

PRESBYTERY OF THE NORTH EAST AND THE NORTHERN ISLES

PRESBYTERY PLANNING AND DEPLOYMENT COMMITTEE

STEP BY STEP TO ADJUSTMENT

1.	Consent of Incumbent Ministers (Note 1)	
2.	Conferring with local parties (Note 2)	
3.	Negotiation of Basis of Adjustment (Note 3)	
4.	Submission of draft Basis to Faith Action Forum, Principal Clerk and the Solicitor of the Church via PPDC (Note 4)	
5.	Preparation of Congregational Electoral Rolls if required – see Protocol in Appendix 1 and instructions for compiling the Electoral Register where necessary in Appendix 2. Otherwise, update Communion Roll.	
6.	Kirk Session Vote on Basis (Note 5)	
7.	First Reading of Edict for congregational vote two weeks before vote (Note 6) – may be Sunday following Kirk Session vote. Appendix 2 – sample of Edict to be issued by Presbytery Clerk.	
8.	Second Reading of Edict – one week after First Reading.	
9.	Congregational Vote on Basis (Note 7). Appendix 3 and 4 – samples of voting slip to be issued by Presbytery Clerk.	
10.	Outcome of Votes reported to PPDC who will inform Presbytery. (Note 8)	
11.	Presbytery or PPDC under delegated powers asked to approve the adjustment if all in order.	
12.	After PPDC or Presbytery approval granted. (Note 9)	

Note 1

In all cases of adjustment (unions, linkages, deferred unions, parish groupings, etc as below), this consent of incumbent minister(s) should be given **in writing to the Presbytery Clerk** at the outset - the simplest way is by email to the Presbytery Clerk with cc to the PDC Convener. It can easily be overlooked if left till a later date. In terms of the Presbytery Mission Plan Act (Act VIII, 2021) (“the 2021 Act”), “No proposed Adjustment involving the rights of the minister shall be discussed with the office bearers of the congregation as in (a) above [i.e. conferring with local parties as in Note 2] without his or her consent in writing” (s10.1(b)). Also, in terms of the 2021 Act, an “adjustment”

includes a Basis of Parish Grouping, Local Mission Church and indeed any of the 11 options stated in s7, subsections (1) to (11), so consent in writing is required for negotiating any of these adjustments.

N.B. Please note that the consent being given by incumbent ministers at this stage is only consent for discussions to begin. There is no implied consent to any proposed adjustment that may emerge from discussions.

Note 2

Presbytery is to remit to the appropriate Standing Committee the task of conferring with local parties. This means that PPDC will probably appoint an appropriate Presbytery representative (not necessarily a PPDC member) to discuss possible adjustment with the ministers, the elders and members of Financial Boards (if any). Other members of a ministry team should be included in the consultation.

Section 10.1(c) states that all meetings of office bearers under s10 shall be **“called by the Presbytery’s Committee and a minister, deacon or elder, appointed by said Committee, shall act as Convener for the purposes of conference”**. **PPDC will therefore appoint an appropriate person to convene the talks about adjustment.**

Experience with Parish Groupings has shown that a “light touch” by the Presbytery representative may suffice where there is already substantial agreement about the proposed adjustment, but in other circumstances, more direction and support will be needed.

Note 3

If the initial discussions are positive, a Basis of Adjustment is negotiated, usually by a small steering group comprising the Minister/Interim Moderators, Session Clerks and two or three elders from each congregation involved and convened by the Presbytery representative. It is recommended that brief notes are kept of the steering group discussions especially of matters on which agreement has been reached.

As the negotiations progress, it would be expected that each Session Clerk should keep the remaining office bearers informed as to progress. Where it is proving difficult to reach a decision on some aspects (changes of name can be troublesome), sometimes a joint discussion among both/all Kirk Sessions meeting together can produce some consensus. It must be stressed that such meetings are consultative only.

It is important to note that no mention is made of informing or consulting the congregation at this stage – this is not accidental as the process up to the congregational vote is the business of the office bearers. However, it is clearly sensible for the Minister and Session Clerk to keep the congregation appraised on what is happening even if they have no locus to participate.

Templates for various Bases can be downloaded from the C of S website and the **PPDC holds copies of Bases already finalised** which may assist, in particular with Basis of Team Ministry, a new template. **PPDC can also advise on use of the various templates.**

The “date of xxxx”(union, linkage, whatever) in the Basis can be left as “on a date to be agreed by Presbytery” up until after Presbytery has approved the Basis. In practice, congregations will probably have a target date for the adjustment actually to take place, but it is not essential to state this.

If a new name is planned, it may be useful **to get PPDC to run this past the Law Dept** to check it is acceptable in terms of geographical identification.

Note 4

Once a draft Basis has been agreed by the steering group, it should be forwarded to PPDC so that it can be submitted to Faith Action Forum/Presbytery Planning (for confirmation it accords with the PMP) and to the Principal Clerk and the Law Department (to ensure it complies with church law and civil law). Once these approvals/confirmations have been obtained and any recommended changes incorporated, PPDC will communicate with the steering group who can then set dates for voting.

At this stage, the process of preparing the congregational Electoral Rolls or updating the Communion Roll as necessary (see Appendix 1) should be commenced to have these ready for congregational votes. See Appendix 1.

When considering a timetable, it is often helpful to look at planned Presbytery and PPDC meetings and coordinate dates with the meeting at which it is hoped the Basis will be put forward for approval following Kirk Session and congregational votes.

Note 5

If possible, the Kirk Sessions should meet on the same date (but not all together) and vote on the Basis as presented by the steering group. At this point, the Basis cannot be amended because it is being voted on by both/all Kirk Sessions contemporaneously. The vote is usually by a show of hands and only those present may vote. A simple majority prevails. Abstentions are not noted. If one Kirk Session votes by a simple majority not to approve the Basis, that should be reported to PPDC so that enquiry can be made as to whether changes could be negotiated which would result in approval by both/all Kirk Sessions.

Note 6

Once all Kirk Sessions have voted in favour of the Basis, congregational votes can be arranged. It is recognised that in rural situations it may not be possible to have all congregations vote on the same day although this is the preferred process. It should be checked that the Electoral Roll/Communion Roll process is completed before voting date(s) are fixed. **These dates should be communicated to PPDC who will arrange for the Presbytery Clerk to send out to Session Clerks (i) copies of the Edict with detailed instructions and (ii) voting papers.** The Edict must be read out at Sunday worship for the two Sundays preceding the Sunday on which the vote will take place. Sample Edict for information is in Appendix 3.

Note 7

A secret ballot with voting slips is not mandatory (except in certain circumstances narrated below) but it **is usually preferred**. The Minister/Interim Moderator and the Session Clerk should organise the voting at the end of worship, usually having first asked those who are not members or adherents to leave. It is necessary to have a copy of the Electoral Register/ Communion Roll available so that it can be ensured that those receiving voting slips are on it.

It is not mandatory to have a Presbytery representative present, but it might be helpful on some occasions and demonstrate the support of Presbytery for the process.

It should be made plain that the Basis cannot be altered at this stage. Questions may be asked on the process or on the meaning of the clause in the Basis. However, discussion on aspects in the Basis

which have already been decided by the Kirk Sessions should be discouraged, as these cannot be changed. Members must vote either For or Against the Basis (and Clause 7 if applicable).

The Minister/Interim Moderator and Session Clerk should then count the votes, counting separately if there are two votes (see below). Abstentions and spoiled papers are not noted. **The Session Clerk should advise the voting numbers to the PPDC and the Presbytery Representative if present.** The result may be announced to those in the congregation who have waited behind unless it is desired to keep these back if other congregations are voting on later dates.

Unions/Linkages/Deferred Unions: Section 7 votes:

Section 7 of the Basis is usually the section which specifies who the minister(s) of the new charge will be.

Where there is no incumbent minister in any of the congregations who are parties to the Basis, a single vote on the Basis as a whole can be taken, as per the voting form in Appendix 4.

Where one or more of the congregations is vacant and are agreeing that the minister of another congregation in the Basis will be the minister of the new charge, the members of the vacant charge(s) must vote twice: once on the Basis except Section 7, and separately on Section 7. See voting slip in Appendix 5. This is the situation in which a secret ballot is mandatory. The congregation where there is an incumbent minister need only vote on the Basis as a whole (voting slip Appendix 2).

Where there is a linkage, both congregations must vote separately on section 7.

The following is based on advice received informally from the Principal Clerk:

Where the minister of the new charge is to be a Team Ministry (even with incumbent Ministers of some or all of the congregations), two votes should again be taken – one on the Basis except Section 7, and second, on Section 7 of the Basis. In these circumstances, Section 7 will refer to the Basis of Team Ministry so acceptance or rejection of the Basis of Team Ministry is included in acceptance or rejection of Section 7. The rationale is that all congregations are being asked to accept a new ministry arrangement, different from the one charge-one minister arrangement which they have.

Note 8

It is the responsibility of PPDC in liaison with the Presbytery Clerk to report the votes to Presbytery and request Presbytery's approval, or to approve the adjustment using delegated powers, if appropriate. Contact details for PPDC are below.

Note 9

Once Presbytery has approved the adjustment, **the Presbytery Clerk will forward an Extract Minute to Faith Action Forum for noting.** If all the relevant parties approved the draft at Step 4, this should be a formality but it may take a few weeks for the official response to arrive.

In the case of unions, there are important steps to be taken by the Law Department in relation to OSCR, which could delay the date on which the union is put into effect. The Law Department need to receive the Excerpt Minute from Presbytery **at least 49 days ahead of any anticipated date for the union. This must be borne in mind when considering a date for the union to become effective.** More detailed information is available in the Law Department paper (on the Church of Scotland website under "Resources") called "Guidance Notes on Unions (2023)". This paper also contains much useful information for Treasurers involved in unions.

The Presbytery Clerk will finalise with the Kirk Sessions the date when the adjustment will take effect, and if appropriate, arrange a Presbytery service – usual for unions and linkages where there is an incumbent minister.

FINALLY.....PLEASE NOTE THAT PPDC CAN BE CONTACTED AT ANY TIME FOR ADVICE AND SUPPORT THROUGH THE CONVENOR (TStephen@churchofscotland.org.uk) OR THE ADJUSTMENTS COORDINATOR (eunicemconnach@gmail.com).

Appendix 1

PROTOCOL RE COMPILING ELECTORAL REGISTERS FOR ADJUSTMENTS

Advice recently received from the Principal Clerk indicates that when preparing for votes on adjustments, it is possible either to use the Roll as it currently stands including those already recognised by the Kirk Session as adherents or to draw up a specific Electoral Register for the vote on the adjustment, using the form set out in the Vacancy Procedure Act to identify members and adherents who can vote (See attached Step by Step guide). The Principal Clerk suggests that if the Roll has not been updated to include adherents within the last six months, it may be good practice to draw up a specific electoral register.

Having considered that advice, I have decided that the following approach fits with the Principal Clerk's recommendations:

1. Where an adjustment is in accordance with the Presbytery Mission Plan, and the adjustment will not result in the new charge being vacant immediately, it will be sufficient to use the Roll provided it has been updated within the previous six months and includes adherents. This will save unnecessary bureaucracy especially for Parish Grouping adjustments.
2. Where the united charge following a union is to be vacant, the Electoral Register should be drawn up and attested (in accordance with the Vacancy Procedure Act (ACT VIII 2003) (as amended)) prior to the adjustment vote. It will be needed later to form a nominating committee.
3. Where an adjustment is at variance with the Presbytery Mission Plan, whether or not a vacancy is expected soon afterwards, the Electoral Register should be drawn up and attested (in accordance with the Vacancy Procedure Act (ACT VIII 2003) (as amended)) prior to the adjustment vote.

Further advice has been provided regarding situations where congregations should vote separately on the Ministry clause (usually Clause 7 of a Basis of Union). The Presbytery Mission Plan Act (ACT VIII 2021 (as amended) provides that congregations which are vacant and are being asked to accept the incumbent Minister of another charge in terms of a Basis of Union must vote separately on the Ministry clause.

The Principal Clerk recommends that in a union where a Team Ministry is being introduced, all congregations should vote separately on the Ministry clause even if some members of the new Team Ministry are the incumbent ministers of some of the uniting congregations.

Where linked congregations with an incumbent minister are moving to union under that minister, neither congregation needs to vote separately on the ministry clause.

Appendix 2

Preparing the Electoral Register: Step by Step Guide

The Electoral Register contains the names on the communion roll, the names of those who have given in valid Certificates of Transfer by the date of the Kirk Session meeting referred to below and adherents (those persons who, being regular worshippers in the congregation, and not being members of any other congregation, have claimed in writing in the form attached hereto (Item A) within the time specified in Item B (attached) to be placed on the Electoral Register, the Kirk Session being satisfied that they desire to be permanently connected with the congregations and knowing of no adequate reasons why they should not be admitted as communicants should they so apply).

Names on any 'Supplementary Roll' are not included.

- 1. Decide on the date, time and place of the Kirk Session meeting at which the Register will be compiled** (this date to be within 14 days of the date of the second intimation using Item B). Decide also on the date, time and place of the subsequent Kirk Session meeting at which the register will be finalised and attested (this date to be within fourteen days after the Sunday on which intimation is made using Item C).
- 2. Intimate to the congregation on the two Sundays before the meeting at which the Register will be compiled that the Kirk Session will be preparing the Electoral Register** (use Item B for this purpose).
People not already on the communion roll who want to be added to the register should let the Session Clerk know in writing, either by transferring lines or filling in a Form of Adherence Claim (Item A) obtainable from the Session Clerk.
- 3. Hold your first Kirk Session meeting** At that meeting, the Kirk Session decides if anyone who has asked should be added to the register. Anyone who wants to be added can come to the Session Meeting to make their case.
The Kirk Session prepares the register, which should be in alphabetical order and numbered. There should not be a separate list of members and adherents, but only one list. The list

should include names and addresses. Names from any Supplementary Roll are not included. Remove anyone whose address is unknown and who cannot be contacted. The decision of the Kirk Session is final.

4. **Intimate to the congregation on one Sunday the date, time and place of the meeting which the Register will be finalised and attested** (use Item C for this purpose).
5. **Hold your second Kirk Session meeting** (making sure that it is after 7 days from, and before the expiry of 14 days of, the date of the date of the intimation using Item C) to consider further requests to be added to the register. The register should be revised, renumbered and adjusted as appropriate. At this meeting the final Electoral Register should be drawn up, in duplicate, and both copies attested (signed) by the Minister and the Session Clerk.
6. **Both copies of the Register should be sent immediately to the Presbytery Clerk.** The Presbytery Clerk attests the register and returns one copy which becomes the main register.
7. **Thereafter the Register can be adjusted** if anyone transfers their membership elsewhere, or in the event of death. The Session Clerk deletes the name and initials it and keeps the letter of transfer.

Item A: Form of Adherents' Claim

I, (*enter full name in block capitals*)

of (*enter address in full*)

.....

being a regular worshipper in the Church of Scotland, and not being a member of any other congregation in Scotland, request to have my name put on the Electoral Register of the congregation of as an adherent.

Date (Signed)

Item B: Preparation of Electoral Register

To be read on two Sundays at worship and displayed as prominently as possible at the church building for fourteen days. You can, additionally, if you have facility to do so, post it publicly on website or social media.

Notice is hereby given that, with a view to entering into a Basis of Union with [*(insert names of congregations uniting)*] the Kirk Session is about to make up an Electoral Register. This Electoral Register is a list of those who will be eligible to vote when the time comes to decide upon the Basis of Union.

If your name and current address are already on the Communion Roll, then you will automatically be placed upon the Electoral Register. You will need to take no further action.

If you are a regular worshipper here, but are still a member of another congregation, and you wish to participate in the vote upon the Basis of Union, then you should arrange to hand in to the Session Clerk a valid Certificate of Transference before the Kirk Session meets.

If you are a regular worshipper here, and not a member of this or any other congregation, then the Kirk Session can add your name to the Electoral Register as an “adherent”. If you wish the Kirk Session to consider this, you should obtain a form from the Session Clerk (*give details of how the Session Clerk can be contacted*), complete it and return it to him/her before the Kirk Session meets.

The Kirk Session will meet inontheday of at.....to make up the Electoral Register.

(signed) Minister/Interim Moderator

Item C: Confirmation of Electoral Register

To be read on one Sunday.

Notice is hereby given that the proposed Electoral Register of this congregation of [*insert the name of your congregation*] has now been prepared.

If you believe that your name should be on the Register, you can ask for confirmation that it has been included by contacting the Session Clerk (*give details of how the Session Clerk can be contacted*).

If your name is not on the proposed electoral Register, and you believe it should be, you should inform the Session Clerk in writing before the Kirk Session meets to finalise the Register on(date) at.....(place). You are also welcome to attend that meeting, if you wish to make the case for your name being included.

(signed) ----- Minister/ Interim Moderator

Appendix 3: for information only, will be issued by Presbytery Clerk

Edict:

**PRESBYTERY OF THE NORTH EAST AND THE NORTHERN ISLES
NOTICE OF A CONGREGATIONAL MEETING AT XXXXXXXXXXXXX
BASIS OF XXXX: [List all congregations involved]**

Notice is hereby given that a meeting of this congregation will be held after Morning Worship on Sunday the202... to approve a Basis of xxxx with [List other congregations]

By order of the Presbytery Clerk.

[Name]

This notice was read to the congregation on202... by

And on202.... by

.....

Appendix 4 (for a Basis of Union, Deferred Union, Linkage where no incumbent minister of for Basis of Parish Grouping)

Members of xxxxxx [specify congregation voting]

In person vote to be held on Sunday xxxxxxxx following morning service

Voting Paper: Basis of xxxx [specify type of adjustment] – [List congregations involved]

You are now invited to vote ‘**FOR**’ or ‘**AGAINST**’ the proposed Basis of XXXX [specify the adjustment] of the congregations of [List congregations involved]. This process is required under Church Law and follows confirmation of support for the Basis of XXXX [specify the adjustment] from the Kirk Sessions of each of the churches.

.....

Basis of XXXX[specify type of adjustment] : [List congregations involved]

Please indicate with a cross below –

For the Basis of XXXX[specify type of adjustment] _____

Against the Basis of XXXX[specify type of adjustment] _____

.....

Appendix 5 (Usually only required for a Basis of Union or Linkage)

Members of XXXXXXX [specify congregation voting]

In person vote to be held on Sunday xxxxxx following morning service

Voting Paper: Basis of Union/Linkage – [List congregations involved]

.....

SECTION ONE

You are now invited to vote '**FOR**' or '**AGAINST**' the Basis of Union/Linkage of the congregations of [List congregations involved] **WITH THE EXCEPTION OF CLAUSE 7**. This process is required under Church Law and follows confirmation of support for the Basis from the Kirk Sessions of each of the churches.

Basis of Union/Linkage: [List congregations involved]

Please indicate with a cross below –

For the Basis of Union/Linkage (except Clause 7) _____

Against the Basis of Union/Linkage (except Clause 7) _____

.....

SECTION TWO

You are now invited to vote '**FOR**' or '**AGAINST**' **Clause 7** of the Basis of Union/Linkage which states that xxxx will be the Minister of the united charge OR that xxxxx will form the Team Ministry of the united charge.

Please indicate with a cross below –

For Clause 7 _____

Against Clause 7 _____