

The Church of Scotland  
**The Presbytery of Argyll**  
**Standing Orders**  
 (Revised 2019)

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**I. Roll of Presbytery**

1. Membership of Presbytery. Membership of Presbytery shall be as determined by Act 3, 2000 The Church Courts Act.

2. Corresponding members. The following persons shall, unless already commissioned by a Kirk Session or elected by Presbytery as additional elders, be entitled to be corresponding members of Presbytery unless Presbytery, in terms of section 29 of Act 3, 2000, shall decide otherwise:-

(a) The President of each Presbyterial Council of the Church of Scotland Guild within the bounds of Presbytery, and

(b) Readers on Presbytery's Roll of Readers who are resident within the bounds of Presbytery.

On the recommendation of the Business Committee, Presbytery may also elect by free election other persons to be corresponding members of Presbytery.

Corresponding members of Presbytery shall be entitled to receive the Minutes of Presbytery, to attend all its meetings including any meeting or part of a meeting taken in private and to speak on any matter before Presbytery, but shall not have the right to move or second a motion or a counter motion or any amendment thereof or to vote.

**II. Officials**

3. Moderator. The Moderator of Presbytery shall be elected as determined by section 31 of Act 3, 2000. The Business Committee shall submit to the March meeting of Presbytery each year its recommendation for Moderator for the ensuing year.

4. Clerk and Depute Clerk. On the recommendation of the Business Committee, Presbytery shall appoint a Clerk and may appoint a Depute Clerk both of whom shall hold office during the pleasure of Presbytery. In the absence of the Clerk and the Depute Clerk, Presbytery shall appoint one of its members to act as clerk *pro tempore* and the fact of the appointment shall be minuted. Before taking up office all the Clerks shall take the oath *de fidei administratione officii* in the following terms "I swear that I will be faithful to the duties of (*name the office*) of the Presbytery of Argyll"

The Clerk will ensure that the records of Presbytery, including those of its Committees, are properly kept.

The Clerks alone may issue Extracts from the records of Presbytery and its Committees. The Conveners of Committees may issue copies of the Minutes of their respective Committees.

5. Treasurer. On the recommendation of the Business Committee, Presbytery shall appoint a Treasurer who shall hold office during the pleasure of Presbytery. Presbytery shall at its

September meeting each year determine the manner in which its accounts for the year then current are to be audited in accordance with Part (C) of Regulations III, 2012 anent Presbytery Finance.

The Treasurer shall maintain all the financial records and bank and other accounts of Presbytery and shall submit not later than the June meeting of Presbytery audited accounts of his or her intromissions with the funds of Presbytery and any other funds under his or her control for the immediately preceding year in accordance with Parts (A) and (B) of Regulations III, 2012).

Funds may be withdrawn from any of Presbytery's accounts on the signature of the Treasurer and that of the Clerk or the Depute Clerk or other signatory as approved by the Business Committee.

Presbyters claiming repayment of travelling and other expenses shall do so on forms approved by Presbytery.

### **III. Meetings**

6. Ordinary Meetings. Presbytery shall meet for Ordinary Business at venues to be determined by the Business Committee on the first Tuesday or Wednesday of March, June, September and December each year or at such other times and places as Presbytery may decide.

7. Meetings *in hunc effectum* and *pro re nata*. Presbytery may appoint a meeting *in hunc effectum* for the transaction of specified business. The minute appointing the meeting, in addition to narrating the resolution to meet *in hunc effectum*, shall specify the time and place of the meeting and the business to be transacted and public intimation thereof shall be made at that meeting. The only business that may be transacted at an *in hunc effectum* meeting is (a) that for which it has been appointed (b) intimations by or on behalf of the Vacancy Procedure Committee in accordance with Act 8, 2003 and Standing Order 7A and (c) the receiving and sustaining of Elders' Commissions in accordance with section 24 of Act 3, 2000.

The Moderator, either on his/her own initiative, or at the request of the Clerk, or at the request of the Vacancy Procedure Committee, or on receipt of a request by at least three members of Presbytery, may call Presbytery to meet *pro re nata* for the transaction of business which has arisen. The only business that may be transacted at a *pro re nata* meeting is (a) that specified in the billet calling the meeting (b) Vacancy Procedure intimations in accordance with Act 8, 2003; and (c) the receiving and sustaining of Elders' Commissions in accordance with section 24 of Act 3, 2000. If, having received a request as aforesaid, the Moderator declines to call a *pro re nata* meeting the whole circumstances of the case shall be brought before Presbytery at its next ordinary meeting.

8. Quorum. In accordance with Act 3, 2000, the quorum of a Presbytery shall be three. Only one of these may be an elder, and his or her name must have been previously enrolled.

9. In Public. Presbytery shall meet in public, but may resolve to meet in private to deal with a particular item of business.

10. Standing Orders. Standing Orders will be reviewed annually by the Business Committee and any additions or alterations thereto submitted to Presbytery for approval. Without prejudice to the foregoing provision a Committee or member wishing to move an alteration of Standing Orders shall lodge a motion in writing with the Clerk who shall lay the motion before the Business Committee and thereafter bring the motion before Presbytery with the recommendation of the Business Committee.

11. Minutes. The Minute of each meeting of Presbytery held since the immediately preceding ordinary meeting shall be sent to each member of Presbytery with the Billet calling and the Agenda for the next ordinary meeting of Presbytery. In being presented to Presbytery the Minutes shall be taken as read. Minutes shall be authenticated by the signatures of the Moderator and Clerk. Each Minute, or the last page thereof if more than one, shall be signed, and each preceding loose-leaf page initialled, by the Moderator who occupies the Chair at the time when the Minutes are submitted for approval and by the Clerk.

### **IV Committees and their Membership**

12. Committees. Presbytery shall establish and maintain the Standing Committees listed in Schedule I hereto with the remits as specified therein. Presbytery may also establish *ad hoc*

Committees for such purposes as Presbytery may from time to time determine.

13. Conveners of Committees. Presbytery shall appoint a Convener for each Standing and *ad hoc* Committee on the recommendation of the Business Committee. The Convener of each Standing Committee listed in Schedule I hereto shall hold office for four years and may be reappointed for one further period of four years.

14. Membership of Committees. Each Standing Committee listed in Schedule I hereto, except the Property Committee and the Ministry Committee, shall consist of at least six members of Presbytery. The Property Committee and the Ministry Committee shall each consist of at least nine members of Presbytery.

The membership of each Standing Committee shall be reviewed by Presbytery annually on the recommendation of the Business Committee. Each Convener shall have power to co-opt additional members to his or her Committee as the Convener deems necessary. The Moderator and Clerks shall be members *ex officio* of each Committee, Sub-Committee and Working Group.

15. Powers of Committees. Each Standing Committee listed in the first column of Schedule I hereto shall have power, in name of Presbytery, to make decisions on all matters coming within its remit as specified in the second column of Schedule I, which decisions shall conform to the agreed policies of Presbytery. An *ad hoc* Committee shall have the power conferred on it by the deliverance whereby it is established. Each Standing and *ad hoc* Committee shall act in accordance with its remit and may take decisions by a simple majority of the members of the Committee. It shall be within the power of the Convener of a Standing or *ad hoc* Committee either to call a meeting of the Committee or to communicate with the other members of the Committee by letter or by telephone or by E-mail provided that the details of such communications are recorded by the Convener and the decisions reached by such communication are minuted. Each Standing and *ad hoc* Committee shall report to Presbytery at least once each year. Each Standing and *ad hoc* Committee shall report to the first ordinary meeting of Presbytery after it has met or decisions have been taken as hereinbefore provided. For the purpose of dissenting and complaining or appealing the date of the decision shall be the date upon which the Standing or *ad hoc* Committee reports to Presbytery the decision taken under delegated powers.

16. Quorum. The quorum for a standing committee shall be three.

#### **V Worship**

17. Acts of Worship. The Moderator shall be responsible to Presbytery for all acts of worship and the Moderator, or one appointed by the Moderator, shall conduct appropriate devotions at the commencement of each meeting of Presbytery. Presbytery shall celebrate the Sacrament of the Lord's Supper annually at one of its ordinary meetings.

#### **VI Business**

18. Order of Business. The order of business at ordinary meetings of Presbytery shall be as the Clerk, in consultation with the Business Committee, shall determine.

19. Order of the Day. It shall be competent for the Clerk, in consultation with the Convener of the Business Committee, to set an Order of the Day for business, in particular that which requires the attendance of parties other than members of Presbytery. Such action shall be presented for the approval of Presbytery when the agenda is submitted. An Order of the Day shall be taken not later than fifteen minutes after the hour appointed, and, provided parties are present, may be taken earlier than the time specified if other business allows.

20. Additional Business. Any member wishing an item of business added to the Agenda of an ordinary meeting of Presbytery shall at the latest request a place on the order-paper when the Agenda is presented for approval otherwise the matter may not be brought forward.

21. Assembly Remits. Items remitted by the General Assembly shall be dealt with by the Standing Committee of Presbytery whose remit includes the work of the Council, Board or Committee by which the matter was presented to the General Assembly, or by an *ad hoc* Committee appointed by Presbytery on the recommendation of the Business Committee.

#### **VII Procedure**

22. The Chair. The Moderator shall chair all meetings of Presbytery. In the absence of the Moderator the most recent previous Moderator present, whom failing any minister present, shall take the chair.

23. Duties of the Moderator. The Moderator shall be responsible for *inter alia*:-

Keeping good order,

Ruling on points of order, and

Disallowing motions which are incompetent, irrelevant or offensive.

The Moderator's ruling thereon shall be equivalent to a resolution of Presbytery, and may be dissented from, and otherwise treated as any decision of the Presbytery may be.

24. Voting by the Moderator. The Moderator shall not have the right to either move or second a motion or counter-motion or amendment and shall not have a deliberative vote, but shall have a casting vote in the case of equality of votes. The Moderator, having vacated the chair, shall not have a vote. In the event of the Moderator having declined to exercise his casting vote the *status quo* shall prevail until such time as the item of business comes before Presbytery again.

25. Leaving the Chair. The Moderator shall vacate the Chair when his or her charge, or any constituent congregation thereof, or a congregation or a Kirk Session of which he or she is a member is called to the bar and may also do so to speak to an item of business before Presbytery, and shall resume the chair immediately after the relevant matter has been determined. In such cases the provisions of Standing Order 22 shall apply.

26. Transmission of Committee Minutes and Reports. Minutes of and Reports from Committees shall be transmitted to the Presbytery Clerk so as to be in his hands not less than 14 days before the date of the meeting at which they are to be tabled and will be included in the papers sent out for that meeting. A Minute or Report which has not been circulated may be presented orally at a Presbytery meeting at the discretion of the Moderator.

The Clerk may decline to circulate other papers if their status is not self evident, or if they are unsigned, or if the signatory has not indicated in what capacity he or she is writing.

27. Motions. All motions, counter-motions and amendments shall be transmitted or handed to the Clerk in writing before any vote is taken thereon.

28. Order of Debate. The Order of Debate shall be as below.

1. The Chair. Every speaker shall address Presbytery through the Moderator, the correct form of address being: "Moderator".

2. Secunder. A motion will fall unless it is seconded.

3. In Support. When a motion or motions have been made and seconded, any Member may take part in the subsequent debate.

4. One Speech Only. Except as provided for in Standing Order 28.6, no Member may speak twice on the same matter except in explanation and then only by permission of the Moderator.

5. Point of Order. Any Member may rise to speak to a Point of Order. A speaker is not to be interrupted unless upon a call to order. When so interrupted the Member shall cease speaking, and shall resume his or her seat until the Point of Order is decided. The Member calling to order shall state the grounds for doing so; and the speaker who has been interrupted may briefly reply in explanation to show that he or she is not out of order, but no other Member may speak to the Point of Order unless with the permission or at the request of the Moderator, with whom the decision of the point rests, though the Moderator may put the point to a vote of Presbytery.

6. Right of Reply. There shall be no right of reply to a debate, except that Conveners of Committees or other persons presenting reports shall have the right to reply to a debate arising from a report made by them on behalf of their Committee.

7. Time Limits. All speeches shall be limited to 5 minutes, unless the Moderator rules otherwise.

8. Character of Motions. Motions shall be considered as belonging to one of the following categories and shall be dealt with as prescribed:

(i) The original Motion; (ii) Counter-motions being motions contradictory or negative of the original motion or of a substantial part of the original motion; (iii) Amendments being motions not substantially contradictory of the original motion or counter-motion, but for making deletions, alterations or additions thereto without defeating the main object; (iv) Amendments on amendments already moved and seconded.

9. Moderator to Judge. The Moderator shall be judge of the category to which any

Motion shall be considered to belong, and the ruling of the Moderator shall be final.

9. Voting on Amendments. Immediately after an amendment of an amendment [SO 28.8.(iv)] has been proposed, seconded and spoken to, the Moderator shall take a vote 'For' or 'Against'. The Moderator shall thereafter take a vote 'For' or 'Against' any amendment [SO 27.8(iii)] amended or unamended as the case may be.

10. Voting on Motions. After all amendments, if any, have been disposed of, the Moderator shall take a vote between all Motions in Standing Orders 28.8(i) & 28.8(ii), and in doing so shall adopt the following procedure. A vote shall be taken between all the Motions in the order in which they were made, beginning with the first. Each Member may vote for one Motion only. If, on the numbers being announced, one Motion has received a clear majority of votes, all the other Motions shall fail; but if no Motion has obtained a clear majority, the Motion having the smallest number of votes shall be struck off and a vote taken between the remaining Motions; and so on until one Motion receives a clear majority on a vote. This Motion shall become the judgement of Presbytery.

11. Taking the Vote. The vote shall be taken by a show of hands or by standing or otherwise as the Moderator shall decide.

12. Next Business. It shall be in order during a debate for a member to move that Presbytery proceed to the "Next Business" upon its agenda. Should the motion be seconded the Moderator shall immediately put the matter to the vote and if a majority of members are in favour Presbytery shall move to the next business upon its agenda unless there are motions, amendments or counter-motions relating to the matter under debate in the hands of the Clerk. In this case the Moderator shall immediately put these to the vote without further debate after which Presbytery shall move to the next business upon its agenda.

#### **VIII Conduct of Cases**

29. Citations. It shall be the duty of the Clerk to timeously cite in name of Presbytery parties involved in a case that is to be brought before Presbytery including, without prejudice to the foregoing generality, congregations in relation to which a report under of Act I, 2011 anent Local Church Review is to be submitted.

30. Hearing of Cases. The hearing of cases shall be in accordance *mutatis mutandis* with the Standing Orders of the General Assembly.

#### **IX Dissent & Complaint and Appeal**

31. Dissent and Complaint. A member of Presbytery dissatisfied with a judgement of Presbytery, which has not been unanimous, may intimate dissent, and may do so with or without giving reasons. Such dissent and reasons (unless the latter be disrespectful, injurious to a party or permission be refused by Presbytery) shall be recorded in the Minutes of the meeting. Any member of Presbytery who wishes to take the matter to the General Assembly may dissent and complain and go on to crave extracts.

32. Adhering. When a dissent has been entered it is in order for any member of Presbytery present to adhere to such dissent.

33. Appeal. A party at the bar, if dissatisfied with a judgement of Presbytery, may appeal and go on to crave extracts.

34. Procedure for a Complaint or Appeal.

1. A Complaint may be made immediately after the judgement of Presbytery has been intimated or immediately before the meeting of Presbytery is adjourned.

2. Dissent and Complaint may be taken in the form 'I dissent and protest for leave to complain'.

3. An appeal shall be taken in accordance with the provisions of the Appeals Act (Act I, 2014) or other Acts and Regulations of the General Assembly that specifically provide another appeal procedure.

4. The Complainer or Appellant may crave extracts and is entitled at any stage of the cause to complete, but not partial, extracts relative to the cause.

5. A Complainer may within ten days of the decision deliver to the Clerk a Note of Appeal setting out in brief specific numbered propositions the grounds upon which the appeal is taken, failing which the Dissent and Complaint will be deemed to have been

abandoned and the fact recorded in the Minute of the next ordinary meeting of Presbytery.

6. It shall be the duty of the Clerk to advise a Complainer or Appellant of the correct form of a Note of Appeal and of the procedures to be followed.

35. Challenging Procedure. A member wishing to object to a procedural matter and who has failed to object timeously may dissent and complain immediately after the procedural step has been taken or after judgement has been intimated or immediately before the meeting of Presbytery is adjourned.

#### **X Review of Decisions**

36. Restriction on Review. Presbytery shall not review any decision within six months of the date on which it was made.

37. Citation of Parties of new. No judgement which was made after the citation of parties to attend a meeting of Presbytery for their interest shall be recalled or reviewed without the same parties having been cited to attend the further meeting of Presbytery at which the original judgement is to be reconsidered. Such second or subsequent citation shall be under certification that any party failing to appear will be held to have consented to the original judgement being reconsidered and to the judgement of Presbytery thereon, but without prejudice to the right of any party to appeal against that judgement in causes where there is an automatic right of appeal.

#### **XII Miscellaneous**

38. Inspection of Presbytery Records. The Superintendence Committee shall act as the Examination Committee in terms of section 32 of Act 3. 2000.

39. Inspection of Congregational Records. The Superintendence Committee shall, in name of Presbytery, each year inspect or cause to be inspected the records specified in Schedule II hereto of each congregation within the bounds of Presbytery and shall submit a report thereon to Presbytery at its June meeting.

40. Record Apart. In any case where Presbytery or any of its Committees considers that it is desirable or essential that confidentiality be maintained, it shall be within the power of Presbytery or the Committee to instruct the Clerk to maintain a Record Apart of the proceedings. The Record Apart will be authenticated by the signatures of the Moderator and Clerk on their own authority. After final determination of the matter which is the subject of the Record Apart, the relative papers shall be sealed and retained in accordance with the General Data Protection Regulations Policy, after which they shall be destroyed.

41. Alterations to place and time of public worship. A Kirk Session seeking the permission of Presbytery to alter the place or time of public worship shall do so by furnishing the Clerk with an Extract Minute of the Kirk Session of the congregation seeking permission to do so. The Clerk, in consultation with the Convener of the Ministry Committee, shall have power to grant the application subject to ratification by Presbytery.

42. Commissions to the General Assembly. Presbytery reserves the right not to commission Ministerial members of Presbytery to attend the General Assembly if they are not in regular attendance at Presbytery.

43. Holidays and Pastoral Cover. Presbytery encourages Ministers in charges to take adequate and regular leave therefrom. It shall be the responsibility of Ministers in charges to ensure that adequate arrangements are made for the conduct of public worship and the pastoral care of the parish during their periods of leave. A Minister in a charge who experiences difficulty in making such arrangements shall so advise the Convener of the Ministry Committee whom failing the Clerk. A Minister in a charge who intends to be on leave or away from his or her charge for more than twenty eight days shall advise the Clerk in advance.

44. Illness of Parish Minister. Without prejudice to the obligations incumbent on a Minister or probationer paid through the Ministries Council who is unable to work due to illness to advise the Council of that fact and furnish a medical certificate, it shall be the duty of such minister or probationer (or his or her Session Clerk) to advise the Presbytery Clerk of that fact if such absence from work exceeds or is likely to exceed fourteen days. On receiving notification as aforesaid the Presbytery Clerk shall so advise the Convener of the Business Committee

which Committee may appoint an Interim Moderator to the charge forthwith or at any time thereafter while the minister is unable to work.

45. Trustees Indemnity Insurance. Presbytery may take out and maintain in force by payment of the premiums Trustees Indemnity Insurance for its charity trustees and officers.

46. Suspension of Standing Orders. It shall be competent for Presbytery, on the Motion of any member, and on cause shown, summarily to dispense with the observance of Standing Orders, or any part of them, in any particular case: provided always that such Motion shall receive the support of not less than two-thirds of those voting on the question.

**SCHEDULE I (SO 12 and 15)**

**Standing Committees and their remits**

<b>Committee</b>	<b>Remit</b> shall be (a) the undernoted specific matters (b) all other matters specifically the responsibility of the Committee in terms of church law and practice and (c) related matters not the specific responsibility of any other Committee
<b>Business</b>	Submit recommendations for additional elders (SO 1) Submit recommendations for corresponding members (SO 2) Submit recommendations for moderator (SO 3) Submit recommendations for office bearers (SO 4 and 5) Determine venues of ordinary meetings (SO 6) Review Standing Orders (SO 10) Submit recommendations for convenership of committees (SO 13) Submit recommendations for membership of committees (SO 14) Submit recommendations for consideration of General Assembly remits (SO 21) Appoint interim moderator in cases of illness (SO 45) Any matter remitted by Presbytery Presbytery Planning Administer the Trust Funds of Presbytery All matters not the remit of any other committee
<b>Ministry</b>	All matters which are the responsibility of the General Assembly's Ministries Council. Parish Appraisal. Vacancy Procedure. Line management of Ministry Development Staff appointed to Presbytery. Supervision and Placement of Ordained Local Ministers and Readers. Appointment and Support of Pastoral Carers Assessment and Support of those undertaking discernment and training for Ministry.
<b>Mission</b>	All matters which are the responsibility of the General Assembly's Church and Society Council, Mission and Discipleship Council, Social Care Council, World Mission Council and Ecumenical Relations Committee.
<b>Stewardship and Finance</b>	All matters which are the responsibility of the General Assembly's Stewardship and Finance Department. Administer the finances of Presbytery Examination of Congregational Accounts and reporting thereon in implementation of regulation (D)4 of Regulations II, 2012.
<b>Superintendence</b>	Implementation of Act I, 2011 anent Local Church Review. All matters related to Discipline. Administer the Annual Inspection of Records

	<p>All matters related to Safeguarding including the appointment and administration of the Presbytery Safeguarding Panel.</p> <p>The membership of the Safeguarding Panel will include the Moderator of Presbytery (Convenor), the immediately previous Moderator of Presbytery, Presbytery Clerk, the Superintendence Convenor, the Youth Minister, and the Presbytery Safeguarding Contact.</p> <p>The members of the Panel should be informed straight away if a significant Safeguarding incident occurs in the Presbytery, and a meeting of the Panel convened if appropriate.</p> <p>The Panel will be responsible for overseeing the safeguarding of vulnerable people and the pastoral care of those involved in any future Safeguarding incident.</p>
Property	<p>Implementation of Act XII, 2007 anent Care of Ecclesiastical Properties</p> <p>Implementation of section 11 of Act VIII, 2003 anent Vacancy Procedure, (Manse Inspections)</p> <p>All other matters relating to congregational properties and glebes</p> <p>Implementation of Schedule 2 hereof.</p>
Augusta Lamont Bequest	<p>Monitor and advise Presbytery on the management of the Augusta Lamont Bequest.</p>

## **SCHEDULE 2**

### **Standing Orders and Remit of Property Committee.**

1. To be a resource to congregations seeking advice and guidance on property matters in conjunction with the General Trustees and the Church Art and Architecture Committee (CARTA).
2. To encourage and support congregations who are creating spaces conducive to worship, mission and Christian hospitality.
3. To work appropriately with other Presbytery committees in pastorally supportive ways, particularly in situations where property matters are a contributory factor for wider deliberations.
4. To arrange for the annual inspection of property registers and to administer the five yearly inspection of properties.
5. To disseminate to congregations advice and information received from other bodies with expertise on property related matters.
6. To arrange for manse inspections or survey of buildings, as appropriate, during a congregation's period of vacancy.
7. To make recommendations to Presbytery on property applications where costs would exceed the financial limits set from time to time by the General Trustees.
8. To make recommendations to Presbytery on property applications where costs are below the financial limits set from time to time by the General Trustees, but where congregations seek financial assistance in the form of grants or loans.
9. To work at all times within the parameters set by the Acts and Regulations of the General Assembly and also those set by the Argyll Presbytery Plan.
10. To arrange for the release of congregational funds, in agreement with the acts and regulations of the General Assembly, held in the Consolidated Fabric Fund.
11. To defer determining an application and to remit it without comment to the Ministries Committee when thought appropriate.

#### **Delegated powers:**

To dispose of all applications by a two third's majority within the committee in respect of fabric and furnishings with the following exceptions, in which case the application must be brought to the floor of Presbytery.:

- The application is for work of more than £50,000.



- The property concerned is other than “A” category in the Presbytery Plan, unless there are pressing issues with Health and Safety considerations and / or local trustee obligation to keep properties wind and watertight requires immediate action.
- The Property Committee is aware of congregational conflict.
- The initial application by any congregation, irrespective of building category, is seeking to effect major refurbishment or reconfiguration of their premises.
- Stipulations of title deeds require that Presbytery as a whole makes determination.
- The application is from a congregation, which has a justified Mission and Ministry shortfall
- The application is from a congregation, which is making loan repayments.
- All decisions taken under delegated powers are to be recorded by means of the Extract Minute form as approved by Presbytery.
- All decisions taken under delegated powers are to be reported to the next regular meeting of Presbytery.