



LEGAL QUESTIONS COMMITTEE CONSULTATION ON A NEW CHURCH COURTS ACT

The Legal Questions Committee is in the process of drafting a new Church Courts Act which it is hoped will be helpful to those who deal with our decision making processes in Kirk Sessions, Presbyteries and General Assembly.

This Form allows you to share your hopes and insights as we begin this work. While there are spaces for comments on all three church courts it is not necessary to complete each section.

There is also a section at the end for more general comments which don't easily fit elsewhere.

The text boxes will expand as you type your response.

Once completed please email to ljamieson@churchofscotland.org.uk

You can see the current Church Courts Act at

http://www.churchofscotland.org.uk/_data/assets/pdf_file/0020/1838/2000_Act_03.pdf

KIRK SESSION

MEMBERSHIP

Tell us about any issues you would like to see addressed in any new Act covering the work of the Kirk Session:-

Please also comment on these questions

- section 36(a) of the Act allows a Kirk Session to remove an elder who has been absent from meetings for more than a year without satisfactory cause. Please outline any experience that you have of operating this section.
- should section 36(a) be strengthened, requiring elders to be removed from membership of the Session if they have failed to attend meetings?
- how helpful would it be to have the possibility of Kirk Sessions appointing elders to “fixed term” membership?
- what place should Associate Ministers or Deacons have in the Kirk Session?

RESPONSIBILITIES

How appropriate are the current range of functions, as outlined in section 37 of the Act?

What gets in the way of the Kirk Session’s ability to lead the Church forward in mission?

Please outline any additional powers that you consider should be given to the Kirk Session?

Are there tasks which you think could be taken from the Kirk Session?

ACCOUNTABILITY

The Kirk Session is accountable to Presbytery. How well does this work in practice? How might this relationship be improved?

PRESBYTERY

MEMBERSHIP

Tell us about any issues you would like to see addressed in any new Act covering the work of the Presbytery:-

Please also comment on these questions

- to what extent should membership of Presbytery entail an obligation to attend meetings and to be involved in the wider work of Presbytery?
- what place should retired ministers and deacons have in Presbytery?
- how should we deal with those who have seats on Presbytery on account of the posts they hold (see sections 11 to 13 of the Act) but who then do not attend meetings?

RESPONSIBILITIES

What gets in the way of the Presbytery's ability to lead the Church forward in mission?

Please outline any additional powers that you consider should be given to the Presbytery?

Are there tasks which you think could be taken from the Presbytery?

ACCOUNTABILITY

The Presbytery is in theory accountable to General Assembly but in practice this oversight is only exercised through the Appeals process.

How might this relationship be developed so that Presbyteries can be assured that they are doing what they need to do and best practice can be shared?

GENERAL ASSEMBLY

MEMBERSHIP

Tell us about any issues you would like to see addressed in any new Act covering the membership or work of the General Assembly:-

Please also comment on these questions

- How many commissioners should there be in a General Assembly (last year there were 713)
- How frequently should a serving minister be a commissioner?

Describe any system which your own Presbytery uses to assign its annual allocation of commissions.

Outline any criteria which your own Presbytery has agreed should be met (eg a specified level of attendance at meetings) before a minister or deacon can be granted a commission to the General Assembly.

RESPONSIBILITIES

How well does the Assembly fulfil its stated purposes?

- Governance
- Visibility and public profile
- Legislative functions
- Fellowship and encounter

How might the Assembly do better under these headings?

Are there other things which the Assembly should attempt?

ACCOUNTABILITY

The General Assembly is the supreme court of the Church but how might its work (and particularly that of its Councils and Committees) be made more responsive to the wishes of the local and the regional Church?

FURTHER COMMENT

Please use this box for any other comments or suggestions you would like to make.

Please tick the appropriate boxes

<input type="checkbox"/>	I am an elder
<input type="checkbox"/>	I am a Session Clerk
<input type="checkbox"/>	I am a parish minister
<input type="checkbox"/>	I am a minister in another post
<input type="checkbox"/>	I am a retired minister
<input type="checkbox"/>	I am a member of Presbytery
<input type="checkbox"/>	I am a Presbytery Clerk