) if there is no such preliminary objection or if the court considers no such objection is justified, formally ask the accused whether he acknowledges the truth of the charge and -
- (a) if he does, record that fact and after hearing any statement made by or on behalf of the accused (either then or later) consider and pronounce sentence as appears to the court to be required by the circumstances of the case and the laws of the Church;
- (b) if he denies the charge, or does not acknowledge and confess it in a manner which the court finds satisfactory, record whichever of those facts is the case and if the accused is a minister, licentiate or elder, the court may then, if it thinks fit and if the parties agree, refer the case directly to the Judicial Commission of the General Assembly which shall have Assembly powers to issue it; but, where the court is not authorised by this sub-paragraph to make such a reference or where it decides not to do so, it shall proceed with the trial in accordance with these rules.
- 342. (1) A court, upon trial of a charge, shall proceed as follows:-**
- first:* hear the complainant's opening statement;
- second:* afford the accused an opportunity, while not denying his conduct, to make a plea of justification for it;
- third:* should the court at this stage find that his plea is factually correct and not unreasonable and that his conduct was not sufficiently reprehensible in all the circumstances to require further proceeding on the charge, it may dismiss the charge either with or without giving him informal guidance as to, or requiring written assurances from him as to, his future conduct;
- fourth:* call the witnesses for the complainant and cause their evidence to be taken down, recorded and signed as required by Par. 345;
- fifth:* hear the opening statement of the accused;
- sixth:* call the witnesses for the accused and cause their evidence to be taken down, recorded and signed as required by Par. 345;
- seventh:* hear the parties in the case upon the evidence; hearing the complainant first then those against the evidence for the complainant;

*eighth*: privately consider and then in the presence of the parties announce and record its determination as to whether the charge should be dismissed or upheld and in the latter event also record its sentence;

*ninth*: when the decision of a court is announced to the parties the Court shall, at the request of any party, inform him as to his rights of appeal.

(2) While a temporary suspension ceases upon the dismissal of a charge, an appeal against any ruling of the court at an earlier stage shall not stay procedure.

- 343. If a person commits an offence in the presence of a court**, or comes forward as his own accuser, the court may, without trial, declare him guilty of the offences and pass sentence; but it shall not do so until it has given him an opportunity to be heard. In every such case, the record of the court must set out clearly the offence, determination and sentence; and, if the court be a subordinate one, appeal may be taken as in other cases.

## SECTION IV - EVIDENCE

- 344. (1) Witnesses are examined** after a solemn affirmation administered to them by the Clerk of the Court. (See App. 11 (9)).
- (2) Witnesses are first examined by the party calling them; then cross-examined by the opposite party; then if desired re-examined by the party calling them but shall not be further examined without leave of the court. The court may disallow a question.
- (3) It is open to any member of the court to put questions to a witness.
- (4) The court may, if at any stage it sees fit, order the exclusion of witnesses or the recall of a witness for further examination.
- (5) The complainant and the accused may, if either of them choose, give evidence, on condition that they submit like other witnesses to cross-examination.
- (6) The court may admit any evidence, including hearsay evidence, which appears to be relevant and to possess probative value.
- (7) The court shall bear in mind that the weight to be attached to any particular evidence calls for due consideration of the nature of that evidence and of the circumstances relating to its admission by the court and its credibility.
- (8) The evidence of one witness shall not be sufficient to establish a charge unless it is supported by other evidence.
- (9) A member of the court who gives evidence in a case is thereby disqualified from voting on it.
- (10) Where the evidence is so conflicting that the court cannot form an opinion as to whether a charge should be upheld or dismissed, or referred to a superior court, it may adjourn the case sine die and record the reason for such adjournment.
- (11) A case so adjourned may be reconsidered by the Court upon motion of any party or at the instance of a member of the court, but such motion shall not be made more than five years after the date on which the court first adjourned the case under the preceding sub-paragraph.
- (12) Subject to this rule, the court decides all questions as to the admissibility, relevance or weight of any evidence.

- 345.** (1) **Note shall be taken of the evidence** of each witness and a certified summary preserved among the records of the court in such form as may permit its being destroyed by a direction of the court after the expiry of ten years.
- (2) The evidence of witnesses unable, because of ill-health, infirmity, or other sufficient reason, to appear, may be taken by a committee of two or more persons. Such evidence is taken according to the rules followed by the court itself, and when so taken, is laid before the court as part of the evidence in the case.
- (3) No member of the court may vote as a judge in the case unless he has been present throughout the hearing.
- (4) The evidence in a case, properly attested by the Moderator or clerk of the court by which it has been taken, shall be received as valid evidence by every other court including a superior court to which the case may be appealed.
- (5) In dealing with questions of evidence, the superior court must form its judgment from the record of the evidence transmitted by the Clerk of the inferior court with due attention to the pleading of the parties when before the superior court.
- (6) If any irregularity or defect is found in the proceedings of the inferior court a superior court may correct it.
- 346.** (1) **If in the prosecution of an appeal new evidence** is proffered which, in the judgment of the superior court, has an important bearing on the case, it may either refer the whole case to the inferior court for a new trial, or, with the consent of the parties, take this evidence and then hear and determine the case.
- (2) If, after a trial before any court, new evidence is discovered, which is alleged to be important to the exculpation of the accused, he may ask a new trial, and the court may grant the request, if justice seems to require it; so, however, that if the court is an inferior one, and the case has been appealed from it, such application shall be made to the superior court.
- (3) A new trial shall not be granted, without the authority of the General Assembly, in any case in which a minister or licentiate has been sentenced to be suspended or deposed from office.
- (4) A new trial shall commence in the court of first instance, or, if a superior court order it to commence in another court, in that other court.

## SECTION V - CHURCH CENSURES AND CONSEQUENCES

*(See App. 11 for Model Forms)*

- 347.** (1) **When a court has decided**, after judicial trial, that a charge has been proved it shall consider what sentence should be pronounced upon the accused by way of censure authorised by paragraph 133 of the Code.
- (2) When a court has determined what censure is due in a case of discipline, it shall call upon the accused to appear, and on his appearance the Moderator, in the name and in the presence of the court, shall pronounce sentence, and address him in terms befitting the nature and circumstances of the case.
- (3) If, when duly cited, the offender does not attend to receive censure, the sentence shall be pronounced by the Moderator in his absence, and a copy of it, and of the judgment upon which it is based, shall be transmitted to him by the Clerk.
- (4) Sentences shall be published in the court by which they have been passed, or in the superior court if an appeal has been carried to it; and, when it shall appear to be for edification, they shall be published in the congregation to which the accused belonged, in such manner as the court passing sentence may direct.
- (5) Sentence respecting proceedings of an inferior court shall be pronounced only in the superior court unless the interests of the Church require greater publicity.

- 348.** (1) **A minister's suspension** or deposition shall be from office and emoluments; and his right to emoluments from the congregation or any of the funds of the Church and to the possession of the manse or glebe, shall cease from the date of the sentence of suspension or deposition unless the court imposing the sentence otherwise directs.
- (2) When a minister, after trial and determination of a Church court is suspended or deposed without appeal, or when the sentence of suspension after appeal is confirmed by such a court, his congregation shall be declared vacant.
- (3) Anyone suspended from, or deprived of, Church privileges is, ipso facto, suspended or deposed from office in the Church; but an offence may be such as to necessitate suspension or deposition from office and not deprivation of Church privileges.
- 349.** (1) **Every sentence** shall continue in force until it is reversed, or until the court passing the sentence has satisfactory evidence of repentance submitted to it.
- (2) It is the duty of Church courts and congregations to pray for persons under censure, and to use every means which Christian love and prudence may suggest to bring them to repentance.
- (3) When satisfactory evidence of repentance is submitted to the sentencing court by a party suspended from, or deprived of, Church privileges, he shall, subject to these rules, be restored to such by that court.
- (4) Thanksgiving shall then be offered to God for having brought the offending brother or sister to a credible profession of repentance.
- 350.** (1) **Restoration** to the privileges of full communion does not carry with it restoration to office. Restoration to office shall not take place, however satisfactory may be the evidence of repentance, unless it is clear to the court that the cause of Christ will be advanced and not injured by restoring the offender.
- (2) Except in the case of suspension for contumacy by summary censure (e.g. Par. 154(2)), etc. a minister or licentiate suspended, or deposed, shall not be restored to the functions or office of the ministry unless by the authority of the General Assembly; and before such restoration the Assembly must be satisfied, not only that the repentance of the applicant has been evidenced by an appropriate and sustained period of consistent Christian conduct, but that his restoration will be acceptable to the Church.

## **Part III**

### **Appendix**

# 1. GENERAL ASSEMBLY'S STANDING ORDERS

- I** The stated annual meeting of the General Assembly shall be held beginning on the first Monday in June, with the opening session commencing at 7 o'clock p.m., to include the following:-
- (1) The Moderator shall conduct public worship and preach a sermon or give a retiring address; after which, should a quorum be present, he shall constitute the Assembly.
  - (2) The Moderator having requested the Assembly to appoint a successor, the names of members nominated by Presbyteries for the office shall be read. Others may also be proposed in the Assembly. Should a vote be necessary it shall be taken after the method prescribed in the Assembly's Rules.
  - (3) The member who is appointed Moderator shall be installed in office by prayer and may address the Assembly.
- II** (1) The Sacrament of the Lord's Supper shall be administered at the annual meeting. Communicants of this or any Church, desiring to share the fellowship of the Sacrament, shall be invited and made welcome to join with members of the General Assembly at the Lord's Table.
- (2) The Arrangements Panel of the General Assembly Business Committee shall make all the arrangements for the observance of this ordinance.
- III** The General Assembly Business Committee shall submit its report, including the proposed Order of Business for the succeeding sessions together with any additions or amendments and the Assembly thereupon shall proceed to deal with the various matters proposed.
- IV** Every report submitted to the Assembly shall be presented in written or printed form; and, as far as possible, every such report shall be included in a Blue Book printed and circulated to members at least one week before the annual meeting of the Assembly.
- V** (1) A proposed resolution or resolutions of Assembly shall be appended to every report in the Blue Book.
- (2) Each proposed resolution shall be based on information provided in the report and shall seek to express a clear and succinct mind of the Assembly upon it, without attempting to include such arguments as are more appropriate to speeches.
- (3) (a) Where it has not been possible to include some resolution in the Blue Book, it shall be transmitted to the Clerk of Assembly (if necessary appended to a supplementary report giving the relevant information) at least one clear day before it may be considered by the Assembly.
- (b) At the beginning of each session the Clerk shall intimate to the Assembly any additional business and, where possible, provide members with printed copies of it.
- VI** An amendment to a proposed resolution or overture which would substantially affect its scope shall be transmitted to the Clerk at least one clear day before it is due to be considered by the Assembly; and it shall be announced to members and, where possible, circulated to members as additional business. This rule shall not preclude the Assembly from altering or amending the proposed resolution, as it may judge right having regard to the whole discussion on the subject when considered.
- VII** (1) Speeches or addresses in the Assembly shall be limited as follows, unless in the circumstances judged by the Moderator to be exceptional:
- (a) The first speaker presenting a group of reports with appended resolutions on behalf of an Assembly Commission or Council shall not occupy longer than seven minutes.
  - (b) The speaker seconding the foregoing presentation shall not occupy longer than seven minutes.
  - (c) All other speakers shall not occupy longer than four minutes.
- (2) Arrangements shall be made to give a speaker warning at one minute and again at half a minute before the time expires; and upon its expiry a bell shall be rung and the speaker shall immediately resume their seat.
- (3) Speakers proposing or seconding a group of resolutions (including additional resolutions, and also where a Convener is speaking to those of his Commission, Council or Committee) shall not speak separately to them except by way of closing a debate upon them.
- VIII** (1) A ballot shall be taken at the discretion of the Moderator or when it is asked for by not less than twenty-five members of the House rising in their place.

(2) When a ballot has been decided on a bell shall be rung for two minutes, during which time all members who propose to take part in the vote shall take their places in the House; and thereafter none shall enter or leave until the vote has been taken.

(3) Each member shall record their vote by detaching from their member's ticket and placing in the ballot box the part of the ticket that indicates on which side they vote. If it should be found that more than one voting paper bear the same number, all the voting papers bearing that number shall be excluded from the count.

(4) No member shall record any vote but their own, or use a ticket belonging to a member absent for whatever cause. This exclusion also applies to any additional named elder, appointed by a Kirk Session, with permission to sit and deliberate only. No vote shall be counted in the absence of a member's ticket.

(5) When the tellers have met and counted the votes, one shall take the voting papers and statement of the vote to the Clerk of Assembly and the Moderator shall announce the result to the House.

(6) (a) Any member of the House may demand a scrutiny of the voting papers, provided they do so in open court immediately after the result of the vote is announced and are supported by fifty members standing in their places.

(b) The Moderator shall thereupon appoint as many scrutineers as he or she shall think fit, selecting a number from the supporters of each side of the question voted on, who with the tellers, shall at once proceed to carry out the scrutiny.

(7) The Clerk of Assembly shall take charge of the voting papers until the rising of the Assembly, after which he or she shall destroy them.

- IX** (1) The Arrangements Panel shall be responsible for providing a panel of tellers for each session and for stewarding arrangements.
- (2) In making all the arrangements that may be necessary for the accommodation and discharge of the business of the General Assembly at its meeting, the Arrangements Panel is empowered to issue tickets of admission to the Assembly, both to the members thereof and to others attending, to regulate the conditions of admission and to make such reservations of seating and accommodation as may be required.
- (3) Collections may be taken from those attending at one or more sessions of the Assembly, and grants made from the Assembly's Incidental Fund, to defray the expenses incurred by the Arrangements Panel.
- X** The nomination of members for all Commissions, Councils and Committees shall be made in the first instance by the Nominations Committee. When the nominations are submitted to the Assembly it is open to any member to propose alternative names for appointment.
- XI** No person who is not a member of the Assembly shall be permitted to address the House unless with the approval of the House or of the General Assembly Business Committee.
- XII** No Presbytery, Assembly Commission, Council or Committee shall meet during the period of the General Assembly except at its discretion or with its permission.

## 2. CERTIFICATES OF DISJUNCTION

Presbyterian Church in Ireland

It is hereby certified that Mr./Mrs./Miss A..... B..... who has been:

(a) a member in full communion in the congregation of ....., (or b) a Ruling Elder in good and regular standing in the congregation of ....., (delete as applicable) having now applied for a Disjunction Certificate, is cordially commended to the fellowship of the Church wherever it may please Divine providence to order h..... residence.

Signed in the name and by the authority of the Kirk Session of

.....

At .....

this ..... day of ..... 20 .....

..... Moderator

..... Clerk

### 3. COMMISSIONS OF RULING ELDERS

**A: Session Representatives**

It is hereby certified that Mr./Mrs./Miss A..... B..... of ..... a Ruling Elder in the congregation of ..... has been appointed by the Kirk Session of ..... to represent it at:

(a) meetings of the Presbytery of ..... for ..... months, or until in the meantime this commission has been withdrawn or another has been issued:

(or b) meetings of the General Assembly to be held at ..... upon the ..... day of ....., 20.....

Signed in the name and by the authority of the Kirk Session

At .....

this ..... day of ..... 20.....

..... Moderator

..... Clerk

**B: Presbytery Representatives**

It is hereby certified that Mr./Mrs./Miss A..... B.....of ..... a Ruling Elder in the congregation of ..... has been appointed by the Presbytery of ..... as a Representative Elder corresponding to the Rev. .... at (a) meetings of the Presbytery of ..... for .....months, or until in the meantime this commission has been withdrawn or another has been issued:

(or b) meetings of the General Assembly to be held at ..... upon the ..... day of ....., 20.....

Signed in the name and by the authority of the Presbytery

At .....

this ..... day of ..... 20.....

..... Moderator

..... Clerk

# 4. CREDENTIALS

## A: To a Minister with charge

Presbyterian Church in Ireland

It is hereby certified that the Rev. A..... B....., ....., minister of the congregation of ..... (or ordained assistant minister, missionary, professor, etc., as may be) and member of the Presbytery of ..... having received and accepted the call of ..... demitted his present charge, with the concurrence of Presbytery on .....; that he/she is a minister of this Church in good and regular standing; and that, as such, he/she is cordially commended to the Presbytery of .....

Signed in the name and by the authority of Presbytery

At .....

this ..... day of ..... 20 .....

..... Moderator

..... Clerk

## B: To a Minister without charge, or Licentiate

Presbyterian Church in Ireland

It is hereby certified that the Rev. A..... B....., ....., a (Minister without charge)/(Licentiate) under the care of the Presbytery of ..... is in good standing (in the ministry)/(as a probationer for the ministry) and that he/she is cordially commended as such to .....

Signed in the name and by the authority of Presbytery

At .....

this ..... day of ..... 20 .....

..... Moderator

..... Clerk

## 5. FORMS OF CALL

### A: By a Congregation (for a Minister)

We, the members of the congregation of ..... in connection with the General Assembly of the Presbyterian Church in Ireland, having heard a good report of you ..... and being fully satisfied of your fitness to be our minister in the Lord, do hereby call and invite you to undertake the work of the ministry among us.

We promise to respect you for your work's sake, to attend to your instruction in the Gospel, and to submit to the discipline of the Presbyterian Church in Ireland, according to the law of the Lord Jesus Christ.

And we further promise as stipend in pursuance of our obligations under paragraph 195 (11) of the Code, the annual sum of £/€....., commencing from the date of installation and payable monthly, with increase in accordance with paragraph 236 of the Code, together with the annual income of such endowments, held in connection with the congregation, as are available for your benefit (if any) and the annual sum of £/€..... from investment income over which the congregation or its Session or Committee or Trustees have absolute power of disposal; together with the use of the glebe (if any) and right of residence in the manse, in which you are required to reside during the period of your active ministry in this congregation, free of rent, rates and taxes, after which period you must vacate the manse; and promising that if a manse be not available then to provide other suitable residence on the same conditions, free of rent, rates and taxes, from which you can conveniently discharge your congregational duties or to make such other arrangements as may be required under Par. 273(14).

And we hereby undertake to contribute to the Central Ministry Fund according to the regulations for the time being of the General Assembly; and to meet as a congregational expense the cost of a holiday pulpit supply for six weeks annually during vacation, and acknowledge the Minister's entitlement to avail of both in-service and sabbatical leave under the terms approved from time to time by the General Assembly. This Call is made out in conformity with the terms fixed by the Linkage Commission, a copy of which is herewith attached.

Dated and signed at ..... this ..... day of ..... 20.....

Signed .....  
.....  
..... etc.

### *Certification:*

We certify that we attended in the congregation of ..... this ..... day of ....., 20....., by appointment of the Presbytery of ....., as its Commission, and that we were present at the signing of the Call.

..... Moderator  
.....  
.....

**B: Form of Call to a Minister (Part-Time Ministry Scheme)**

We, the members of ..... in connection with the General Assembly of the Presbyterian Church in Ireland having heard a good report of you ..... and being fully satisfied of your fitness to be our Minister in the Lord, do hereby call and invite you to undertake the work of the ministry among us.

We promise to respect you for your work's sake, to attend to your instruction in the Gospel, and to submit to the discipline of the Presbyterian Church in Ireland, according to the law of the Lord Jesus Christ. And we further promise as stipend in pursuance of our obligations under Paragraph 195(11) of the Code, the annual sum of £/€....., commencing from the date of installation and payable monthly, with increase in accordance with Paragraph 236 of the Code, together with the annual income of such endowments, held in connection with the Congregation, as are available for your benefit (if any) and the annual sum of £/€..... from investment income over which the Congregation or its Session or Committee or Trustees have absolute power of disposal; together with the use of the glebe (if any) and (tick as appropriate):

- right of residence in the manse, in which you are required to reside during the period of your active ministry in this Congregation, free of rent, rates and taxes, after which period you must vacate the manse; and promising that if a manse be not available then to provide other suitable residence on the same conditions, free of rent, rates and taxes, from which you can conveniently discharge your congregational duties, or to make such other arrangements as may be required under Paragraph 273(14).
- no right of residence in the manse. Housing Allowance £/€\_\_\_\_\_ per annum.

And we hereby undertake to contribute to the Central Ministry Fund according to the regulations for the time being of the General Assembly; and to meet as a congregational expense the cost for a holiday pulpit supply for six weeks annually during vacation and acknowledge your entitlement to avail of both in-service and sabbatical leave under the terms approved from time to time by the General Assembly.

This Call is made out in conformity with the terms fixed by the Linkage Commission, a copy of which is herewith attached.

Dated and signed at ..... this ..... day of .. ..... in the year .....

We certify that we attended in the congregation of ..... this ..... day of ..... in the year ..... by appointment of the Presbytery of ..... as its Commission and that we were present at the signing of the call.

.....  
Moderator  
.....  
.....

**C: By a Congregation** (for an Associate Minister)

We, the members of the congregation of ..... in connection with the General Assembly of the Presbyterian Church in Ireland, being fully satisfied of your fitness to be our associate minister in the Lord, do hereby call and invite you ..... to undertake the work of the ministry among us.

We promise to respect you for your work's sake, to attend to your instruction in the Gospel, and to submit to the discipline of the Presbyterian Church in Ireland according to the law of the Lord Jesus Christ.

And we further promise to provide for your livelihood and residence (or allowance in lieu thereof) as approved by the Linkage Commission.

And we hereby undertake to contribute to the Central Ministry Fund according to the regulations for the time being of the General Assembly; and acknowledge the Associate Minister's entitlement to avail of both in-service and sabbatical leave under the terms approved from time to time by the General Assembly. This call is made out in accordance with the provisions of Paragraphs 128, 191, 193, 237, 273(4) of the Code and in conformity with the terms fixed by the Linkage Commission, a copy of which is herewith attached.

Dated and signed at ..... this ..... day of ....., 20....

Signed .....  
.....  
..... etc.

*Certification:*

We certify that we attended in the congregation of ..... this ..... day of ....., 20....., by appointment of the Presbytery of ....., as its Commission, and that we were present at the signing of the Call.

.....  
Moderator  
.....  
.....

**D: By a Kirk Session** (for an Assistant Minister)

We, the Kirk Session of the congregation of ..... in connection with the General Assembly of the Presbyterian Church in Ireland, being persuaded of your fitness to minister to the congregation in the Lord, do hereby call and invite you ..... to undertake the work of the ministry among us as Ordained Assistant Minister, in accordance with the provisions of Paragraph 198 of the Code of this Church.

We promise to respect you for your work's sake; to attend to your instruction in the Gospel; and to provide for your livelihood and residence as the said Paragraph 198 of the Code may require.

Dated and signed at ..... this ..... day of ....., 20....

..... Moderator of Kirk Session  
..... Clerk of Kirk Session

**E: By an Assembly Council (for Special Work)**

We, the [name of Council] .....of the General Assembly of the Presbyterian Church in Ireland, being persuaded of your fitness to undertake such work in the name of our Lord, do hereby call and invite you ..... to undertake the work of ..... (within [name of Council or Department]) in accordance with the provisions of the Code, Paragraphs ..... [here insert appropriate paragraph numbers such as 199, 200, 272(9), 301(3), 303(3)].

We promise, on behalf of the Church you will serve, to respect you for your work's sake; and to support you with our interest and prayers; (and to provide for your livelihood and residence) as the said Paragraphs of the Code or Mission Rules may require.

Dated and signed at ..... this ..... day of ....., 20....

..... Convener  
..... Secretary

**F: By a Kirk Session (for an Auxiliary Minister)**

We, the Kirk Session of the congregation of ..... in connection with the General Assembly of the Presbyterian Church in Ireland, being persuaded of your fitness to minister to the congregation in the Lord, do hereby call and invite you ..... to undertake the work of the ministry of the Word among us as Auxiliary Minister, in accordance with the provisions of Paragraphs 36, 72, 128 and 201 of the Code of this Church.

We promise to respect you for your work's sake; to attend to your instruction in the Gospel; and to conform to the Terms of Call agreed with the Linkage Commission.

Dated and signed at ..... this ..... day of ....., 20....

..... Moderator of Kirk Session  
..... Clerk of Kirk Session

## 6. NOTICES TO CONGREGATIONS

### A: On Publication of a Voters' List

Notice is hereby given that a draft list of the qualified voters of the congregation of ..... having been prepared it will, by the decision of the Kirk Session, be:- (here stating the choice made)

read to the congregation on two successive Sundays; OR printed, or otherwise copied, and circulated to each member of the congregation therein named, OR exhibited on two successive Sundays on the Church premises in ..... (stating the position) the Session being satisfied that this will provide reasonable notice to all voters of the contents of such list.

Any objection to the inclusion or omission from the list of any name, with reasons given, should be lodged in writing with the Moderator of Kirk Session within a week of its first publication, after which the list will if necessary be corrected and finalised.

The Rule defining who are qualified voters in the Church is as follows: (Here paragraph 175 of the Code shall be read to the congregation).

### B: To Ascertain whether a Congregation is prepared to give a Call

Notice is hereby given that a meeting of the congregation of ..... will be held in ..... on ..... day the ..... of ..... at ..... o'clock to ascertain whether the qualified voters of the congregation desire to give a Call to any minister; and, if they should so desire and if any eligible minister should have the requisite measure of support, to have the Call to such minister adopted and signed.

### C: For a Meeting to Appoint new Trustees

Notice is hereby given that a meeting of the congregation of ..... will be held (as may be decided) on Sunday, the ..... of ....., in the Church immediately after the close of public worship, OR on ....., the ..... of ....., at the hour of ..... in ..... when an appointment of new trustees will be made by the members of the congregation duly qualified to vote at the election of the Minister; and that no person but a member of the congregation is eligible for such appointment to office.

Signed ..... Moderator

.....Clerk of Session

*(Certification).*

The foregoing notice was publicly read by me in the presence of the said congregation while assembled in their usual place of worship on Sundays the ..... of ..... and of ....., 20.....

Signed ..... Minister

# 7. LEGAL FORMS

## A: Memorandum of the Choice and Appointment of new Trustees

(As Scheduled to 13 & 14 V. c. 28)

MEMORANDUM of the choice and appointment of new trustees of the ..... (here describe the church, school or other buildings and property involved) situate ..... in the parish/townland of ..... in the county/city of ..... at a meeting duly convened and held for that purpose in ..... on the ..... day of ....., 20..... A ..... B ....., Chairman

Names and descriptions of all the trustees on the constitution or last appointment of trustees, made the ..... day of ....., 20.....

C ..... D ....., of .....

E ..... F ....., of .....

G ..... H ....., of .....

I ..... J ....., of .....

K ..... L ....., of .....

Names and descriptions of all the trustees in whom the said (church, etc.) and premises now become legally vested.

First - Old continuing trustees:

G ..... H ....., now of .....

I ..... J ....., now of .....

Second - New trustees now chosen and appointed:

M ..... N ....., of .....

O ..... P ....., of .....

Q ..... R ....., of .....

S ..... T ....., of .....

Dated this ..... day of ....., 20.....

At .....

Signed: A..... B.....(Rev)

Chairman of the said meeting

Signed, sealed and delivered by the said Rev. A..... B....., as chairman of the said meeting, at and in the presence of the said meeting, on the day and year aforesaid, in the presence of:

W ..... X ....., of .....

Y ..... Z ....., of .....

**B: Declaration of Trusts**

TO ALL WHOM THESE PRESENTS SHALL COME:

We ..... (hereinafter called "The Trustees") send greetings.

WHEREAS BY A .....(here insert the deed) made on the ..... day of .....

between ..... and .....

the premises known as .....

were vested in .....

as trustees of the Congregation of .....

(AND WHEREAS no trusts have been declared)

AND WHEREAS the said premises are now vested in the Trustees:

(\* NOW WE, ..... (The Trustees) hereby declare that the premises comprised in the ..... (here insert the deed) are held by .....(The Trustees) in trust for the Congregation of ..... so long as it shall remain under the jurisdiction of the General Assembly of the Presbyterian Church in Ireland and acknowledges their authority and professes and maintains the Standards of the Church as contained in the Code of the Presbyterian Church in Ireland for the time being in force, and thereafter for such members of the church as shall remain under and acknowledge such jurisdiction and profess and maintain such Standards; (here insert any special trusts affecting the premises and ensure that no part of this declaration contravenes those trusts).

**PROVIDED:-**

1. The Congregation from time to time may remove any of the trustees hereof for the time being, or appoint a trustee or trustees to fill a vacancy or as an additional trustee or trustees.
2. Whenever, with the consent of the Presbytery concerned, the Congregation so decide, the trustees for the time being shall sell, lease, mortgage, charge or otherwise dispose of the said premises or any part thereof.
3. The trustees hereof for the time being (if the trustees above are also the trustees for monies or securities of the Congregation) will hold any money or securities with the interest, whenever paid or vested in them or their successors, to be applied as the Congregation from time to time may direct in accordance with the trusts relating thereto.
4. In the event of the Congregation ceasing to acknowledge the authority of and remain in connection with the General Assembly and to profess and maintain the Standards of the Church as contained in the Code of the Church for the time being in force, the powers of removing and/or appointing new trustees, the power of disposal and of declaring new trusts, shall devolve on the Presbytery of the bounds.

**Notes:** This form will also be followed from the point marked (\*) whenever the trusts are declared in the deed which vests any property in trustees for a congregation.

In either of the above cases stamp duty is usually involved, but legal advice should be sought as to what registration is necessary.

## 8. FORMS OF BEQUEST

### BEQUESTS TO CENTRAL MISSIONS; INSTITUTIONS AND FUNDS OF THE CHURCH

"I hereby give and bequeath to the Trustees of the Presbyterian Church in Ireland, the receipt of the Financial Secretary, Church House, Fisherwick Place, Belfast, BT1 6DW, to be a sufficient discharge to my Executors for the payment of the said legacy, the sum of £/€..... upon trust,

(EITHER) - to be applied either as to capital or to income for such charitable purposes in connection with the Church as the Assembly in their absolute discretion may decide;

(OR) - to be applied by the said Trustees towards the ..... (here state the particular Mission, Institution or Fund to be benefited) ..... of the General Assembly;

and I direct that the said legacy be paid out of my pure personal estate; and free from any deduction on account of any taxes whatever."

## **9. FORM OF PROMISE TO JOIN WIDOWS' FUND**

In accordance with paragraph 211 of the Code, I hereby promise to join, within one year of this date, the Presbyterian Widow's Fund Association (or the Southern Association Widows' Fund, if appropriate); and, if in receipt of a ministerial income from the central funds of the Church, I hereby authorise the Financial Secretary to pay from the payments due to me the required initial contributions to the Treasurer of the Association on demand in equal parts, with the addition of the appropriate interest as each part becomes due for payment, the first payment to be made at the end of the quarter next before the first anniversary of my appointment, and the other parts annually thereafter. I further authorise the Financial Secretary to pay from the payments due to me the required annual subscription to the Treasurer of the Association.

## 10. SHANKILL ROAD MISSION SCHEME

(Minutes of Assembly 1907, p. 395 and 1908, p. 649); (Minutes of Assembly 1931, p. 52); (Annual Reports 1931, pp. 172, 173)

1. 1. The Shankill Road Mission and the Shankill Road Mission Congregation shall be collectively referred to and known as the "Shankill Road Mission", but for administrative purposes separate accounts of all income and expenses of the philanthropic activities and of the congregation shall be kept.
2. The Presbytery of Belfast South shall exercise jurisdiction over all congregational and spiritual activities in connection with the Mission within its bounds.
3. ....  
.....the minister of the congregation shall also be the superintendent of the philanthropic activities of the Mission and retirement from the activities of the pastorate shall, ipso facto, involve retirement at the same time from the superintendence of the Mission.
4. 4.The General Assembly shall, forthwith, upon the adoption of this overture, appoint a Standing Commission with Assembly powers to be called the Commission on the Shankill Road Mission. It shall be the duty of this Commission:-
  - (a) To exercise jurisdiction over all the activities of the Mission except those specified in paragraph 2.
  - (b) In case of a vacancy in the pastorate of the congregation to select a minister after consultation with the congregation, to fix his stipend and total salary, and in case of retirement from active duty, to settle the conditions of his retirement and fix his retiring allowance (if any).
  - (c) To appoint and remove, in consultation with the superintendent, all assistants in connection with the philanthropic side of the work.
  - (d) To give the final decision in all matters of dispute within their jurisdiction.
5. The Commission on the Shankill Road Mission, in consultation with the Trustees of the Mission and Congregational Property, shall prepare and submit to the Assembly for its approval a declaration of Trust and the objects thereof relating to all the property of the Mission and Congregation, and of all investments and money for investment held or received for the use of the Mission or congregation.

# 11. FORMS FOR USE IN CASES OF DISCIPLINE

- (i) The forms set out below, or forms to the like effect, may be used for the purposes and in the cases to which they refer, with such variations as circumstances require.
- (ii) A form shall not be invalidated by any deviation which does not materially affect the substance and is not misleading.

## (1) - Specimen Form of CHARGES

The Presbyterian Church in Ireland

The Presbytery of .....

To A.B. of .....

person under the

I, C.D. of ..... being a person under the jurisdiction of the Session/Presbytery of ..... person directed by the Session/Presbytery of ..... (as the case may be) hereby charge you, a member of the Presbyterian Church in Ireland, with the offence of ..... contrary to the laws and constitution of the Presbyterian Church in Ireland and I specify the following information in support of the said charge:-

- (i) On the ..... day of ..... at or near ..... you publicly stated matters detrimental to the Christian character of ..... namely, [here give the words used or the substance of them].
- (ii) On or about the ..... day of ..... at or near ....., you acted improperly and immorally by (here narrate the actions in question).
- (iii) (Where charge is brought by an injured party.) And I solemnly and truthfully aver that before bringing these charges I have followed, [albeit without avail] the course prescribed by our Lord in Matthew chapter xviii verses 15-17.

The following witnesses will be called in support of the above charge

.....  
.....  
.....

Signed at ..... this ..... day of ..... 20....

Attested by

.....

[Clerk of said (Session/Presbytery)]  
Minister appointed by the Clerk of said  
(Session or Presbytery) to attest this charge.

## (2) - Specimen Form of Charge of heresy

As in Form 1, but describing the offence as the offence of heresy and specifying the offence in such manner as this:-

- (i) That on ..... and on other days you have by your actions and written or spoken words impugned the doctrine that ..... (Here state the doctrine impugned.)
- (ii) That on ..... at ..... in the county of ..... and on other days you have preached and taught contrary to the said doctrine.
- (iii) That in a publication issued or authorised by you entitled ..... you stated on page ..... (here quote as relevant) and on page ..... you stated (again quote).
- (iv) That in the course of a discussion [recorded and afterwards] broadcast/shown on television on the ..... day of ..... you used words to the following effect:—(Here state them.)

## (3) - Specimen Form of CITATION to accused

The Presbyterian Church in Ireland

The Presbytery of .....

To A.B. ....(name)

..... (address)

You are hereby CITED to appear before the [Session or Presbytery]

of ..... meeting in the .....

at ..... on the ..... day of ..... 20 ....

at ..... a.m./p.m. and then and there to answer charges brought against you by C.D. .... as specified in the [Form of Charge] [copy of the Form of Charge] attached hereto.

E.F. Moderator

G.H. Clerk of said [Session or Presbytery]

Served by [recorded delivery service/posting as a registered letter] as per annexed certificate, on the ..... day of ..... 20 ....

[Or Served by personal delivery on the said A.B. on the ..... day of ..... by me Y.Z.]

(4) - **Specimen Form of CITATION** to a witness who is a member of the Church.

The Presbyterian Church in Ireland

The Presbytery of .....

To A.B. .... (name)

As a member of the Presbyterian Church in Ireland bound by its laws and constitution you are hereby CITED to appear before the [Session or Presbytery] of ..... meeting in the ..... at ..... on the ..... day of..... 20 .... at ..... a.m./p.m. to give evidence in the charge against C.D. of ..... now pending before the said Presbytery [or Session]

E.F. Moderator

G.H. Clerk of said Presbytery [or Session]

Served etc. [as in Form No. 3]

(5) - **Specimen Form of REQUEST** to a witness who is not a member of the Church.

The Presbyterian Church in Ireland

The Presbytery of .....

To A.B. .... (name)

..... (address)

The Presbytery [or Session] would be grateful if you could attend their meeting to be held in the ..... at ..... a.m./p.m. on the ..... day of ..... 20 .... for the purpose of giving evidence in the charge against C.D. of etc. [continue as in Form No. 4].

**(6) - Specimen Form of CITATION TO A COMPLAINANT**

The Presbyterian Church in Ireland

The Presbytery of .....

To A.B. .... (name)

..... (address)

You are hereby CITED to appear before the [Session or Presbytery] of ..... meeting in the ..... at ..... on the ..... day of ..... 20.... at ..... a.m./p.m. then and there to prosecute the charge brought by you [or, as the case may be, which you were appointed by them to bring] against C.D. .... of ..... to the end that such charge be duly heard and determined.

(Signed and Served etc. as in No. 3)

**(7) - Specimen Form of words to be added to No. 3 where the citation is a SECOND CITATION to a PARTY**

This being your second citation, you are hereby informed that under the relevant Rules of the Church, if you fail to appear at the time and place above named or to cause satisfactory reason to be furnished for your non-appearance, the Presbytery [or Session] may proceed in your absence. In addition you may be held liable to censure for contumacy, declared no longer a member of the Church or a holder of any office therein or suspended from the communion of the Church.

**(8) - Specimen Form of words to be added to No. 4 where the citation is a SECOND CITATION to a WITNESS**

This being your second citation, you are hereby informed that, under the relevant Rules of the Church, if you refuse without good cause to give evidence or to submit to examination as a witness, you may be suspended indefinitely from membership or, in grave cases, declared to be no longer a member of the Church.

**(9) - Specimen Form of AFFIRMATION by witness or party testifying**

I, A.B. do solemnly declare, in the presence of the living God to whom all must account, that I will speak the truth, the whole truth, and nothing but the truth, and that in doing so I am free from malice.

**(10) - Specimen Form of SENTENCE of SUSPENSION by KIRK SESSION**

The sentence of suspension from Church privileges by a Kirk Session shall be in the following words:-

"In the name and by the authority of the Lord Jesus Christ, we, the Kirk Session of ....., having found ..... to be guilty of ....., do hereby suspend him [or her] from Church privileges till he [or she] submit satisfactory evidence of repentance".

**(11) - Specimen Form of SENTENCE OF SUSPENSION from MINISTERIAL OFFICE**

The sentence of suspension from the ministerial office shall be in the following words:-

"Whereas ..... has been found, [after trial],

[or on his own confession], guilty of ..... we the Presbytery of ....., in the name and by the authority of the Lord Jesus Christ, do hereby suspend him from exercising the office of the ministry or any part thereof, until he submit satisfactory evidence of repentance".

**(12) - Specimen Form of SENTENCE of DEPOSITION of a Minister**

The sentence of deposition of a minister shall be in the following terms:-

"Whereas ....., minister of ....., has been proved before the Presbytery of ..... [or the General Assembly, as the case may be] to be guilty of ....., the said ..... adjudge him disqualified for the office of the ministry. Now they, therefore, in the name and by the authority of the Lord Jesus Christ, depose from the office of the ministry the said ....., and do hereby prohibit him from exercising the functions of the ministry, or any part thereof."

**(13) - Specimen Forms of RESTORATION**

(a) To membership of the Church.

In the name of the Lord Jesus Christ, we the Kirk Session/Presbytery/General Assembly of ..... do hereby restore you ..... to the fellowship of His Church.

(b) To Office as Minister of a congregation.

In the name of the Lord Jesus Christ, the General Assembly of the Presbyterian Church in Ireland restores you ..... to the office of ...../the Christian ministry in the fellowship of His Church.

**(14) - Specimen Form of NOTICE OF APPEAL**

A.B. .... of ..... Appellant;

The Kirk Session/Presbytery of ..... Respondent.

A.B. hereby appeals to the Presbytery of ..... [or the General Assembly] from the decision made [or sentence imposed] by the Kirk Session/Presbytery of ..... on the ..... day of ..... 20 ... at ....., whereby the Kirk Session/Presbytery did ..... (here set forth the decision and/or sentence being appealed from.)

The reasons for this appeal are as follows .....

..... (here set out the reasons).

Date .....

Signature of Appellant

**(15) - Specimen Form of ACKNOWLEDGMENT to be signed by Clerk of Presbytery or deputy appointed by him on copy of Form 14**

I hereby acknowledge that I received a Notice of Appeal in the form above on the ..... day of .....

(Signed).....

Clerk of Presbytery  
(or as the case may be)

## 12. ACT OF THE GENERAL ASSEMBLY OF THE CHURCH OF SCOTLAND APPROVING THE CONFESSION OF FAITH

[August 27, 1647, Session xxiii]

“A Confession of Faith for the Kirks of God in the three kingdoms, being the chiefest part of that uniformity in religion, which, by the Solemn League and Covenant, we are bound to endeavour: and there being accordingly a Confession of Faith agreed upon by the Assembly of Divines sitting at Westminster, with the assistance of Commissioners from the Kirk of Scotland; which Confession was sent from our Commissioners at London to the Commissioners of the Kirk met at Edinburgh in January last, and hath been in this Assembly twice publicly read over, examined, and considered, copies thereof being also printed, that it might be particularly perused by all the members of this Assembly, unto whom frequent intimation was publicly made, to put in their doubts and objections, if they had any; and the said Confession being, upon due examination thereof, found by the Assembly to be most agreeable to the Word of God, and in nothing contrary to the received doctrine, worship, discipline, and government of this Kirk; and, lastly, it being so necessary, and so much longed for, that the said Confession be with all possible diligence and expedition, approved and established in both kingdoms, as a principal part of the intended uniformity in religion, and as a special means for the more effectual suppressing of the many dangerous errors and heresies of these times; the General Assembly doth therefore, after mature deliberation, agree unto, and approve the said Confession, as to the truth of the matter; (Judging it to be most orthodox, and grounded upon the Word of God); and also, as to the point of uniformity, agreeing for our part that it be a common Confession of Faith for the three kingdoms. The Assembly doth also bless the Lord, and thankfully acknowledge His great mercy, in that so excellent a Confession of Faith is prepared, and thus far agreed upon in both kingdoms, which we look upon as a great strengthening of the true reformed religion against the common enemies thereof. But, lest our intention and meaning be in some particulars misunderstood, it is hereby expressly declared and provided, that the not mentioning in this Confession the several sorts of ecclesiastical officers and assemblies, shall be no prejudice to the truth of Christ in these particulars, to be expressed fully in the Directory of Government. It is further declared, that the Assembly understandeth some parts of the second article of the thirty-one chapter only of kirks not settled, or constituted in point of government: and that, although in such kirks a synod of ministers, and other fit persons, may be called by magistrate’s authority and nomination, without any other call, to consult and advise with about matters of religion; and although, likewise, the ministers of Christ, without delegation from their churches, may of themselves, and by virtue of their office, meet together synodically in such kirks not yet constituted and settled; it being always free to the magistrate to advise with synods of ministers and ruling elders, meeting upon delegation from their churches, either ordinarily, or, being indicted by his authority occasionally, and pro re nata; it being also free to assemble together synodically, as well pro re nata as at ordinary times, upon delegation from the churches, by the intrinsic power received from Christ, as often as it is necessary for the good of the church so to assemble, in case the magistrate, to the detriment of the church, withhold or deny his consent; the necessity of occasional assemblies being first remonstrate unto him by humble supplication”.

### 13. ACT OF UNION, 1840

Whereas, above two centuries ago, extensive Colonies of Presbyterian settlers from Scotland and elsewhere were planted in Ireland, whose Ministers and Elders afterwards formed themselves into an Ecclesiastical body, holding the Standards and adopting the Discipline of the parent Church of Scotland; which Ecclesiastical body was for a time designated "The Presbytery of Ulster"; and subsequently received, and has ever since been known by, the name and designation of "The General Synod of Ulster".

And whereas about a century ago, another Presbyterian body, being a branch of the Secession Church in Scotland, likewise holding the Standards and adopting the Discipline of the Church of Scotland, but seceding from the Jurisdiction of that Church, was introduced into Ireland; which last mentioned body, being for a time divided into two Synods, bearing the designation of "The Associate Synod of Ireland", and "The Associate Synod of Ireland in subordination to the General Associate Synod of Scotland" respectively, subsequently united into one Synod, which has been, and is now, known by the name of the "Presbyterian Synod of Ireland distinguished by the name of Seceders".

And Whereas, it hath pleased Almighty God in His merciful providence to remove the causes of difference and alienation hitherto unhappily subsisting between the said General Synod of Ulster and the said Presbyterian Synod of Ireland distinguished by the name of Seceders, and to dispose these two Churches to unite under the same Standards as aforesaid, as founded upon and agreeable to the Word of God, in Christian communion and fellowship, as one Ecclesiastical body under the Great Head of the Church.

And Whereas , has been severally agreed, by the said Churches, in Synod duly assembled, to constitute themselves, as aforesaid, into one Church, in the manner and under the designation hereinafter mentioned.

And it is hereby further resolved and agreed upon, in the name of the Lord Jesus Christ, the Great Head of the Church, by the said General Synod of Ulster and the said Presbyterian Synod of Ireland distinguished by the name of Seceders, on this the 10th day of July, in the year of our Lord, 1840, duly assembled together, that they do now, and in all times hereafter shall, constitute one United Church, professing the same common faith, as set forth in the Standards as aforesaid; and in all matters Ecclesiastical, and subject to, the same Government and Discipline; each nevertheless retaining and reserving, in respect of any temporalities belonging thereto, or to the several Congregations respectively under its care, or to any persons in trust for them or any of them, all civil rights, interests, and estates whatever, in as full and ample a manner, to all intents and purposes whatsoever, as if the said Union of these Churches had not taken place, to and for the same uses, and upon the same trusts respectively, as heretofore in anywise are or have been expressed or declared of or concerning the same.

And it is hereby further resolved and agreed upon, as aforesaid, that the said United Church, so constituted, shall henceforth bear the name and designation of "The Presbyterian Church in Ireland, consisting of the General Synod of Ulster and the Presbyterian Synod of Ireland distinguished by the name of Seceders"; and that its Supreme Court shall be styled, "The General Assembly of the Presbyterian Church in Ireland".

And it is hereby further resolved and agreed upon, that, notwithstanding said Union, the two Synods as aforesaid, shall reserve, and they do hereby reserve, to themselves and to the Ministers and Elders of the Congregations under their care respectively, and to the successors of such Ministers and Elders for the time being, the right of meeting hereafter in Synod, but only concerning such temporalities as aforesaid, as distinct Bodies, with the necessary Officers, as heretofore, as such General Synod of Ulster, and as such Presbyterian Synod of Ireland distinguished by the name of Seceders, from time to time, as occasion may require, with full power to make all arrangements, and to do and perform all proper, legal and equitable acts necessary to protect and preserve all their separate rights, interests, and estates, as aforesaid.

## 14. IRISH PRESBYTERIAN CHURCH ACTS

### A. THE IRISH PRESBYTERIAN CHURCH ACT, 1871

[34 Vict.]

[c: xxiv]

AN ACT for regulating the management by the Trustees of the Presbyterian Church in Ireland of certain trust properties for the said Church, and for other purposes. [16th June 1871.]

[Preamble (which recites 32 & 33 Vict. c. 42. ss. 23, 39, (which provided for the commutation of the life interests of ministers or assistant ministers of protestant non-conforming congregations in Ireland): that upwards of three-fourths of the whole number of the ministers of the general assembly of the Presbyterian Church in Ireland authorized to commute under the said Act had already commuted their life interests for capital sums under the provisions of the said Act (which ministers who had already commuted are hereinafter designated "the said commuting ministers"): that the said commuting ministers and the said general assembly duly appointed certain persons to be trustees to receive the said capital sums pursuant to the said Act: that, in order to enable the said trustees to pay to each of the said commuting ministers an annuity for his life, provided he should so long continue in his office of minister, equal to the annuity commuted by him as aforesaid, and at the same time to preserve undiminished the entire amount of the said commutation money as a source of permanent endowment for the church, certain members of the church agreed to raise by voluntary annual contribution or otherwise a certain amount of income, to be called "the sustentation fund" of the said church (and herein-after designated as "the said sustentation fund"), the same to be applied in each and every year so long as any such life annuity should be payable as aforesaid to supplement the annual income arising from the said commutation money, so far as might be required for the payment in full of the several annuities; that the said commuting ministers had agreed that the commutation money payable in respect of their life interests should be vested in the said trustees, on certain trusts contained in and declared by a deed dated 18th July 1870; that certain colleges and other property and trust funds connected therewith which had been given and bequeathed for the education of ministers for the said church were vested in certain trustees for the said church; that certain churches, manses, and other property connected therewith, were vested in certain trustees, for congregations connected with the said church; that certain trust funds and moneys given and bequeathed by members of the said church for missions and other charities connected with the said church, were vested in or under the control of divers trustees for the said church, and portions thereof had been invested on mortgages of lands and in other securities) rep. by S.L.R. 1893 (No. 2)]

1. This Act may be cited for all purposes as "The Irish Presbyterian Church Act, 1871."
2. ... the trustees named in said deed, and their successors appointed as herein-after expressed, shall be "The Trustees of the Presbyterian Church in Ireland" for the purpose of carrying into effect the provisions of this Act, and are in this Act referred to as "the trustees".
3. ... all moneys paid or payable in respect of the annuities of ministers who at the date of such passing have commuted the annuities payable to them respectively under the said Act, and all securities therefor, and the right to receive and realize the same respectively, are transferred to and vested in the trustees and their successors, subject to the directions and enactments affecting the same herein-after contained.
- 4-8. (Detail provisions for ministers who may commute their annuities and the consequent application of the fund).
9. ... the said commutation fund, and the stocks, funds, and securities in which the same shall be invested, shall be held by the trustees upon such trusts by way of permanent endowment for the benefit of the ministers for the time being of congregations of the Presbyterian Church in Ireland in connexion with and under the jurisdiction of the said general assembly as the said assembly shall direct: Provided always, nevertheless, that the interest, dividends, and annual income only of the said fund shall be applied for the benefit of such ministers, and that such preference as the general assembly may in its absolute and uncontrolled discretion think right shall be given to the claims of congregations whose ministers shall have so commuted as aforesaid.
10. The trustees shall receive from the treasurer of the sustentation fund all sums given, subscribed, or bequeathed thereto, and shall pay and apply such sums as the said general assembly may from time to time direct: Provided always, that donations and bequests given or bequeathed to or in favour of the said sustentation fund, and directed to be permanently invested or otherwise given or bequeathed as an endowment fund for the sustentation of the ministry of the said church, and received by the trustees, shall be invested by them and unless the respective donors or testators shall otherwise direct, the interest, dividends, and annual income thereof shall be paid and applied by the trustees as

the general assembly may from time to time direct, and if such donor or testator shall specifically direct the trustees to apply the same to the support of the minister of any particular congregation, the same shall be applied accordingly by the trustees.

11. It shall be lawful for the trustees, if they shall think fit, with the approval of the said general assembly, to accept or take a transfer of any other gift or bequest of personal property given or bequeathed for the endowment or permanent use or benefit of the said church, or any college, congregation, mission, or charity connected therewith, or to take a transfer from any trustee or other person in whom the same shall be vested of any endowment or fund or securities for the purpose aforesaid, and the trustees shall hold such personal property so given, bequeathed, or transferred as aforesaid on the trusts declared by or contained in the deed, will, or other instrument of endowment.
12. The trustees may from time to time invest the said commutation fund, and all other moneys that shall come to their hands under the provisions contained for the said church, in any of the public stocks or funds or government securities of the United Kingdom or India, or any colony or dependency of the United Kingdom, or upon mortgage of real securities in England, Wales, or Ireland, or in any other securities whatever which the said general assembly of the said church shall from time to time appoint; and no trustee shall be liable for any loss occasioned by the depreciation or failure of any such investment or otherwise, save by his own wilful default; and the trustees from time to time, at their discretion, may vary or transpose such stocks, funds, and securities into or for others of the same or a like nature.
13. It shall be lawful for Her Majesty by charter to incorporate the trustees with power to hold land to such extent as is in this Act provided, but no further or otherwise, and the trustees when so incorporated by charter shall continue to act in the execution of this Act.
14. It shall be lawful for the trustees, when incorporated by charter as aforesaid, to invest all moneys vested in them for that purpose in the absolute purchase, or in procuring leases or fee-farm grants subject to annual or other rents, and with or without fines, of lands for the erection thereon of churches, or of manses for the use of the ministers of said church, or for schools or other buildings in connexion with said church buildings, or for other church purposes, the lands so to be purchased not to exceed thirty acres for each congregation, and to sell, grant, or demise the lands so purchased to trustees, for the minister and congregations of each church, for such sum or at such rent and for such term as the trustees shall think fit, or to permit such ministers and congregations to occupy and use the same at such rent and upon such terms and conditions as the trustees shall think fit; and the trustees may execute all such deeds, grants, leases, or other documents as may be necessary for the purpose aforesaid.
15. It shall be lawful for the trustees of any college, church building, schoolhouse, manse, or other real property whether freehold or chattel, held in trust for the said church or any congregation in connexion therewith, or any person or persons in whom the same may be vested, if they or he respectively shall think fit, to grant, assign, or otherwise vest in the trustees when incorporated by charter as aforesaid, with their concurrence, such college, church building, schoolhouse, manse, or other real property, whether freehold or chattel, to be held by the trustees upon such trust and subject to such rights as at the time of such grant, assignment, or vesting affected the same respectively, and the former trustees shall be thereupon released from the trusts thereof respectively.
16. It shall be lawful for any person whomsoever, entitled so to do, to give, grant, devise, bequeath, or assure, by any deed, will or other instrument sufficient in law to create or convey an estate therein, any messuages, lands, hereditaments, or any estate therein, to the trustees when incorporated by charter as aforesaid for any college, or for any church building or schoolhouse in connexion with any congregation or church, or for a hall for the meeting of the said general assembly: Provided always, that under the provisions aforesaid or otherwise not more than thirty acres shall be held in trust for any congregation, nor more than one hundred acres in trust for any college, nor more than twenty acres in trust for erecting thereon a hall, offices, or other buildings for the use of said general assembly: Provided always, nevertheless, that any such gift, grant, bequest, or assurance of lands in excess of the acreage hereby authorize to be held as aforesaid shall be void as to the excess only.
17. The trustees, when incorporated by charter as aforesaid, may from time to time sell, lease, exchange, or otherwise dispose of, on such terms and in such manner as they think fit, or mortgage, any lands vested in them, and not being otherwise required for purposes of the said church or any of the colleges or congregations connected therewith, and may enter into, execute, and do all contracts, assurances, and things necessary or proper in that behalf; and every such sale or lease as aforesaid may be made either absolutely for a sum in money, or for any annual rent or rents, to be made payable as the trustees direct, or partly for a sum of money and partly for such rent or rents as aforesaid, as the trustees think fit, and the trustees may afterwards sell any rent so to be made payable.

18. The trustees shall conduct their business at such place, and keep such minute books, and shall keep and render such accounts, and make such reports, from time to time, and hold such meetings, as the said general assembly of the Presbyterian Church shall from time to time direct and require.
  19. It shall be lawful for the trustees from time to time to appoint a treasurer or treasurers, secretary, and such other officers and agents, and to prescribe for them such duties, and to pay them such remuneration for their services, as the trustees shall think fit; and such treasurer or treasurers, secretary, and other officers shall hold their respective offices on such terms as the trustees shall determine.
  20. The trustees shall, until all the annuities payable to the said commuting ministers shall have ceased, at the end of every third year, or oftener if required so to do by the said general assembly, certified as such by the clerk thereof, appoint a competent actuary to value and report upon the assets and liabilities of the said commutation fund, which report shall be laid before the general assembly at its next meeting.
  21. The said general assembly may, at its ordinary meetings in each year, or at any extraordinary meeting specially convened for the purpose, appoint two or more fit and proper persons to examine and audit the accounts of the trustees; and such auditors shall have power to call for and require the production of all books of account, vouchers, and documents relating to the income and expenditure of the trust during the year to which the accounts so to be audited may relate, and the same shall be produced to them accordingly.
  22. The receipt in writing of the treasurer or treasurers, or of any of the trustees authorized in that behalf by byelaw, for any moneys paid, and for any stocks, funds, shares, or securities transferred to them by virtue of this Act, or in execution of any of the trusts or powers thereof, shall effectually discharge the person or persons paying or transferring the same therefrom, and from being bound to see to the application or being answerable for the loss or misapplication thereof.
  23. With respect to contracts to be made by the trustees the following provisions shall have effect; (that is to say)
 

With respect to any contract which if made between individuals would be by law required to be in writing and under seal, the trustees may make the same in writing under their common seal, when incorporated by charter as aforesaid, or until incorporated under the hands and seals of the trustees or any five of them acting on behalf or under the direction of the trustees, and in the same manner may vary or discharge the same:

With respect to any contract which if made between individuals would be by law required to be in writing and signed by the parties to be charged therewith, the trustees may make the same in writing signed by any two of them, or by the treasurer or any person appointed by byelaw to act in that behalf generally or in any particular case, and in the same manner may vary or discharge the same.

With respect to any contract which if made between individuals would be by law valid though not reduced into writing, the trustees, or any two of them, or the treasurer or any person acting on behalf or under the direction of the trustees, may make the same, or authorize the same to be made, without writing, and in the same manner may vary or discharge the same.
- And all contracts made according to the provisions of this section shall be effectual at law, and shall be binding on the trustees, and on all other parties thereto, their heirs, executors, or administrators; and on any default in execution of their obligation, either by the trustees or any party thereto, such actions or suits may be brought either by or against the trustees as might be brought if the same contract had been made between individuals.
24. The said general assembly of the Presbyterian Church, and the said trustees and executive committee of the trustees respectively, in discharging their respective duties under this Act, or any byelaws to be made in pursuance thereof, shall cause notes, minutes or copies (as the case requires) of their orders, resolutions, and proceedings, to be entered in books to be kept under their superintendence; and every such entry shall be signed by the moderator of the general assembly, or by the chairman of the meeting at which the order, resolution, or proceeding entered was passed or taken, or by the moderator or chairman, as the case may be, of the next subsequent meeting; and every such entry so signed shall be received as evidence in all courts and elsewhere without proof of the meeting having been duly convened or held, or of the persons making or taking any such order, resolution, or proceeding, or causing the same to be entered, being members of the general assembly or being trustees (as the case may be), or of the signature of the person signing as chairman, or of the fact of his having been moderator or chairman, as the case may be, all which matters shall be presumed until the contrary is shown.

25. All acts done at a meeting of the general assembly or of the trustees, or of any committee thereof, by any person acting as a member of the general assembly or of the trustees or committee, shall, notwithstanding it being afterwards discovered that there was some defect in the appointment of any such person so acting, or that he was disqualified, be as valid as if there had been no such defect or disqualification.
26. Any order, resolution, or proceeding of the trustees, or any power by this Act conferred, or any gift, devise, or bequest to the trustees, or otherwise, for the benefit of the said church, or any congregation, college, mission, or charity connected therewith, shall not be invalidated by reason only of there being a vacancy among the trustees.
27. The trustees shall not, nor shall any of them, by being party to or executing as such trustee any contract or other instrument, or otherwise lawfully executing any of the powers given to the trustees by this Act or the byelaws to be made in pursuance of its provisions, be subject to be sued or prosecuted by any person whomsoever, nor shall the bodies, goods, or lands of such trustees or any of them be liable to execution of any legal process by reason of any contract or other instrument so entered into, signed, or executed by them, or any of them, or by reason of any other lawful act done by them, or any of them, in the execution of any of their powers as such trustees as aforesaid, and the trustees, their heirs, executors, and administrators, shall be indemnified out of the trust funds for all payments made or liabilities incurred in respect of any acts done by this Act conferred, or any gift, devise, or bequest to the trustees, or the execution of this Act, and the trustees for the time being may apply the trust funds for the purposes of such indemnity.
28. It shall be lawful for the trustees to pay to any trustee all travelling and other expenses incurred by him in or about the execution of the said trusts or powers or any of them.
29. If any of the trustees herein-before named, or to be appointed as herein-after provided, shall die, or be declared a bankrupt, or file a petition for relief under any Act or Acts for the time being in force for the relief of insolvent debtors, or make any composition with his creditors, or cease to be a member of some congregation in connexion with the said general assembly of the Presbyterian Church in Ireland, or to reside in Ireland, or shall be absent therefrom for a continuous period of twelve calendar months, or shall, by writing under his hand, delivered to the clerk for the time being of the said general assembly, express his desire to be discharged, or shall refuse or become incapable to act, or shall be removed from being one of the trustees by a vote of the said general assembly, then and in any of such cases it shall be lawful for the said general assembly at its annual meeting, or at any meeting specially convened for such purpose, to appoint a person to fill such vacancy (the successor to fill up such vacancy to be a minister if the deceased or retiring trustee was or is a minister, or such successor to be a layman if the deceased or retiring trustee was or is a layman): Provided always, that no person shall be eligible to be elected a trustee who at the time of holding any such meeting of the general assembly is not and has not for a period of at least two years been a member of some congregation in connexion with the said general assembly.
30. It shall be lawful for the trustees from time to time to make such byelaws, rules, and regulations as may be deemed expedient respecting the management and disposition of the trust property, estates, and effects vested in them, the investment of trust moneys or funds, the transfer of any moneys or funds so invested in or upon any other security, the appointment of such and so many committees as may be considered necessary for the despatch of business, and to delegate to them all or any of the powers of the trustees, and to prescribe the powers and duties each such committee shall possess and discharge, and to declare how many members shall be on each committee, and how many present shall be necessary to make a quorum of the trustees or of the said committees respectively, the giving or sending notices for and the times, places, and manner of their meetings, and for the general conduct, management, or control of business affairs, times of meeting, and proceedings of the trustees: Provided always, that the said byelaws, and every alteration, repeal, or addition thereto, shall not come into force and effect until approved of by the said general assembly of the Presbyterian Church, and such approval shall be duly evidenced by the same being signed by the moderator for the time being of the said assembly, and the clerks of assembly, or one of them; and the said general assembly, at the annual meeting of assembly, or any meeting specially convened for the purpose, may by vote of a majority at such meeting approve of, revoke, repeal, or alter, wholly or in part, all or any part of every or any such byelaw, rule, or regulation as aforesaid, and substitute or make any other byelaw, rule, or regulation in lieu thereof, as such general assembly shall think fit; and any instrument in writing which shall purport to be a byelaw, rule, or regulation of the trustees, and which shall be sealed with the common seal of the trustees when they are incorporated by charter as aforesaid, or until incorporated shall be under the hands and seals of the trustees, or any five of them, shall be received as prima facie evidence of the same being such a byelaw, rule, or regulation in all courts and before all justices, officers, and persons whomsoever: Provided always, that the said byelaws shall not at any time be altered by the trustees, nor any new ones be added thereto, unless at a meeting of the

trustees duly convened for the purpose, and of which meeting fourteen days' notice shall previously be given or sent to each trustee in such form as may be provided by the byelaw for the time being as to notices, such notice to specify the proposed alteration, repeal, or addition.

31. The vote of the majority of the members for the time being of the general assembly present and voting at any meeting of the said assembly duly convened shall be considered as the act of the assembly for any of the purposes for which said act is hereby rendered necessary: and all votes and proceedings of the said general assembly, which shall be signed by the moderator thereof for the time being, and the clerks of the said assembly, or one of them, shall be received as evidence that same were passed at a meeting of the said assembly duly convened and constituted.
32. (No entitlement to annuities except for ministers then alive).
33. The costs, charges, and expenses of and incident to the obtaining and passing of this Act and carrying same into effect, and the management of the trust estate, shall be paid by the trustees out of the moneys which are in or may come to their hands under the provisions of this Act.

#### B.A ROYAL CHARTER OF INCORPORATION OF THE TRUSTEES OF THE PRESBYTERIAN CHURCH IN IRELAND

The full terms of this Charter, given in accordance with the foregoing Act, may be found in the 1963 Code, pages 233-238.

Letters Patent are dated the 28th November, 1871 and these were enrolled in the Record and Writ Office of H.M. Court of Chancery in Ireland on the 9th December, 1871.

#### C.THE IRISH PRESBYTERIAN CHURCH ACT, 1901

1 Edw. VII - Session 1901

An Act to extend the Powers of the Trustees of the Presbyterian Church in Ireland in relation to the investment of money and the accepting taking and holding of property and for other purposes.

[Royal Assent 2nd July, 1901]

Whereas it is expedient that the powers of the Trustees of the Presbyterian Church in Ireland (hereinafter referred to as "the Trustees") in relation to the investment of trust funds in their hands and to the acceptance taking and holding of property intended for the use or benefit of the Presbyterian Church in Ireland or its members be extended:

And whereas the objects of this Act cannot be attained without the authority of Parliament:

MAY IT THEREFORE PLEASE YOUR MAJESTY

That it may be enacted and be it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:

1. This Act may be cited as the "Irish Presbyterian Church Act 1901".
2. The Trustees may if authorised so to do by the General Assembly of the Presbyterian Church in Ireland invest the Commutation Fund and the Sustentation Fund in the Irish Presbyterian Church Act 1871 respectively mentioned and whether at the time in a state of investment or not in the purchase of fee-farm rents or rent charges payable out of real estate in Ireland and may also from time to time vary any such investment. And the Trustees shall upon the request of the General Assembly and may at the discretion of the Trustees sell all or any of the fee farm rents and rent charges purchased by them under the powers of this Act either together or in parcels and either by public auction or private contract and either with or without any special stipulations as to title or evidence or commencement of title or otherwise and may buy in or rescind or vary any contract for sale and resell without being answerable for loss occasioned thereby and may for the purposes aforesaid or any of them execute and do all such assurances and things as they or he shall think fit.
3. The Trustees may invest any trust funds in their hands other than the said Commutation and Sustentation Funds and whether at the time in a state of investment or not in any of the investments in which the Trustees may for the time being be authorised to invest the said Commutation and Sustentation Funds: Provided that nothing in this section shall extend the powers of the Trustees with reference to the investing of any trust funds in respect to which the instrument (if any) creating the trust specified or limits the investments in which the Trustees may invest such funds.
- 4.(1) The Trustees may if desired so to do by the said General Assembly accept take and hold any real or personal property now or which may at any time hereafter be under the control or in the disposal of the said General Assembly upon such Trusts as the said General Assembly may determine.

(2) The Trustees may if authorised so to do by the General Assembly accept or take a transfer of any gift devise or bequest of real or personal property given devised or bequeathed for the endowment or permanent use or benefit of the said Church or any college congregation mission or charity connected therewith or any school in connection with any congregation of the said General Assembly or under the management of any member of the said Church, and the Trustees shall hold such property so given devised bequeathed or transferred as aforesaid on the trusts declared by or contained in the deed will or other instrument of endowment.

5. All the provisions of the Irish Presbyterian Church Act 1871 shall be construed and shall apply as if the provisions of this Act were incorporated with and formed part of that Act..

## 15. ASSEMBLY TRUSTEES — BYE-LAWS

Framed by the Trustees of the Presbyterian Church in Ireland, pursuant to the provisions of the Irish Presbyterian Church Acts, 1871 and 1901, ("the Acts") and approved by the General Assembly at its annual meeting in Londonderry on 6th June, 2013.

### 1. Definitions

In these Bye-Laws "the Trustees" means the Trustees of the Presbyterian Church in Ireland and the Executive Committee referred to in the 1871 Act

"the General Assembly" means the General Assembly of the Presbyterian Church in Ireland

"the Clerk" means the Clerk of the General Assembly

"the Secretary" means the Secretary for the time being of the Trustees

"Individual Trustee" means the Clerk of the General Assembly or a person appointed by the General Assembly in accordance with the Acts and "Individual Trustees" shall be construed accordingly.

### 2. Meetings

In each calendar year, the Trustees shall hold at least four meetings, one of which shall be designated as the annual general meeting.

### 3. Calling of Meetings

All meetings of the Trustees shall be called either by circular signed by the Secretary or by email from the Secretary, either on his own motion or on receiving a requisition signed by three or more Individual Trustees, and sent or posted at least seven days before the day of meeting.

### 4. Quorum

The quorum for a meeting shall be five Individual Trustees and, if such a number be present, the resolutions passed and matters and things transacted and done by the majority of those present shall be as valid and effectual as if the same were passed, transacted or done by all the Individual Trustees for the time being. In case a quorum be not present, those present may form an ad hoc committee for the transaction of any urgent business and report for confirmation of their actions to the next meeting of the Trustees.

### 5. Chairman

At each annual general meeting of the Trustees a chairman shall be elected to serve until the next annual general meeting who, in division, shall have only a casting vote. If the chairman is not present at a meeting those Trustees present shall elect a chairman for that meeting who, in a division, shall have only a casting vote.

### 6. Minutes

The Trustees shall keep an accurate record of their meetings and such records shall be open to inspection by any person or persons appointed by the General Assembly.

### 7. Annual Accounts

The Trustees shall at their annual general meeting examine and consider the report and statement of accounts for the preceding year, made up to the 31st day of December inclusive submitted to them by the Secretary, giving all the particulars which may be required to exhibit the true financial condition of the Trustees. Following approval, the report and statement of account shall forthwith be signed by three Individual Trustees, duly audited by the auditors appointed by the General Assembly and lodged with the Clerk to be laid before the next annual meeting of the General Assembly.

### 8. Number of Individual Trustees

There shall be sixteen Individual Trustees including the Clerk who shall be an Individual Trustee ex-officio while Clerk. Subject to the death, resignation or removal of an Individual Trustee between annual meetings of the General Assembly, at any one time, five Individual Trustees, in addition to the Clerk, shall be ministers of the Presbyterian Church in Ireland. Each Individual Trustee, other than the Clerk, shall serve for five years from the date of his appointment but shall be eligible for re-election for one further term of five years.

### 9. Death, Resignation or Removal of an Individual Trustee

In the event of the death, resignation or removal of an Individual Trustee, other than the Clerk, the General Assembly shall appoint a replacement Individual Trustee who shall serve for five years from the date of appointment but shall be eligible for re-election for one further term of five years.

### 10. Appointment and Dismissal of Staff

The Trustees may appoint or dismiss an agent or the Secretary or any staff upon such terms as they may think necessary and fit. The Trustees shall transact their business at Assembly Buildings, 2-10 Fisherwick Place, Belfast, BT1 6DW or such other place, as the Trustees from time to time deem appropriate.

**11. Appointment of Bankers**

The Trustees shall, from time to time appoint some company or companies to be the Trustees' bankers; and all moneys received by the Trustees or the Secretary for or on account of the Trustees shall be as soon as reasonably possible deposited in the appropriate account.

**12. Authorisation of Payments**

All cheques shall be signed, and other payments by any means shall be approved, by two authorised signatories from a list of authorised persons approved from time to time by the Trustees.

**13. Use of Trustees' Seal**

The seal of the Trustees shall be carefully preserved and used under the direction of the Trustees; and every document to which the seal is attached must at the time of sealing be witnessed either by an Individual Trustee and the Secretary, or by two Individual Trustees.

**14. Trustees' Records**

The Trustees shall have full records kept of all receipts, payments and transactions connected with their trust funds or the management thereof, and these records shall be open to inspection by any Individual Trustee or any person or persons appointed by the General Assembly.

**15. Receipts**

The receipt in writing of the Secretary, or his authorised representative, for any moneys paid, and for any stocks, funds, shares or securities transferred by virtue of the Acts, or of these Bye-Laws, or in execution of any of the trusts or powers thereof, shall effectually discharge the person or persons paying or transferring the same therefrom.

**16. Reports on Investments and Transactions**

A report upon investments and transactions undertaken or matters before the Trustees shall be presented to each meeting of the Trustees as required.

**17. Auditors**

The General Assembly's Auditors of Accounts for the time being, or any auditors specially appointed by the General Assembly for the purpose, shall examine and audit the accounts of the Trustees.

**18. Investments**

Any moneys vested in or which may become vested in the Trustees may be invested in any investments they think fit as if they had all the powers of a sole beneficial owner absolutely entitled and whether or not they are investments authorised by the general law for the investment of trust funds and whether or not investments already authorised by the Acts and the Presbyterian Church Investment Fund Scheme (Northern Ireland) 1965 provided always:-

18.1 No investment to be made in any undertakings (whether business or otherwise) which are engaged in activities which are regarded as contrary to the interests of the General Assembly.

18.2 All investments shall be reviewed by the Trustees who shall arrange for regular reports to be received from appropriately qualified advisers.

18.3 The Trustees are empowered to transpose investments and from time to time to determine the proportions of the capital to be invested in the various sectors of the market.

**19. Clause Headings**

The clause headings are included for reference only and shall not affect the interpretation of these Bye-Laws. (2013)

## 16. UNION THEOLOGICAL COLLEGE OF THE PRESBYTERIAN CHURCH IN IRELAND ACT 1978

An Act to provide for the establishment of The Union Theological College of the Presbyterian Church in Ireland; to declare the trusts upon which the property of The Union Theological College of the Presbyterian Church in Ireland shall be held; to make provision for the management and operation of The Union Theological College of the Presbyterian Church in Ireland; to provide for the transfer of the assets and liabilities of The Presbyterian College, Belfast, and the Magee Theological College, Londonderry, to the Trustees of The Union Theological College of the Presbyterian Church in Ireland; and for other purposes.

[30th June 1978]

WHEREAS -

- (1) A College known as "The Presbyterian College, Belfast" has been established in Belfast since the year 1852 by and under the control of the General Assembly of the Presbyterian Church in Ireland (hereinafter called "the General Assembly") for the education in theology and other subjects connected therewith of candidates for the ministry of the said Church:
  - (2) By the Belfast Presbyterian College Act 1882 (hereinafter referred to as "the Act of 1882") the Trustees of the Belfast Presbyterian College were incorporated as The Belfast Presbyterian College Trustees to hold the said College and its property upon the same trusts and for the same purposes as the same were respectively held theretofore with the powers conferred upon them by the said Act as subsequently amended by The Belfast Presbyterian College Act 1940 (hereinafter referred to as "the Act of 1940"):
  - (3) The Magee Presbyterian College, Londonderry (now known as the Magee Theological College, Londonderry), was in or about the year 1852 established by the General Assembly under the provisions of a Scheme sanctioned by the Lord Chancellor of Ireland on 27th March, 1852:
  - (4) By the Magee University College, Londonderry (Northern Ireland) Act 1953 (hereinafter referred to as "the Act of 1953") the endowments and all the estate and interest therein in trust for the theological department of the said College or any of the purposes thereof and all other property real or personal belonging to or held in trust for the theological department were vested in The Trustees of the Presbyterian Church in Ireland upon trust under the exclusive control of the General Assembly to maintain the theological college to be known as the Magee Theological College, Londonderry, with the object of affording a theological education primarily to persons intending to enter the ministry of the said Church:
  - (5) By the Magee University College Londonderry Act (Northern Ireland) 1970 (hereinafter referred to as "the Act of 1970") further provision was made with respect to the Magee Theological College, Londonderry, including the conferment of an option upon the New University of Ulster to purchase certain premises described in the Act of 1953 which has been exercised:
  - (6) Pursuant to the provisions of the Act of 1953 and the Act of 1970 the General Assembly transferred the Theological Endowments referred to in Part IV of the said Act of 1953 and the Magee Theological College, Londonderry, to Belfast in 1971:
  - (7) Since 1971 The Presbyterian College, Belfast, and the Magee Theological College, Londonderry, have co-opted closely in the provision of a theological education for candidates for the ministry of the said Church:
  - (8) The General Assembly, by resolution, passed on 15th June, 1977, have approved the promotion of the Bill for this Act and the College Trustees and the Board of Management of The Presbyterian College, Belfast, appointed under the provisions of the Act of 1882 and of the Act of 1940, and The Trustees of the Presbyterian Church in Ireland, the Board of Management, the Faculty and the Assembly's Committee appointed under the provisions of Part IV of the Act of 1953 have approved the promotion of the Bill for this Act:
  - (9) It is expedient that a new College to be known as "The Union Theological College of the Presbyterian Church in Ireland" should be established to provide for the education in theology and other subjects connected therewith of candidates for the ministry of the said Church, and that the assets and liabilities of The Presbyterian College, Belfast, and the Magee Theological College, Londonderry, should be transferred to and vested in trustees for the new College:

(10) The purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows (that is to say):-

## Part I

### Preliminary

1. - (1) This Act may be cited as the Union Theological College of the Presbyterian Church in Ireland Act 1978.

(2) This Act shall come into operation on the appointed day.

2. - (1) In this Act -

“the appointed day” means 1st October, 1978 or the day after the date upon which this Act received Royal Assent, whichever is the later;

“the Church” means the Presbyterian Church in Ireland;

“the College” means The Union Theological College of the Presbyterian Church in Ireland established by this Act;

“the College property” means the property real and personal for the time being vested in the Trustees upon trust for the purposes of the College;

“the Committee” means the management committee of the College;

“the Department of Finance” means the department of finance for Northern Ireland;

“the Faculty” means the Faculty of the College;

“the General Assembly” means the body known as “the General Assembly of the Presbyterian Church in Ireland” or other the supreme authority for the time being of the Presbyterian Church in Ireland constituted in accordance with the laws of the said Church and shall include any authority duly empowered to represent or act for the General Assembly in that behalf;

“member of staff” means Professor, full-time and part-time Lecturer, officer and servant;

“The Presbyterian Theological Faculty, Ireland” means the Presbyterian Theological Faculty, Ireland, established by Royal Charter dated 25th October, 1881;

“the Principal” means the Principal of the College appointed by the General Assembly in accordance with sub-section (5) of section 9 (College staff);

“the transferred undertaking” in relation to each of The Presbyterian College, Belfast, and the Magee Theological College, Londonderry, means the endowments and all the estates and interest therein held in trust for The Presbyterian College, Belfast, and the Magee Theological College, Londonderry, or for any of the purposes thereof and all other property real and personal belonging to or held in trust for such Colleges and all liabilities of the trustees of such Colleges (whether or not assignable at law or in equity);

“the Trustees” means The Trustees of the Presbyterian Church in Ireland incorporated by Royal Charter dated 28th November, 1871, or such other corporation or body of persons as may from time to time be appointed by the General Assembly to be Trustees of the College.

(2) The Interpretation Act 1889 shall not apply and, subject to subsection (1) of this section, the Interpretation Act (Northern Ireland) 1954 shall apply to this Act and to byelaws made under this Act as if this Act and such byelaws were enactments within the meaning of the said Act of 1954.

## Part II

### The College

3. (1) There shall be established a College to be known as “The Union Theological College of the Presbyterian Church in Ireland” with the object of affording a theological education primarily to persons intending to enter the ministry of the Church and to such other persons or classes of persons as the General Assembly may determine and to have such further educational and religious functions as the General Assembly may determine.

(2) The College shall at all times be under the complete and entire control of the General Assembly as the Supreme Court of the Church.

4. (1) All property real and personal belonging to the College shall be vested on the appointed day in the Trustees.
- (2) All property vested in the Trustees as trustees of the College or available for the purposes of this Act shall be held by the Trustees upon trust under the exclusive control of the General Assembly to maintain the College for the furtherance of the provisions of section 3 (Establishment of College).
- (3) Schedule 1 shall have effect with respect to the powers of the Trustees.
5. (1) There shall be constituted not later than the appointed day a management committee which shall, subject to the general direction of the General Assembly discharge the functions hereinafter conferred upon it.
- (2) Part I of Schedule 2 shall have effect with respect to the constitution and proceedings of the Committee.
- (3) Part II of Schedule 2 shall have effect with respect to the functions of the Committee.
- (4) The Committee shall present to the General Assembly an annual report dealing with such matters as the General Assembly may from time to time direct, together with a financial statement giving a true and fair view of the financial position of the College at the end of its financial year.
- (5) The Trustees shall from time to time pay over to the Committee the income arising from the College property and the same shall be applied by the Committee subject to the provisions of this Act and to any special trusts upon which any portion thereof may be received for the purpose of enabling the Committee to discharge its functions.
6. (1) There shall be a Faculty of the College.
- (2) Part I of Schedule 3 shall have effect with respect to the constitution and proceedings of the Faculty.
- (3) Part II of Schedule 3 shall have effect with respect to the functions of the Faculty.
- (4) The Faculty shall submit to the Committee an annual report upon the state of the College and upon the attendance, diligence, proficiency and conduct of the students in all the classes therein.
7. (1) As from the appointed day the professors from time to time of the College shall be deemed to constitute The Presbyterian Theological Faculty, Ireland.
- (2) The Presbyterian Theological Faculty, Ireland, shall have the same power to examine and right to grant degrees and other distinctions to students of the College as it hitherto has had and enjoyed with respect to students of The Presbyterian College, Belfast, and the Magee Theological College, Londonderry.
- (3) Subject to the provisions of this Act, nothing in this Act shall be taken to vary or impair such rights and duties as The Presbyterian Theological Faculty, Ireland, enjoys of its Royal Charter dated 25th October, 1881.
8. (1) Students of the College, who are students for the ministry of the Church, shall be required to follow courses in the prescribed fields of study either in the College or in another approved educational institution or partly in the College and partly in another approved educational institution.
- (2) For the purposes of this section "the prescribed fields of study" shall be Old Testament Studies, New Testament Studies, Church History, Theology and Pastoral Studies together with such other fields of study as the General Assembly may from time to time determine, and "approved educational institution" shall mean such educational institution or institutions as the General Assembly may from time to time determine.
9. (1) The College shall not have less than three Professors, each of whom shall hold a professorial chair in such fields of study as the General Assembly shall from time to time determine.
- (2) The General Assembly may from time to time, after consultations with the Faculty and the Committee, establish full-time lectureships and additional professorial chairs to make provision for the teaching of such subjects as the General Assembly may from time to time determine.
- (3) The General Assembly may from time to time vary or re-allocate the fields of study for which the Professors and the full-time and part-time Lecturers of the College shall be responsible.
- (4) Subject to the provisions of this section and of section 12 (Continuation of employment), the Professors and full-time Lecturers shall be appointed by the General Assembly, and the General Assembly may from time to time, after consultation with the Faculty and the Committee increase or decrease the number of professorial chairs and full-time and part-time lectureships.
- (5) There shall be a Principal of the College who shall be appointed by the General Assembly.

(6) The first Principal shall be a person appointed by the General Assembly on or before the appointed day.

(7) The Committee may appoint part-time Lecturers, officers and servants of the College.

### Part III

#### Transfer of undertakings and miscellaneous

10. On the appointed day the transferred undertakings of The Presbyterian College, Belfast, and the Magee Theological College, Londonderry, shall by virtue of this Act and without further assurance be transferred to and vested in the Trustees and shall be held and applied by the Trustees for the furtherance of the provisions of section 3 (Establishment of College).
11. (1) Any bequest, gift or trust in favour of The Presbyterian College, Belfast, or the Magee Theological College, Londonderry, or for the purpose of either of those Colleges, shall not be deemed to have failed by reason of the passing of this Act or anything therein contained but shall on and after the appointed day be construed and have effect as if the College had been named or referred to therein instead of The Presbyterian College, Belfast, or the Magee Theological College, Londonderry (as the case may be), whether the bequest, gift or trust is made, regulated or constituted by any enactment, will, scheme, deed or document or in any other manner and any such bequest, gift or trust shall be held by the Trustees for the same purposes of the College as the purposes of the Presbyterian College, Belfast, or the Magee Theological College, Londonderry, for which it was being or was to be applied immediately prior to the appointed day.
- (2) Subsection (1) shall have effect whether the bequest, gift or trust is made or executed or takes effect before or after the appointed day.
- (3) Without prejudice to the generality of the foregoing where any property real or personal is immediately prior to the appointed day held upon special trust for any purpose connected with The Presbyterian College, Belfast, or the Magee Theological College, Londonderry, and in consequence of the provisions of this Act such special trusts can no longer be carried out, such property shall be held by the Trustees for such similar purposes of the College as the Trustees with the approval of the Department of Finance and after consultation with the Committee shall determine.
- (4) Without prejudice to the generality of the foregoing, the General Assembly may upon the joint application of the Trustees, the Committee and the Faculty and with the approval of the Department of Finance, make such alterations as they deem expedient in such special trusts or any of them having due regard in each case to the spirit of the donor's intentions and the general interests of the College.
12. (1) On the appointed day every member of staff of The Presbyterian College, Belfast, or the Magee Theological College, Londonderry, shall by virtue of this Act become a member of staff of the College and shall continue to enjoy terms and conditions of employment or engagement not less favourable than those enjoyed immediately prior to the appointed day.
- (2) For the purposes of The Presbyterian College, Belfast, or the Magee Theological College, Londonderry, and for the purposes of the College, employment of members of staff to which subsection (1) applies shall be deemed for all purposes to be a single continuing employment.
13. It is hereby declared that the transfer or vesting of any interest in land by virtue of this Act shall not -
- (1) constitute an assignment, transfer, devolution, parting with possession or other disposition of that interest for the purposes of any provisions relating to assignment, transfer, devolution, parting with possession or other disposition contained in any instrument concerning that interest; or
- (2) give rise to any forfeiture; or
- (3) invalidate any security or contract; or
- (4) operate so as to merge any leasehold interest in the reversion immediately expectant thereon.
14. (1) All agreements, awards, contracts, deeds and other instruments which immediately before the appointed day were existing in favour of or against either The Presbyterian College, Belfast, or the Magee Theological College, Londonderry, shall continue and may be carried into effect and enforced by or in favour of or against the Trustees to the same extent and in like manner as if the Trustees instead of that one of the said Colleges had been party to or interested in the same respectively.
- (2) All superannuation arrangements made in favour of former members of staff of The Presbyterian College, Belfast, and the Magee Theological College, Londonderry, shall continue, be carried into effect and may be enforced by or against the Trustees to the same extent or in like manner as if the

Trustees instead of that one of the said Colleges had been party to or interested in the same respectively.

15. All actions and proceedings and causes of action or proceedings which immediately before the appointed day were existing or pending in favour of or against either The Presbyterian College, Belfast, or the Magee Theological College, Londonderry, or the Trustees of either of the said Colleges respectively, shall continue and may be continued and prosecuted by or against the Trustees to the same extent and in like manner as if the Trustees instead of that one of the said Colleges had been a party to or concerned in the same respectively.
16. The production of a Queen's Printer's copy of this Act shall for all purposes be conclusive evidence of the transfer of any property or liabilities to the Trustees or the vesting thereof in the Trustees in accordance with the provisions of this Act and shall operate for all the purposes of the Stock Transfer Act (Northern Ireland) 1963 as a duly executed Stock transfer in respect of the (N.I.) transfer of such securities from The Belfast Presbyterian College Trustees or the trustees of the Magee Theological College, Londonderry, to the Trustees.
17. (1) The provisions of this Act may be altered from time to time in any manner whatsoever by order made by the Department of Finance on the application of the General Assembly.  
(2) An order under this section shall be made by statutory rule for the purposes of the Statutory Rules Act (Northern Ireland) 1958 and shall be subject to affirmative resolution as if it were a statutory instrument within the meaning of the Interpretation Act (Northern Ireland) 1954.
18. If for any reason the trusts upon which the College property is held by the Trustees for the purpose of this Act should fail the Trustees shall hold the College property upon trust for such charitable purposes as the General Assembly, with the approval of the Department of Finance, shall determine.
19. (1) The Presbyterian College, Belfast, and The Belfast Presbyterian College Trustees shall cease to exist on the appointed day.  
(2) The Magee Theological College, Londonderry, shall cease to exist on the appointed day.  
(3) On the appointed day the Scheme dated 27th March, 1852, for the building and endowment of The Magee Presbyterian College shall cease to have effect and the enactments set forth in Schedule 4 shall be repealed.

#### SCHEDULE 1

##### The Trustees

1. The Trustees may receive and hold donations, subscriptions and endowments, real or personal, for any purpose in connection with the College which shall not be inconsistent with or calculated to impede the efficient working of this Act.
2. The Trustees may from time to time make such arrangements as they deem expedient for the custody of all deeds and documents relating to the College property, for keeping proper maps and records of holdings and tenancies, for the appointment of any land agent or agents and for the employment of any solicitor or solicitors or such other officials as they shall deem expedient.
3. (1) The Trustees may on the authority of the Committee and shall at the request of the Committee sell, exchange or let (either with or without a fine in fee farm or for such terms or term and subject to such rents, covenants and conditions as the Trustees shall think right) and may mortgage or otherwise dispose of, any of the lands or buildings for the time being vested in them for the purposes of the College and accept surrenders of leases and tenancies and borrow such moneys with or without security as may from time to time be considered necessary or desirable for the advantageous conduct and management of the College property.  
(2) In disposing of any part of the lands and buildings for the time being vested in them for the purposes of the College pursuant to any of the powers conferred upon them by this Act the Trustees may, at the request of the Committee and with the approval of the General Assembly -  
(a) transfer such property on such conditions as to price and otherwise as the Committee shall determine to such other body or bodies of persons as in the opinion of the Committee will hold such transferred property for purposes advantageous to or connected with the Church; or  
(b) appropriate such property to all or any of the purposes of any other trusts of which they act as trustees.  
(3) Subject to sub-paragraph (2), every such dealing as aforesaid shall be carried out to the best advantage, and all moneys obtained from any such dealing other than current rents shall be treated as

part of the capital of the endowment from whence it may be obtained and shall be invested or otherwise disposed of in accordance with the provisions of this Act.

(4) The Trustees may from time to time sell any of the property (other than lands and buildings), funds and securities vested in them for the purposes of this Act and invest the moneys arising therefrom or other capital moneys being part of the College property and may also invest and accumulate any surplus or residue of income not required in any year for the purposes of the College and any moneys which may be received by them from the Committee for investment in any security to which the Trustees may, from time to time, be empowered to invest funds under their control, and the Trustees may from time to time vary such investments or resort to the accumulation of the income from previous years and apply the same for the purposes of this Act, provided always that so long as they think fit the Trustees may retain in their present state of investment all or any part of the College property vested in them and may retain any securities which may hereafter be transferred to them in the state of investment which they may be received.

## SCHEDULE 2

### The Committee

#### Part I

#### Constitution and proceedings of the Committee

1. (1) The Committee shall consist of three ex-officio members, namely the Moderator, the Clerk of Assembly and the Principal and ten other members appointed by the General Assembly, three of whom shall be nominated by the Faculty and one by the Trustees.
  - (2) The members of the Committee appointed by the General Assembly shall retire annually but any such members shall be eligible to be reappointed.
2. (1) The Committee shall have power to make, alter and revoke such byelaws for the management of the College and the government and administration of the College and for the regulation of the proceedings of and the discharge of the functions of the Committee as may be approved by the General Assembly from time to time.
  - (2) The first such byelaws shall be those approved by the General Assembly before the passing of this Act which shall be deemed to have been made under sub-paragraph (1) above and which shall come into operation on the appointed day.
  - (3) The proceedings of the Committee shall not be invalidated by any vacancy among its members or by any defect in the appointment or qualification of any of them, and any accidental omission to give notice of a meeting of the Committee or the non-receipt of notice by any member shall not invalidate the proceedings at any meeting.
3. (1) The Committee may from time to time appoint such sub-committees as it thinks fit and may delegate to such sub-committees such of the Committee's functions as the Committee may think expedient.
  - (2) The members of such sub-committees may include persons who are not members of the Committee.
  - (3) The Committee shall define the functions of such sub-committees and may regulate their proceedings in such manner as it thinks fit.

#### Part II

#### Functions of the Committee

1. Subject at all times to the direction of the General Assembly the Committee shall be responsible for the administration of the College and the College property and shall exercise superintendence over all the interests of the College.
2. Without prejudice to the generality of the foregoing the Committee shall be responsible for the following:-
  - (1) the care, maintenance and upkeep of College buildings and other College property;
  - (2) the selection and appointment of part-time Lecturers, officers and servants of the College;
  - (3) the determination of salaries and wages to be paid to the members of staff and the payment of such salaries and wages;
  - (4) the fixing and paying of such pension or gratuity, if any, as it deems fit to any member of staff or any widow or widower or orphan of a member of staff;

(5) the determination of fees to be paid by the students of the College and the collection of such fees; and

(6) the payment to students entitled thereto of scholarships, prizes, bursaries and exhibitions.

3. Subject to the provisions of section 14(2) of this Act, in paragraph 2(4) above the expression 'member of staff' shall include any former member of staff of The Presbyterian College, Belfast, or of the Magee Theological College, Londonderry.

### SCHEDULE 3

#### The Faculty

##### Part I

#### Constitution and proceedings of the faculty

1. The Faculty shall consist of the Principal and the Professors of the College for the time being and such other person or persons as the General Assembly on the proposal of the Faculty shall appoint.
2. (1) The Faculty shall regulate its own proceedings as it thinks fit and may make byelaws for the regulation of its proceedings and discharge of its functions.
  - (2) The Faculty may from time to time appoint such sub-committees as it thinks fit and may delegate to such sub-committees such of the Faculty's functions as the Faculty may think expedient.
  - (3) The members of such sub-committees may include persons who are not members of the Faculty.
  - (4) The Faculty shall define the functions of such sub-committees and may regulate their proceedings in such manner as it thinks fit.
  - (5) The Faculty may in accordance with byelaws made as aforesaid appoint officers from among its members and shall in any event appoint a Vice-Principal of the College.

##### Part II

#### Functions of the Faculty

The Faculty shall be entrusted with the internal government of the College and shall have charge of all matters relating to academic standards therein and the internal discipline to be maintained therein.

### SCHEDULE 4

#### REPEALS

Session or year and chapter	Short title	Extent of repeal
45 & 46 Vict. c. clxvii	Belfast Presbyterian College Act 1882	The whole Act.
4 & 5 Geo. 6 c. i (N.I.)	The Belfast Presbyterian College Act 1940	The whole Act.
1953 c.i (N.I.)	Magee University College, Londonderry (Northern Ireland) Act 1953	In section 2, the words "Part IV. Provisions relating to the Magee Theological College, Londonderry."

1970 c. 15 (N.I.)	Magee University College Londonderry Act (Northern Ireland) 1970	In section 3, the definition of the "Theological College." Section 5 Part IV.  Section 7.
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## 17. UNION THEOLOGICAL COLLEGE MANAGEMENT COMMITTEE BYE-LAWS

Bye-laws of the College Management Committee of the Union Theological College of the Presbyterian Church in Ireland, pursuant to the provisions of the Union Theological College Act of the Presbyterian Church in Ireland 1978 and approved by the General Assembly at its annual meeting in Belfast on 8th June, 1978.

- I. In these Bye-Laws the expression "The Committee" means the College Management Committee: the "Trustees" means the Trustees of the Presbyterian Church in Ireland: the "General Assembly" means the General Assembly of the Presbyterian Church in Ireland; the "Convener" means the Convener of the Management Committee; the "Faculty" means the Faculty of the Union Theological College, Belfast.
- II. Bye-Laws are rules approved by the General Assembly for the work of the College Management Committee and are subordinate to its constitution as set out in Schedule 2 to the Union Theological College of the Presbyterian Church in Ireland Act 1978 and in the Code of the General Assembly (Paragraphs 309, 310) enacted on the 8th day of June, 1979.
- III. The College Management Committee shall meet at least three times each year for the transaction of the business of the College, the agenda of one such meeting to include the inspection of the Minute Book of the Faculty, the approval of the audited accounts of the College and the reception of the annual report of the Faculty.
- IV. At least three clear days' notice of the time and place of holding a meeting of the College Management Committee and specifying the business to be transacted thereat shall be given to every member for the time being of the College Management Committee.
- V. The Convener may on his own motion, and shall on receipt of requisition signed by three or more members of the College Management Committee, convene a special meeting of the Committee.
- VI. In order to constitute a meeting of the College Management Committee there shall be present thereat at least four members.
- VII. The College Management Committee shall elect a Chairman to act for one year, who shall be eligible for re-election. In his absence the College Management Committee may appoint a Chairman pro tem. to preside over the meeting.
- VIII. The College Management Committee shall appoint a Finance sub- committee from its own membership, and may from time to time appoint other sub-committees for the purpose of discharging any of its duties. Every such sub-committee is at all times and in all things subject to the control of the College Management Committee and shall report to it. A sub- committee may be at any time dissolved by the College Management Committee.
- IX. The Auditors appointed by the General Assembly shall be appointed Auditors for all the accounts of the College Management Committee.
- X. The College Management Committee, and all sub-committees, shall retain records of all meetings, have these duly entered in the Minute Books provided for that purpose, and confirmed in the usual manner.
- XI. The financial year shall end on 31st December and audited accounts shall be submitted annually to the College Management Committee.
- XII. The College Management Committee shall be responsible for the visitation of the College, visiting in rotation one department each year. Should circumstances require it to do so, the College Management Committee may visit any department any time, seven days' notice having been given.
- XIII. The College Management Committee shall be responsible for administering the finances of the College and shall prepare annual estimates of expenditure necessary for its working; and shall submit its application for the amount required from Central Funds to the United Appeal Board.
- XIV. The College Management Committee shall present a report each year to the General Assembly through the Board of Studies.

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