

ECCLESIASTICAL OFFICES (TERMS OF SERVICE) (AMENDMENT) REGULATIONS 2017

Finally, approval was also given in February to the Ecclesiastical Offices (Terms of Service) (Amendment) Regulations 2017. They make provision for the holding of ecclesiastical office beyond the age of 70 by ecclesiastical office-holders (other than the archbishops) who hold office under common tenure, replacing the existing provision made by the Ecclesiastical Offices (Age Limit) Measure 1975 and the Terms of Service Regulations themselves so far as those on common tenure are concerned.

In essence, the Amendment Regulations enable bishops, deans, archdeacons and residentiary canons to be continued in office beyond the age of 70 for a fixed term, or a series of fixed terms, up to a maximum age of 75. They also allow a person to take up a new appointment as an incumbent, team vicar, priest in charge, assistant curate or other licensed office, or to be continued in any of those offices, after they have reached 70. Although the appointment or continuation must be for a fixed term or a series of fixed terms, there is no upper age limit in their case for an appointment to or a continuation in those offices. But all the provisions of the Regulations are permissive, not requiring office-holders to continue beyond 70 or conferring an entitlement on them to do so: whether they may do so is in the archbishop's or bishop's discretion.

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General Assembly of the Church of Scotland

May 2017

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INTRODUCTION

The General Assembly met in Edinburgh from 20 to 26 May with the Rt Revd Dr Derek Browning, Minister of Morningside in the Presbytery of Edinburgh, installed as Moderator. This year's Lord High Commissioner to the General Assembly was the Princess Royal.

The most significant piece of business relating to the interface between church and civil law again relates to same-sex relationships as outlined below. A few legal highlights are also included.

SPECIAL COMMISSION ON SAME-SEX RELATIONSHIPS AND THE MINISTRY

Following the 2016 General Assembly, the Theological Forum was tasked to produce a report into the issues that would arise from same-sex relationships. The Assembly accepted the report, with minor additions, then voted in favour of instructing the Legal Questions Committee to conduct new research into the legal feasibility of allowing ministers and deacons to solemnise same-sex marriages and to look into the availability of legal protection for any minister or deacon who refuses to officiate ceremonies as a matter of conscience.

A report of the Committee's findings will be presented to the General Assembly in 2018 for further discussion. This does not mean that a decision has been taken yet to depart from the current view of marriage, because the Assembly agreed to the Theological Forum's collated Deliverance, which included the proviso, 'Recognising the Church's doctrine and practice in matters of human sexuality and marriage'.¹ However, in presenting the Report to the Assembly, the Forum Convener, the Very Revd Professor Iain Torrance, said that he and his colleagues could see 'no sufficient theological reason for the Church not to authorise specific ministers to officiate at same-sex weddings'.

LEGAL QUESTIONS COMMITTEE

Following on from the General Assembly of 2014, which instructed the Legal Questions Committee to review the Acts of the General Assembly pertaining to discipline and to bring forward one consolidating Act, the Committee proposed that a new Act would come to next year's Assembly but would have to be consulted upon by presbyteries under the Barrier Act 1697. Because it could take as long as three years for the Act to become Church law under the Barrier Act procedure, an Interim Act could be passed in 2018. At present, there were four relevant Acts: the Discipline of Ministry Act (Act III 2001), the Protection against Bullying Act (Act IV 2007), the Protection against Discrimination Act (Act V 2007) and the Discipline of Elders, Readers and Office Bearers Act (Act I 2010).

Legislation was passed to provide that arbitration relating to buildings would no longer be carried out from 1 January 2018 because of parish appraisal changing since Act VI 1984 was passed and the coming into force of presbytery plans under Act VII 2003: presbytery planning now involved discussion about buildings taking place in advance, in consultation with presbyteries.

1 The collated Deliverance is available at <http://www.churchofscotland.org.uk/__data/assets/pdf_file/0012/40323/Theological_Forum_Collated_Deliverance.pdf>, accessed 3 October 2017.

Permission was given for the Legal Questions Committee to consult on membership, duties and responsibilities of members of Church courts and a new Act is likely to be brought to the Assembly in 2018. This will include a section on the basis of which a full-time minister may take on part-time outside employment.

Act II 2017 on the Registration of Ministries places ministers and deacons in different categories (including ordained local ministers and auxiliary ministers) depending on their ministry and also takes into account Forces chaplains, as well as the distinctions between full-time ministers and ordained locum ministers/auxiliary ministers. It will replace practising certificates and will also make the interface with civil law easier in terms of ministers and deacons acting as registrars in solemnising marriages.

Act IX 2017 on Ministry and Deaf Congregations, which repeals Act XXII 1969, leads on from this: it takes into account the required training for communication in sign language in modern times. The Act states that the minimum theological and ministerial training requirements are sections 9 and 10 of the Ordained Local Ministry Act (Act IX 2011), which would mean that this would be seen as a part-time ministry in practice.

THE CHURCH OF SCOTLAND TRUST

Work has developed since the passing of the International Presbytery Act in 2016, which consolidates all overseas charges, including the Presbytery of Europe, into one presbytery. The Trust reported that to date little progress had been made in consolidating Church of Scotland assets in Pakistan.

GENERAL TRUSTEES

Conveyancing of a number of properties had taken place under Act VII 1995. Concern had been expressed at the Scottish Government's drive to complete the process of registration of title to all land and property holdings in the Land Register of Scotland by 2024 – and in particular the financial cost of compliance.

PANEL OF REVIEW AND REFORM

The Panel indicated that it would bring recommendations to the 2018 Assembly on review of remuneration of ordained local ministers.

MINISTRIES COUNCIL

From a legal point of view, the Auxiliary Ministry Act (Act XIII 2003), the Deacons Act (Act VIII 2010) and the Ordained Local Ministers Act (Act IX

2003) were amended to show the appeal process for unsuccessful candidates to each of these ministries.

Two new charge developments had received Full Status. Discussion had taken place on how 'fresh expressions of Church' fit with the traditional parish model and their interface with parish boundaries.

CHURCH AND SOCIETY COUNCIL

The Church and Society Council reaffirmed its historic view that the United Kingdom should remain within the European Union.

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Governing Body of the Church in Wales

April and September 2017

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PRESIDENTIAL ADDRESSES: APRIL AND SEPTEMBER

Archbishop Dr Barry Morgan having retired, the presidential address at the April meeting was given by the Senior Bishop, the Rt Revd John Davies, Bishop of Swansea and Brecon, on behalf of all of the bishops of the Church, with the emphasis on evangelism – which set the tone for the rest of the Governing Body meeting.

The Membership and Finance Report had caused much debate in September 2016 and Bishop John stated that, while the figures had been disappointing, members needed to be reminded that, despite the challenges facing the Church, it was still very strong and one of the largest voluntary organisations in Province. He further highlighted the Church's 2020 Vision strategy for growth ahead of its centenary year in 2020, which had already resulted in significant changes, and emphasised that it was financially secure enough to support new ministries. He said:

We must want and prepare our church to reach our centenary having really got to grips with re-imagining and refreshing our faith, our own