General Assembly of the Church of Scotland

May 2012

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INTRODUCTION[1]

General Assemblies normally address a wide range of issues and the Assembly of 2012 was no exception. On 23 May the Archbishop of Canterbury addressed the General Assembly on the challenges facing both the Church of Scotland and his own Church – and on how they might respond.

CHURCH AND SOCIETY COUNCIL

The report of the Church and Society Council covered its usual broad spectrum – from human trafficking to Sunday sporting events – but two items may be of particular interest to readers of this *Journal*. On constitutional issues the Assembly agreed that local congregations should consider hosting community meetings on the intended independence referendum to allow free debate in a neutral space about all the issues – but confirmed that 'the Church would remain impartial with regard to the question in the forthcoming referendum'. The report also explored the many moral questions raised by recent advances in neuroscience that appear to some scientists to cast doubt on the bounds of what we understand as 'free will'. The report expressed concern that, increasingly, brain scans were being used in areas other than for the medical purposes for which they were first developed.

ECONOMICS COMMISSION

Charles Munn, Convener, presented the report of the Special Commission on the Purposes of Economic Activity, *A Right Relationship with Money*. He reminded the Assembly that good economic practice was embedded in social relationships and highlighted the fact that for too long the economy had been promoted as existing for the markets. The report warns of the danger of simply following the markets and argues that unless Adam Smith's 'invisible hand' of market forces is controlled in some way the vulnerable and poor will always suffer. It outlines four priorities for government, society and the

1   Janette Wilson, Solicitor of the Church of Scotland, very kindly read this note in draft.

Church: reducing inequality, ensuring sustainability, promoting mutuality and ending global poverty.

LEGAL QUESTIONS

The General Assembly approved in principle the recommendations of the Committee on Legal Questions in relation to the role, function and size of the Commission of Assembly and Judicial Commission and the Church's judicial and appeals procedures, instructed the Committee to bring a further report and the necessary amending legislation to the General Assembly of 2013 and invited presbyteries to submit comments to the Committee for consideration by 30 November 2012. The Assembly also passed various amending Acts anent Intimation of Appeals, Discipline of Ministers, Licentiates, Graduate Candidates and Deacons, Bullying and Discrimination.[2] Finally, the Assembly amended Act II 1994 anent the Model Deed of Constitution and authorised the Solicitor of the Church to amend the Unitary Constitution.

The Assembly noted the Committee's proposal for support and training 'for those who take responsibility for the good ordering of our presbyteries and their business' and encouraged its expansion into a course leading to a Certificate of Good Practice.

MINISTERIAL TENURE

In a Deliverance the General Assembly reaffirmed 'the Church's long held belief and practice that inducted Ministers are office holders and not employees and instruct the Special Commission to continue to develop its thinking on tenure based on this premise'. That is, of course, the Assembly's right. Whether or not the courts will take the same view of ministers as office-holders is at least arguable, given the apparently conflicting decisions on that point in *Macdonald v Free Presbyterian Church of Scotland*[3] and *President of the Methodist Conference v Preston*.[4]

SAFEGUARDING

The Assembly instructed presbyteries and kirk sessions to comply with all guidance issued by the Safeguarding Service in relation to the Protection of Vulnerable Groups (Scotland) Act 2007, to ensure that all formally recruited

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2   The Acts of Assembly, as amended, are available at <http://www.churchofscotland.org.uk/about_us/church_law/acts>, accessed 26 September 2012.
3   [2009] ET S/11071/08.
4   [2011] EWCA Civ 1581; permission has been given to appeal to the Supreme Court.

Congregational Pastoral Care Visiting Group members supporting 'protected adults' as defined in the Act have the opportunity to attend safeguarding training in their congregations and to ensure that ministers within the bounds co-operate fully with the Safeguarding Service and Ministries Council in complying with the Protecting Vulnerable Groups Scheme as introduced by the Act.

The Assembly also decided that all volunteers and paid staff should have a copy of the new pocket guide, *Safeguarding Children and Adults at Risk: key information for volunteers and staff*, and that congregations should be encouraged to make full use of the new safeguarding handbooks.

Governing Body of the Church in Wales

April and September 2012

PHILIP MORRIS
Archdeacon of Margam

INTRODUCTION

As always, the 2012 meetings of the Governing Body addressed issues of relevance both to wider society in Wales and to the domestic life of the Church. The Archbishop's Presidential Address to the April meeting focused on the likelihood of the extension of civil marriage to same-sex partners and the issues raised by *Equal Civil Marriage: a consultation*. If the legislation to allow same-sex civil marriage were passed, said the Archbishop, 'I cannot see how we, as a Church, will be able to ignore the legality of the status of such partnerships and we ought not to want to do so'. In September, on the other hand, he concentrated on what he described as 'musings on the underlying philosophy of *The Church in Wales Review Report*' and, in particular, on what the Report had to say about the Gospel and the Church as an institution.

ANGLICAN COMMUNION COVENANT

In April 2011 the Governing Body had held an initial discussion on the final version of the Anglican Communion Covenant. In April 2012 it was asked to decide whether or not to subscribe to it. An amendment was proposed to the