

CONDUCT OF FUNERAL SERVICES

The General Assembly of 2007 received the Report of the Legal Questions Committee which included a statement regarding fees for funerals. That statement had been prepared in the light of approaches from two Presbyteries seeking guidance on the question of the charging of fees (on behalf of ministers) for the conduct of funerals. It had seemed to the Presbyteries that expectations and practice were unacceptably varied across the country, and that the question was complicated by the fact that, quite naturally and legitimately, ministers other than parish ministers occasionally conduct funeral services.

The full text of that statement was engrossed in the Minutes of the General Assembly, and it was felt that it would be helpful to include it.

The statement

The (Legal Questions) Committee believes that the question is two-fold, relating firstly to parish ministers (including associate and assistant ministers, deacons and the like) within their regular ministry, and secondly to ministers and others taking an occasional funeral, for instance by private invitation or in the course of pastoral cover of another parish.

Ministers in receipt of a living

The Committee believes that the position of the minister of a parish, and of other paid staff on the ministry team of a parish, is clear. The Third Declaratory Article affirms the responsibility of the Church of Scotland to provide the ordinances of religion through its territorial ministry, while the stipend system (and, for other staff members, the salary) provides a living that enables that ministry to be exercised without charging fees for services conducted. The implication of this principle is that no family in Scotland should ever be charged for the services of a Church of Scotland minister at the time of bereavement. Clearly, therefore, no minister in receipt of a living should be charging separately (effectively being paid doubly) for any such service. The Committee is conscious that the position of congregations outside Scotland may be different, and is aware that the relevant Presbyteries will offer appropriate superintendence of these matters.

A related question is raised about the highly-varied culture of gift-giving in different parts of the country. The Committee believes it would be unwise to seek to regulate this. In some places, an attempt to quash a universal and long-established practice would seem ungracious, while in other places there is no such practice, and encouragement in that direction would seem indelicate.

A second related question was raised about Funeral Directors charging for the services of the minister. The Committee believes that Presbyteries should make it clear to Funeral Directors that, in the case of Church of Scotland funerals, such a charge should not be made.

Ministers conducting occasional services

Turning to the position of ministers who do not receive a living that enables them to conduct funerals without charge, the Committee's starting point is the principle articulated above that no bereaved person should have to pay for the services of a minister. The territorial ministry and the parish system of this Church mean that a bereaved family should not find itself being contingently charged because the parish minister happens to be unavailable, or because the parish is vacant.

Where a funeral is being conducted as part of the ministry of the local parish, but where for any reason another minister is taking it and not otherwise being paid, it is the responsibility of the congregation (through its financial body) to ensure that appropriate fees and expenses are met. Where that imposes a financial burden upon a congregation because of the weight of pastoral need, the need should be considered in calculating the resource-needs of that parish in the course of updating the Presbytery Plan.

It is beyond the remit of the Legal Questions Committee to make judgements about the appropriate level of payment. The Committee suggests that the Ministries Council should give the relevant advice on this aspect of the issue.

The Committee believes that these principles could be applied to the conduct of weddings and are perfectly compatible with the Guidelines on that subject.