



THE CHURCH OF SCOTLAND

2008 GENERAL ASSEMBLY

STANDING ORDERS

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THE CHURCH OF SCOTLAND GENERAL ASSEMBLY 2008

STANDING ORDERS

1. COMMISSIONS

1. **Roll of Presbytery.** Each Presbytery Clerk shall, by 15 January of each year, transmit to the Clerks of Assembly the number of charges, appointments and deacons specified in sections 2 and 4 of Act III 2000 (as amended) – all as at 31 December immediately preceding.

2. **Presbyterial Representation.** The Assembly Arrangements Committee shall meet in January of each year for the purpose of considering the said Rolls and of ascertaining the effect, as regards representation, of any changes in Presbyteries which have occurred in the course of the previous year. The Clerks of Assembly shall immediately thereafter intimate to Presbyteries what will be their representation in the ensuing Assembly.

The decision of the Assembly Arrangements Committee, so intimated to Presbyteries, shall be subject to review by the Assembly on Petition by the Presbytery concerned.

3. **Question Arising.** Should there arise between the month of February and the opening of the Assembly any question regarding representation not provided for in these Orders, the Assembly Arrangements Committee shall have power to dispose thereof.

4. **Furnishing of Commission.** The Clerks of Assembly shall furnish Presbytery Clerks with a copy of the approved form of Certificate of Commission.

5. **Transmission of Certificates.** The names, in alphabetical order, and full postal addresses of Commissioners from Presbyteries, shall be transmitted by Presbytery Clerks to the Clerks of Assembly not later than 31 March in each year so far as they have been elected by that time.

Certificates, endorsed by the Clerk of each Presbytery to the effect that to the best of his knowledge the Elders

named therein are *bona fide* acting Elders and are commissioned by the Presbytery, shall be transmitted by Presbytery Clerks so as to be in the hands of the Clerks of Assembly not less than one week before the opening of the Assembly

6. **Committee on Commissions.** The Committee on Commissions shall consist of the Clerks; the Principal Clerk shall be Convener. The Committee shall prepare a report on all Commissions and Certificates transmitted to them for submission to the Assembly at the opening Session. The said Committee shall prepare and print a list of Commissioners.

Along with the said list a copy of the Standing Orders of the General Assembly shall be made available to each member.

The Clerks shall arrange to forward to each Commissioner, at least one week before the opening day of the Assembly, a copy of the volume of Reports and Proposed Deliverances and a copy of all Assembly Papers then available.

7. **Objections.** The Committee on Commissions shall, if called upon, or if it shall appear to it necessary or expedient so to do, hear any person whose Commission is objected to in support of his Commission, and also any person or persons who may object to such Commission.

8. **Late Commissions.** It shall be competent at any time during the sitting of the Assembly to lodge with the Clerks of Assembly Commissions which have not previously been transmitted to them; and such Commissions shall be submitted by the Clerks to the Assembly on the day next after that on which the Commissions have been lodged, and shall be disposed of by the Assembly as may seem proper.

II. CONDUCT OF BUSINESS

(a) OPENING SESSION

9. **Convening.** The Commissioners elected to serve in the Assembly shall convene on the day and at the hour fixed for the meeting of the Assembly, and, after prayer by the Moderator of the preceding Assembly, the List of Commissioners shall be laid on the table.

10. **Election of Moderator.** The election of a Moderator shall then be made.

11. **Her Majesty's Commission.** Her Majesty's Commission to the Lord High Commissioner shall then be read and ordered to be recorded.

12. **Her Majesty's Letter.** Her Majesty's Letter to the Assembly shall then be read and a Committee shall be appointed to prepare an answer thereto.

13. **Standing Orders.** The Standing Orders shall be laid on the table.

14. **Committee on Commissions.** The Report of the Committee on Commissions (SO 6) shall be called for and disposed of.

15. **Order of Business.** The Assembly shall appoint a Business Committee, the Convener and Vice-Convener thereof normally to be the Convener and Vice-Convener respectively of the Assembly Arrangements Committee. The Assembly Arrangements Committee shall prepare and submit at the opening session an Order of Business for the first two days.

(b) BUSINESS COMMITTEE

16. The Business Committee shall consist of forty Commissioners including the Convener and Vice-Convener; and the Moderator, Clerks, Procurator and Law Agent shall be additional members, *ex officio*.

17. **First Meeting.** The Business Committee shall meet on the opening day of the Assembly as intimated and thereafter as business may require. At its first meeting it shall consider the Draft Order of Business which shall have been prepared by the Assembly Arrangements Committee for the business of the Assembly subsequent to the first two days, and shall be wholly responsible therefor.

18. **Selection Committee.** The Business Committee shall nominate a Selection Committee of twenty Commissioners, including a Convener and Vice-Convener, whose function it shall be to select and submit to the Assembly for their approval names of persons to serve on all Special Commissions and Committees appointed during the sittings of the Assembly. Such persons need not be Commissioners.

19. **Communications.** All letters addressed to the Moderator for the purpose of being communicated to the Assembly shall, in the first instance, be laid before the Business Committee, which shall advise the Moderator as to their disposal.

20. **Paper through Boxes.** Requests for permission to distribute material through Members' boxes should be submitted to the Assembly Arrangements Committee before the commencement of the Assembly, and requests received thereafter shall be submitted to the Business Committee. Any other Committee concerned should be informed and supplied with copies, if available, of the material to be distributed.

(c) DEVOTIONAL EXERCISES

21. **The Lord's Supper.** The Assembly shall celebrate the Sacrament of the Lord's Supper at a time appointed by the General Assembly at its opening session.

22. **Acts of Worship.** The Moderator shall be responsible to the Assembly for the conduct of all acts of worship, and shall consult the Assembly Arrangements Committee or the Business Committee anent any proposed innovation in such conduct.

(d) MISCELLANEOUS

23. **Minutes.** The minutes of each day's proceedings, if available, together with the Agenda for the following day or days, intimations of meetings of Committees, and Notices of Motion, shall be printed as the "Assembly Papers", and shall be made available for all members. The Minutes, being taken as read and full opportunity having been given for correction, shall be approved as available. It shall always be in order at the

close of any particular item of business to move that the Minute thereon be adjusted and approved. Before the dissolution of the Assembly a small Committee, appointed for the purpose, shall be authorised to approve the Minutes not already approved by the Assembly.

24. Quorum. The quorum of the Assembly shall be thirty-one, of whom not less than sixteen shall be Ministers. Any Member may at any time call the attention of the Moderator to the fact that there is not a quorum present, and if, on a count being made, it is found that such is the case, it shall be the duty of the Moderator to suspend or adjourn the session.

25. Tellers. The Assembly Arrangements Committee shall submit for the approval of the Assembly at their first session a proposed Panel of Tellers. (See SO 103.)

26. Printing of Acts. The Committee on Commissions (SO 6) shall arrange for the printing of the Acts of Assembly and shall print in the Assembly Papers of the penultimate day an Interim Report thereon, which shall be considered on the last day of the Assembly.

27. Examination of Records. Minutes of the Standing Committees of the Assembly shall be examined by the Legal Questions Committee. The Committee shall report thereon to the General Assembly.

28. Returns to Overtures.

(a) A Committee on Overtures and Cases, consisting of the Clerks, Procurator and Law Agent of the Church (with the Principal Clerk as Convener) shall advise any Committee or individual on the procedure to be followed in respect of measures requiring process under the Barrier Act.

(b) For the avoidance of doubt, measures other than Acts of Assembly may be referred for the consideration of Presbyteries, in which case they shall be presented to the General Assembly in the form of an Overture set out as an Act.

(c) For the avoidance of doubt, it is open to the General Assembly to decline to consider any motion of which it believes inadequate notice has been given, considering the nature of its content.

(d) Measures remitted to Presbyteries by an Overture under the Barrier Act shall be accompanied by a note of the voting figures in the General Assembly, the text of the relevant Report and a note by the Clerks explaining any technical or legal matters contained in the Overture.

(e) All Presbyteries shall make a return in respect of every Overture sent down under the Barrier Act. The return shall be made upon the schedule sent electronically to the Presbytery Clerk for the purpose, transmitted to the Clerks of Assembly, and then submitted to the Committee on Overtures and Cases. The Committee shall classify the returns and make a report to the next Assembly. It shall be the duty of the Committee to report not only the number of Presbyteries for and against an Overture, but also the numbers voting in the Presbyteries as reported in the schedule.

(f) The Report of the Committee shall include the text of such Overtures as have been approved by a majority of Presbyteries.

(g) The Assembly Arrangements Committee shall ensure that the Committee's Report classifying returns is taken by the General Assembly no later than session 2 thereof, and in any case before any debate that in the opinion of the Committee on Overtures and Cases would more usefully follow consideration of the Committee's Report.

(h) The Report of the Committee shall be given in to the Assembly by the Principal Clerk, with the reply to the debate on the merits of the measure given by the relevant Convener. Both should be available to answer questions, as appropriate.

29. Closing of Assembly.

When the business set down for the last day of the Assembly has been disposed of, the Assembly shall be closed by addresses by the Moderator to the Assembly and to the Lord High Commissioner, and by an address by the Lord High Commissioner to the Assembly, during an act of worship, and dissolved according to the practice of the Church.

III. MEMBERS NOT COMMISSIONERS

(a) MEMBERS *ex officio*s

30. These are the Moderator of the Assembly, on election, and the immediately preceding Moderator, the Clerks, Procurator, and Law Agent, and also the Convener and Vice-Convener of the Business Committee upon their election.

They have all the rights and privileges of Commissioners.

(b) CORRESPONDING MEMBERS, DELEGATES AND VISITORS – DEFINITION

31. Corresponding Members. Representatives of Departments and Standing Committees as stated in Standing Order No 32.

Delegates from other Churches. Representatives of other Churches who come in response to an invitation from the Principal Clerk sent at the request of the World Mission Council or from the Committee on Ecumenical Relations to their Church to send a delegate or delegates to the General Assembly and who are duly accredited by the Courts or equivalent authority of their Churches.

Visitors. Visitors from other Churches who come with a Letter of Introduction from Assembly or Presbytery Clerks or equivalent officer of their Church.

32. Corresponding Members

1. (a) The following shall have the right to appoint Corresponding Members in terms of (b) below:-

Council of Assembly, Church and Society Council, Ministries Council, Mission and Discipleship Council, Social Care Council, World Mission Council, Committee on Church Art and Architecture, Central Services Committee, Ecumenical Relations Committee, General Trustees, Church of Scotland Guild, Trustees of the Housing and Loan Fund, Panel on Review and Reform, Committee on Parish Development Fund, Safeguarding Committee and Stewardship and Finance Committee.

(b) Each of the above shall appoint for each day a member or staff-member to act as Corresponding

Member, and will advise the Assembly Arrangements Committee not less than one week before the commencement of the General Assembly of the names of the Corresponding Members appointed for each day. The names of Corresponding Members appointed under this Standing Order shall be printed in the Assembly Papers.

2. The Secretaries of the Church and Society, Ministries, Mission and Discipleship, Social Care and World Mission Councils, the Ecumenical Officer, the Editor of *Life and Work*, the General Treasurer, the Head of Stewardship, the Head of Human Resources and the Scottish Churches' Parliamentary Officer shall be Corresponding Members when not Commissioners.

33. **Status.** Corresponding Members of Assembly shall be entitled to attend all sessions of the same and to speak on any matter before the Assembly affecting the interests of their Council or Committee, where applicable, but shall not have the right to vote or make a motion.

(c) YOUTH REPRESENTATIVES

34. Status

(i) One person between the ages of eighteen and twenty-five on the opening day of the General Assembly shall, if possible, be appointed by each Presbytery to serve as a Youth Representative; each Representative shall be regularly involved in the life and worship of a congregation within the bounds of the Presbytery, and the minister of the congregation shall provide confirmation of this involvement if asked by the Mission and Discipleship Council.

(ii) The National Youth Assembly each year shall appoint ten of its own number, being between the ages of eighteen and twenty-five on the opening day of the following General Assembly, to serve as Youth Representatives to that General Assembly.

(iii) Youth Representatives shall be entitled to speak and move motions but not to vote:

- during debates on Committee reports
- during debates on Overtures
- (iv) Youth Representatives shall not be entitled to speak, move motions or vote:
 - during debates on Petitions or cases
 - during debates on matters affecting General Assembly procedure or Standing Orders
- (v) Youth Representatives shall not be members of the Commission of Assembly.

Oversight

(vi) The Mission and Discipleship Council shall take responsibility for Youth Representatives and shall extend to them appropriate hospitality.

(d) DELEGATES AND VISITORS

35. Reception. Delegates from other Churches shall be received and welcomed by the Moderator. The Assembly Arrangements Committee is authorised, after consultation with the World Mission Council and the Ecumenical Relations Committee, to recommend to the Moderator to invite two specified delegates to convey greetings briefly after all the delegates have been received and welcomed by the Moderator.

36. Status.

(i) Delegates to the Assembly shall have the right to attend all sessions and to speak on all matters before the Assembly, except when the Assembly are exercising judicial functions, but shall not have the right to vote.

(ii) Visitors shall have the privilege of seats in the Assembly but without the right to speak or vote. As in the case of Delegates, the officials of the World Mission Council, the Ecumenical Relations Committee, or other relevant Council or Committee shall extend appropriate hospitality to Visitors.

37. Oversight. The officials of the World Mission Council, the Ecumenical Relations Committee, and other Councils or Committees which may be interested in Delegates, shall see that Invitations to Assembly functions are procured for the Delegates, and that the Members of Assembly shall do everything in their power to make the visits of all the Delegates pleasant and profitable.

(e) NON-MEMBERS

38. Guest Speakers. Where any Committee wishes that one of its members or staff members, not being a Member of Assembly, should have an opportunity of addressing the Assembly in connection with the discussion of its Report, the Convener shall, before the commencement of the debate, (i) obtain the permission of the Convener of the Business Committee, and (ii) inform the Moderator.

Where any Committee wishes that a person, not being a Member of Assembly or member or staff member of that Committee, should address the Assembly, the Convener shall submit the name of such person for approval to the Assembly Arrangements Committee before the Assembly opens, or to the Business Committee during the sittings of the Assembly, and the decision of the Assembly Arrangements Committee or Business Committee shall be final, unless the Assembly themselves shall resolve in terms of SO 126 hereof to dispense with the observance of Standing Orders in respect of that particular matter.

39. Conference Sessions. The Assembly Arrangements Committee, or the Business Committee, in consultation with other Boards and Committees as appropriate may invite the General Assembly to meet in conference sessions and arrange for guest speakers to address such sessions. Boards and Committees shall also be free to invite guests, whom they consider to have a particular interest in the matter under discussion, to participate in the debate. When the General Assembly is meeting in conference no resolutions shall be framed or decisions taken. Expert speakers invited to address the conference shall be allowed a maximum time of fifteen minutes. All other speeches shall be limited to five minutes.

IV. COMMITTEE REPORTS AND OVERTURES

(a) REPORTS

40. Transmission. Reports of all Committees reporting to the Assembly shall be transmitted to the Clerks of Assembly not later than the first Monday after the third Tuesday in February each year provided that, by

arrangement with the Clerk of Assembly, a Statement and Proposed Deliverance on the Budget of the Church, report on Congregational Statistics as reported by Kirk Sessions through Presbyteries and report on Statistics of Ministry may be submitted at a later date, but in time to be printed and forwarded with the Reports. All Reports shall be accompanied by the Deliverance to be proposed to the Assembly, and when the Proposed Deliverance exceeds two sections each section shall be numbered consecutively.

41. Printing. It shall be the duty of the Clerks to arrange for all such Reports and Proposed Deliverances to be printed in the authorised form, to be stitched together, paged, and for a copy to be forwarded to each Member of Assembly at least one week before the day of meeting. All Reports so distributed shall be held as read. Each Committee shall immediately after the rising of the Assembly furnish the publisher of the Reports with the number required for circulation.

42. Oral Reports and Reports of Sub-Committees. Oral Reports shall not be received, and no Sub-Committee shall give any Report to the Assembly.

43. In Retentis. Reports shall not be engrossed in the Minutes, but two copies of each printed Report certified by one of the Clerks as being that given to the Assembly, shall be kept in retentis; and the Reports thus collected shall be bound up in volume to be preserved among the other Records of the Assembly.

44. Questions on Reports. After the Deliverance on the Report of any Committee has been moved and seconded the Assembly, before dealing with any other motions or amendments thereon, shall have opportunity for asking questions on the Report, this being without prejudice to the right of Members to put questions, with the leave of the Assembly, at any subsequent stage.

45. Questions requiring Notice. It shall be in order to ask questions of the Convener regarding any matter in the care of the Committee to which no reference is made in the Report but in such cases timeous notice shall be given to the Convener.

46. Deliverance. The final Deliverance of the

Assembly upon the Report of any Committee shall follow immediately after the consideration of that Report, except in the event of a special reason for the contrary having been approved by the Assembly and recorded in the Minutes.

47. Late Reports. Reports of Committees appointed during the sittings of Assembly, if they propose any motion not already printed, shall be put into the hands of the Clerks of Assembly at least one day prior to their being considered, and printed in the "Assembly Papers".

(b) OVERTURES

48. Transmissions. All Overtures from Presbyteries passed on or before 24 April shall be sent to the Clerks of Assembly not later than that date in each year. Overtures from Commissioners shall be lodged with the Clerks not later than noon on the third last day of the meeting of the Assembly, unless the Assembly for special reason decide otherwise.

49. Printing. The Clerks shall arrange for the printing of Overtures, at the expense of those promoting them and for their circulation to Commissioners, either with the papers for Cases or in the "Assembly Papers".

50. Form. Overtures should contain a brief statement of the matter to be brought before the Assembly together with a Proposed Deliverance, of which the first section shall be "The General Assembly receive the Overture".

51. When Taken. Overtures relating to matters under the care of the Committees of the Church whose reports are on the Agenda for one of the first two days of the Assembly shall be assigned by the Assembly Arrangements Committee (unless the Committee on Overtures and Cases decides not to transmit) to the place in the discussion at which they shall be introduced to the Assembly. In other cases this shall be done by the Business Committee. When the Proposed Deliverance of an Overture is capable of being treated as a counter-motion or amendment to the Proposed Deliverance of a Committee, or as a new section of

such Proposed Deliverance, it shall be so treated.

52. Grouping. Overtures on the same or cognate subjects shall be grouped by the Assembly Arrangements Committee or Business Committee of the Assembly and only one speaker shall be heard introducing each group.

53. Introduction. An Overture from a Presbytery may be introduced by any member of that Presbytery, specially appointed for the purpose, at the bar; or by any one of its Commissioners to the Assembly in his or her place as a Commissioner.

(c) GENERAL

54. New or Additional Expenditure. Any proposal which involves new or additional expenditure must, together with an estimate of such expenditure, be in the hands of Commissioners in print and in proper form (for example, as a Proposed Deliverance, Notice of Motion, or Crave of a Petition), provided that:

(a) if it relates to the income disposition proposed within Co-ordinated Budget for the next calendar year and if the proposal is not submitted in the form of an amendment to the total of the said Budget, it shall provide for and specify the reduction or reductions to be made in other expenditure contained within the said Budget; and

(b) if it involves continuing or recurring expenditure which, if approved, would require to be incorporated in future Co-ordinated and Rolling Budgets, it shall provide for the matter to be remitted in the first instance to the Council of Assembly for consideration and report to the next General Assembly.

55. Declaratory or Interim Act. The draft of any proposed Declaratory or Interim Act, as also the draft of any Overture which it is proposed to transmit to Presbyteries in terms of the Barrier Act (other than any Overture printed and circulated in the volume of Reports), shall be printed and laid on the table of the Assembly and circulated among the Members at least one day before a Motion for the passing of such Declaratory or Interim Act, or for the transmission of such Overture to Presbyteries, is made in the Assembly.

V. CONDUCT OF CASES

56. Commission of Assembly. In Sections 57 – 59 references to the General Assembly shall be taken to refer where appropriate to the Commission of Assembly and all references shall be so construed *mutatis mutandis*.

(a) LODGING OF PAPERS

57. Appeal; Dissent and Complaint; Petition. The papers in all cases intended to be brought before the Assembly, whether Appeals or Dissents and Complaints against the judgement of inferior courts, or Petitions, should be lodged with the Clerks of Assembly not later than 24 April, and must be lodged not less than fourteen days before the opening session of Assembly; except in the case of judgements pronounced within sixteen days of the meeting of Assembly, in which case they shall be lodged within forty-eight hours of the judgement being pronounced.

58 (a). Reference. In the case of Reference of a matter from an inferior court for the judgement of the Assembly the same limits as to time for lodging of papers in the case shall apply as in SO 57.

(b). **Reference of Matter Previously Considered.** Where the matter of a Reference has previously been under consideration of the Assembly, the Reference shall state the date when the matter was previously before the Assembly and shall narrate the Assembly's Deliverance thereon.

59. Answers. It shall be competent for all parties claiming an interest in the subject matter of an Appeal, Dissent and Complaint or Petition to lodge Answers thereto complying with the requirements of SO 60. Answers may be lodged any time after the Appeal, Dissent and Complaint or Petition is received by the Clerks, but not later than seven days before the opening meeting of Assembly. Answers shall be in the form of articulate numbered Answers to the narrative contained in the Appeal, Dissent and Complaint or Petition, indicating in particular matters of fact that are admitted and denied, and shall set forth a concise statement of the Respondent's case, together with a crave specifying the action the Assembly are invited to take thereon.

(b) PRINTING OF PAPERS

60. **Printing.** It shall be the duty of the Clerks on receiving papers that are to come before the Assembly in connection with cases to arrange to have these printed in authorised form, stitched together and paged.

61. **In Private.** Papers relating to business dealt with by Presbyteries in private, or which the Committee on Overtures and Cases (SO 6) consider should be taken in private, shall be printed separately and may be dealt with by the Assembly in private.

62. **Cost of Printing.** In cases of discipline brought before the Assembly by the Judicial Commission, by Reference from a Presbytery, or by complaint by a minority of the Court, the expense of printing shall be borne by the Assembly Arrangements Committee; in other circumstances by the Complainer or Appellant. In all other cases the expense of printing in sufficient numbers for the use of Commissioners shall be borne by the party having interest in the same or desiring a Deliverance from the Assembly.

63. **In Retentis.** Two copies of every printed paper shall be kept by the Clerks of Assembly to be bound up and retained among the Records of Assembly.

(c) CIRCULATION OF PAPERS

64. **Date of Dispatch.** A copy of all papers transmitted to the Clerks of Assembly not later than 24 April shall be forwarded by them to each Member of Assembly at least one week before the opening day of the Assembly.

65. **In Private.** The Clerks of Assembly shall not issue in advance to Members the papers in cases which they think require to be conducted in private, until specially instructed by the Assembly so to do; but shall report such cases to the Convener of the Business Committee, for the information of that Committee, immediately after its appointment.

(d) INTIMATION TO PARTIES

66. **Appeal; Dissent and Complaint.** In all cases

coming before the Assembly by Appeal or Dissent and Complaint it shall be the duty of the Clerks of Assembly to inform the parties on both sides as soon as possible of the time at which such case is likely to be taken by the Assembly. Such intimation shall, unless in a specific case the Assembly determine otherwise, be regarded as sufficient notice.

The Clerks shall further be bound, on application made to them for the purpose, to supply six copies of all prints made in pursuance of the foregoing Orders to the opposite party or parties in any case, or to his or their duly accredited Agents.

67. **Petition.** In every Petition it shall be the duty of the Petitioner to make such intimation of the Petition as may be necessary having regard to the nature of the Petition. Such intimation shall be made not more than seven days later than the time when the Petition is lodged with the Clerks of Assembly as provided in SO 57 above; and along with the Petition there shall be lodged a certificate signed by the Petitioner or his or her Agent setting forth the names of the parties to whom such intimation has been made or is to be made. The Assembly may refuse to dispose of any Petition if in their opinion sufficient intimation thereof has not been made.

(e) TRANSMISSION TO ASSEMBLY

68. **Committee on Overtures and Cases.** All papers lodged with the Clerks in cases of every sort in terms of the foregoing Orders shall be laid by them before the Committee on Overtures and Cases, which shall consider the same and report to the Assembly.

69. **Decision not to Transmit.** If the Committee on Overtures and Cases shall decide not to transmit to the Assembly any papers in cases duly lodged with the Clerks of Assembly it shall report the same to the Assembly at their first Session, or at the Session next after such decision, with its reasons for not transmitting the papers, and parties shall be entitled to be heard thereon at the bar of the Assembly. Intimation of a decision not to transmit papers shall be made to the parties concerned

as soon as possible, and in time to allow of their being represented at the bar when the decision not to transmit is reported to the Assembly.

70. In Private. The Business Committee shall, in its first Report, specify any case which in its judgement requires to be conducted in private, and any case which does not appear to it to be of that character although the Clerks of Assembly may have reported it as such. The Assembly shall thereupon determine by a special Deliverance, at what stage in the proceedings the papers in such a case shall be issued to the Commissioners. In every case which the Assembly appoint to be conducted in private the instruction to issue the papers shall be accompanied by a special exhortation to the Commissioners to keep them private.

71. Proposed Legislation. All Overtures from Presbyteries or from Commissioners which propose the introduction of new or the amendment of existing Acts (or Regulations) shall contain the precise terms of the legislation which they propose; and the Committee on Overtures and Cases shall not transmit to the Assembly any Overture which is deficient in this respect, provided always that the Clerks and Procurator shall be available to assist with the framing of such proposals.

(f) HEARING OF CASES

72. Announcement. Before parties are heard in any contentious case the Clerk shall read the following announcement, viz – “The Commissioners are reminded that justice requires that all the pleadings at the bar should be heard by all those who vote in this case, and that their judgement should be made solely on the basis of the pleadings.” Immediately before a vote is taken in such a case, the Clerk shall read the following further announcement, viz – “The Commissioners are reminded that only those who have heard all the pleadings at the bar are entitled to vote in this case.”

73. Appeal; Complaint; One Appellant. In cases brought before the Assembly by Appeal, where there is only one appellant (or one set of appellants concurring in the same reasons of Appeal) and only one respondent (or one set of respondents concurring

in the same answers to the reasons of Appeal) the case for the appellant (or set of appellants) shall be stated by him or herself or by his or her counsel, who at the same time shall submit such argument upon the case as he or she shall think fit. The party or counsel so stating the Appeal shall be followed by the respondent or his or her counsel who likewise shall submit such arguments upon the case as he or she shall think fit. At the close of the statement for the respondent the appellant shall be entitled to be again heard, and the respondent shall also be entitled to be heard in answer to the second speech for the appellant and if, in his or her final answer, the respondent shall state any fact or submit any argument not adverted to in his or her answer to the opening statement for the appellant, the appellant shall be entitled to a reply upon the new matter introduced in the final answer for the respondent. With the exception of this right of reply, so limited, more than two speeches shall not be allowed to any party at the bar.

74. Appeal; Complaint; More than one Appellant. In such cases as those referred to in SO 73 if there is more than one appellant (or set of appellants) insisting on the Appeal, or more than one respondent (or set of respondents) supporting the judgement appealed against, (a) on different grounds, or (b) in separate reasons or answers, each appellant shall be entitled to open and state his separate case, and each respondent shall be entitled to make his or her separate answer, and the debate shall be closed with a reply for the several appellants; provided always that it shall be competent to the parties, with consent of the Assembly to make any arrangement for conducting the debate other than herein prescribed, if it shall have the effect of limiting, further than is herein done, the number of speeches to be made from the bar.

75. Appeal; Complaint; Who may appear. Any Member of an inferior court whose judgement is brought under review of the Assembly may appear at the bar in support of the judgement; but, when Commissioners have been specially appointed by the inferior court to support its judgement, the Assembly shall not hear any Member of such court other than the Commissioners so

appointed, unless any Member not so appointed but wishing to be heard can show a separate and peculiar interest to support the judgement; and in all such cases it shall be competent to the Assembly to limit the number of Members of an inferior court who shall be heard in support of the judgement under review.

76. Dissents and Complaints. In SO 73 to 75, "Appeal" includes "Dissents and Complaints" and "Appellant" includes "Complainer".

77. Petition. In cases brought before the Assembly as the court of first instance by Petition, the party promoting the application shall be entitled to be heard in support of the same; and the Assembly shall also hear an answer from any party at the bar claiming to be heard whom it shall consider to be a proper respondent, and the debate at the bar shall be closed with a reply from the person promoting the application.

78. Reference. In cases brought before the Assembly by reference from a Presbytery the reference shall be stated to the Assembly by a Member of the referring court, specially appointed for the purpose, at the bar if not a Commissioner, or in his or her place as a Commissioner if a Commissioner from the Presbytery. The Assembly shall thereafter hear the parties in the case referred in such order as the nature of the case may seem to require, keeping in view the regulations in SO 73 to 78.

79. Readjustment Cases. In cases arising from Act VII 2003, when a request for determination follows a decision of the Committee on Parish Appraisal not to concur in the judgement of a Presbytery, the Convener, or other member of the said Committee, shall be heard at the bar if not a Commissioner, or in his or her place as a Commissioner if a Commissioner, immediately after the request for determination has been stated. After the initial statement, and the response by the said Committee when applicable, the General Assembly shall hear at the bar such parties in the case as are not represented by Commissioners, in such order as the nature of the case may seem to require.

VI. ORDER OF DEBATE

(a) ORDER OF THE DAY

80. When the Assembly have resolved that a case or other piece of business shall be taken up at a certain hour mentioned in the Order of Business, such case or other piece of business shall be taken not later than the hour fixed and the business before the Assembly, if not finished at the hour named, shall be adjourned, provided that, in the case of an Order of the Day following the Report of the Church and Society Council, such unfinished business shall not be taken up. If, in the opinion of the Moderator, it would be in accordance with the general convenience of the Assembly, the Moderator may allow the transaction of the business then actually under discussion to continue for a period of not more than fifteen minutes beyond the specified time, but no fresh business shall be commenced.

(b) MOTIONS

81. Right to Move. Any Commissioner to the Assembly may make a motion upon any matter coming regularly before the Assembly; and on rising to do so he or she shall read the terms of the motion having wherever possible handed the same in writing on the form provided to the Assembly Office or other point of collection intimated to the General Assembly. It shall be in order to move a motion regarding any matter in the care of a Committee to which no reference is made in the Report of that Committee, provided that reasonable notice has been given in writing to the Convener before presentation of the Report. The mover of any counter-motion or amendment may reply to the discussion of his or her motion, immediately before the Convener closes the debate.

82. Withdrawal. When a motion has been duly seconded it shall not be competent to withdraw it, or to make any alteration upon it, without the permission of the Assembly.

83. Priority. The Deliverance on the Report of a Committee shall take precedence of any other motion on that subject.

84. Committee Convener. The Convener of a Committee when a Commissioner, on giving in the Report of that Committee, shall move the Deliverance proposed in terms of SO 40. A Convener, when not a Commissioner, shall be allowed to submit the Report of the Committee, and to give explanations in the subsequent discussion. In such a case the Principal Clerk, whom failing, the Depute Clerk, shall formally move the Deliverance. In all cases the Convener shall have the right of replying to the debate

85. Introducer of Overture. The Introducer of an Overture, if a Commissioner, shall move the Deliverance; and if he or she is not a Commissioner the Principal Clerk, whom failing the Depute Clerk, shall formally move the Deliverance. The Introducer, whether a Commissioner or not, may answer questions or give explanations in the course of the debate and, if a Commissioner, may reply to, the discussion immediately before the relevant Convener closes the debate.

86. Notice of Motion. Any Commissioner may, during the sittings of the Assembly, give notice of Motion on any subject due to come regularly before the Assembly, other than a contentious case. Notices of Motion so given in shall be printed in the "Assembly Papers" not later than the day before that on which the business is to be taken. Such printed Notice of Motion shall confer no right of priority of moving same, the Moderator being the sole judge of the order in which Members are entitled to address the Assembly.

(c) THE DEBATE

87. The Chair. Every speaker shall address the Assembly through the Moderator, and the correct address is "Moderator".

88. In Support. When a motion or motions have been made and seconded, any Member (including a formal seconder in terms of SO 92) may take part in subsequent debate.

89. One Speech only. Except as provided in SO 84, no Member may speak twice on the same matter except in explanation, and then only by special permission of the Assembly.

90. 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 he or she 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 so doing; 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 the Assembly.

91. There shall be no right of reply to a debate except as provided for by SO84.

92. Limits. All speeches shall be limited to 5 minutes, with the following exceptions:

- (i) COMMITTEES
 - Convener giving in the Report of his or her Committee and moving thereon (seconding to be formal) 10 minutes
 - Movers of Amendments or Counter-Motions (seconding to be formal) 5 minutes
- (ii) OVERTURES
 - Introducing an Overture and when the Introducer is a Commissioner, moving thereon 10 minutes
 - Mover of other Motions in relation to Overture (seconding to be formal) 5 minutes
- (iii) PETITIONS
 - Speeches of Petitioners 10 minutes

93. No Time Limit. The time limits shall apply, except in the following cases:

- (a) when the Assembly are debating specific proposals for change under Barrier Act procedure;
- (b) when the Assembly are exercising judicial functions;
- (c) in Petitions when, for special reasons, the Committee on Overtures and Cases reports that the circumstances demand an extension, and when the General Assembly adopt that opinion;
- (d) in any other matter when the Assembly

Arrangements Committee (in respect of the Order of Business for the first two days) or the Business Committee (in respect of the Order of Business for the subsequent days) declares that, in its opinion, such matter is of exceptional importance, and when the Assembly adopt that opinion.

(d) **DEALING WITH MOTIONS**

94. **Character of Motions.** Motions shall be considered as belonging to one of the following categories, and shall be dealt with as prescribed, viz:

1. The original Motion.
2. Counter-Motions – being Motions contradictory or negative of the original Motion or of a substantial part of the original Motion.
3. Amendments being Motions not substantially contradictory of the original Motion or Counter-Motion, but for making deletions, alterations, or additions thereto without defeating its main object.
4. Amendments of amendments already moved and seconded.

95. **Moderator to Judge.** The Moderator shall be judge of the category to which any Motions shall be considered to belong, and the ruling of the Moderator shall be final.

96. **Grouping of Amendments.** When to any Proposed Deliverance there has been given notice of amendments which differ from each other only slightly in their general tenor, the Moderator shall decide whether or not to permit more than one of such amendments to be moved.

97. **Voting on Amendments.** When an amendment (Category 3) has been proposed it shall be disposed of by the Assembly before any other counter-motion or amendment is proposed. However, it shall be in order for an amendment of an amendment (Category 4) to be proposed, seconded and debated, after which the Moderator shall take a vote “For” or “Against”. When all such Category 4 motions have been so disposed of, the Assembly shall complete its consideration of the original amendment (Category 3) and the Moderator

shall take a vote “For” or “Against” the original amendment amended or unamended as the case may be. For the avoidance of doubt, it is affirmed that the order of debate for Category 3 and Category 4 motions shall be the same except as herein provided and that the provisions of SO 84 shall apply to both.

98. **Voting on Motions.** After all amendments, if any, have been disposed of, the Moderator shall take a vote between all Motions in Categories (1) and (2), and in doing so shall adopt the following procedure. A vote shall be taken in one of the methods provided below, between all the Motions in the order in which they were made, beginning at the first. Each Commissioner may vote for one Motion only. If, on the numbers being announced, one Motion has obtained a clear majority of votes, all the other Motions shall fall; 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 the Assembly may determine.

99. **Voting for Appointments.** In the case of voting for appointments to vacant offices in the Church, where there are more than two nominations the Assembly shall vote separately on all the names proposed, and, unless there be a majority in favour of one over all the others combined, the one having the lowest number shall be dropped, and the Assembly shall again vote on those that remain.

100. **Deliberative Vote.** The Moderator or Acting Moderator in the Chair shall have no Deliberative Vote.

101. **Casting Vote.** If in any division there shall be an equality of votes for two proposals before the Assembly, the Moderator shall have power to give a deciding vote; and if in the course of the voting as provided in SO 98 and 99 above, there should be an equality of votes for the two Motions having fewest votes, the Moderator shall have power to give a deciding vote and the Motion for which the Moderator shall vote shall be retained for the purpose of the next vote of the Assembly.

(e) TAKING THE VOTE

102. **Vote by Standing.** The Moderator may, if so minded, ascertain the mind of the Assembly by asking the Commissioners to stand in their places, and shall intimate to the Assembly on which side there is in his or her opinion a majority. Unless the opinion of the Moderator so intimated is at once challenged it shall become the decision of the Assembly. If any Commissioner challenge the opinion of the Moderator the Assembly shall proceed to take a Vote by Electronic System as provided in SO 103.

103. **Voting by Electronic System.** If the Moderator is not prepared to give an opinion on the result of a vote by standing, or if his or her opinion is challenged, and whenever the Assembly are hearing a case, the Assembly shall proceed to take a vote by electronic system, using a system approved by the Assembly Arrangements Committee. The Business Committee shall ensure that Commissioners are familiar with the method of a vote by electronic system and may appoint tellers to assist Commissioners with the process of casting votes. After all votes have been counted the Moderator shall intimate the result of the voting. In no circumstances shall a second vote be taken on a matter which has already been the subject of a vote by electronic system.

(f) DISSENTS

104. **Entering.** Any Commissioner dissatisfied with a judgement of the Assembly, which has not been unanimous, has the right to enter his or her dissent against it; but no dissent can be given in until the matter to which it refers has, for that session, been disposed of, the Minute adjusted, and the Assembly is ready to proceed to other business.

105. **Adhering.** When a dissent has been entered, it is in order for any other Commissioner present when that judgement was pronounced to adhere to such dissent. No other's adherence may be entered.

106. **Reasons.** A person dissenting may do so with or without giving in reasons of dissent. If he or

she dissent for reasons given in at the time, or to be afterwards given in, such reasons shall, if received by the Assembly as proper and relevant, and provided they are given in before the close of the next session (or, when made on the last day of the Assembly, before the close of the same session), be recorded in the Minutes.

107. **Answers.** If the Assembly appoint a Committee to prepare answers to reasons of dissent, the Report of the Committee shall, except on the last day of the Assembly, be printed in the "Assembly Papers"; and, as approved by the Assembly, shall be printed in the Minutes, if the reasons of dissent have been so printed.

108. **Record of Dissents.** Reasons of dissent and answers thereto when not entered in the Minutes, shall be kept in a separate Record of Dissents.

VII. COMMITTEES AND THEIR MEMBERSHIP**(a) COMMITTEES**

109. **Committees.** The Committees of the General Assembly shall be those listed in SO 110 together with such ad hoc Committees as the General Assembly may appoint from time to time. Clerical services for the ad hoc Committees shall normally be provided by the staff of the Principal Clerk's Department.

110. **Membership.** The Standing Committees of the General Assembly shall have membership as follows, General Assembly appointments being made on the nomination of the Nomination Committee except where otherwise stated.

1. Council of Assembly 24
Convener, Vice-Convener, and eight members appointed by the General Assembly, the Principal Clerk, who shall serve as Secretary to the Council, the General Treasurer and the Solicitor of the Church as members *ex officio*s (non-voting); the Conveners and Council Secretaries (Secretaries to be non-voting) of the Church and Society, Ministries, Mission and Discipleship, Social Care and World Mission Councils and the Convener of the Support and Services Council.

2. Church and Society Council 32
 Convener, Vice Convener, 28 members appointed by the General Assembly, one of whom will also be appointed to the Ecumenical Relations Committee, and one member appointed from and by the Social Care Council and the Guild. The Nomination Committee will ensure that the Council membership contains at least five individuals with specific expertise in each of the areas of Education, Societal/Political, Science and Technology and Social/Ethical. This number may include the Convener and Vice-Convener of the Council.
3. Ministries Council 45
 Convener, 4 Vice-Conveners, 36 members appointed by the General Assembly, one of whom will also be appointed to the Ecumenical Relations Committee, and one member appointed from and by the General Trustees, the Housing and Loan Fund, the Committee on Chaplains to Her Majesty's Forces and the Diaconate Council. For the avoidance of doubt where a representative of these other bodies is a member of staff, they will have no right to vote.
4. Trustees of the Housing and Loan Fund 11
 Three ministers and one member appointed by the Ministries Council;
 Four appointed by the General Assembly on the nomination of the Trustees, who having served a term of three years shall be eligible for re-appointment;
 Three appointed by the Baird Trust.
5. Committee on Chaplains to H M Forces 22
 Convener, Vice-Convener, and twenty members appointed by the General Assembly.
6. Mission and Discipleship Council 31
 Convener, 3 Vice-Conveners and 21 members appointed by the General Assembly, one of whom will also be appointed to the Ecumenical Relations Committee, the Director of Stewardship, one member appointed from and by the General Trustees, the Guild, the Parish Development Fund
- and the Scottish Churches Community Trust, and the Convener or Vice-Convener of the Committee on Church Art and Architecture as that Committee shall determine. The Nomination Committee will ensure that the Council membership contains at least three individuals with specific expertise in each of the areas of Education and Nurture, Mission and Evangelism and Worship and Doctrine.
7. Publishing Committee 12
 Convener, Vice-Convener, eight members appointed by the General Assembly. The Head of Publishing shall act as Secretary to the Committee and the Editor of *Life and Work* shall also be in attendance, both on a non-voting basis.
8. Committee on Church Art and Architecture 17
 Convener, Vice-Convener and 15 members appointed by the General Assembly.
9. Social Care Council 30
 Convener, two Vice-Conveners and 28 members appointed by the General Assembly, one of whom will also be appointed to the Ecumenical Relations Committee.
10. Support and Services Council 19
 The Conveners and Vice-Conveners of the following Committees: Assembly Arrangements, Central Services, Ecumenical Relations, Legal Questions, Stewardship and Finance and Safeguarding, together with (as non-voting members): The Principal Clerk, The Depute Clerk, The Solicitor of the Church, The General Treasurer, The Director of Stewardship, The Ecumenical Office, The Head of the Safeguarding Office.
- The Council shall meet annually within two weeks of the close of the General Assembly to elect a Convener who shall be one of the constituent Committee Conveners and a Vice-Convener who may be drawn from the convener or Vice-Convener members. Secretarial support will be provided by an appropriate member of administrative staff from within the area. The Convener may serve

for up to a maximum of four years and the Vice-Convener for up to three years, both positions to be confirmed annually. Other meetings of the Council may be held as required.

11. Assembly Arrangements Committee 16
Convener, Vice-Convener and ten members appointed by the General Assembly, the Moderator, the Moderator Designate and the Clerks of Assembly, the Convener and Vice-Convener also to serve as Convener and Vice-Convener respectively of the General Assembly's Business Committee, .
12. Central Services Committee 13
 - (a) Convener, Vice-Convener (Personnel), Vice-Convener (Property) and six members appointed by the General Assembly, together with, *ex officio*s and non voting, the Principal Clerk, the Solicitor of the Church, the General Treasurer and the Personnel Manager.
 - (b) Appeal Group 8
Eight members appointed by the General Assembly with the Solicitor of the Church as Secretary. Members shall not include any former or current members of staff of any of the Church's Employing Agencies (including the Social care Council), nor any current Board or Committee member.
13. Ecumenical Relations 11 plus co-optees
 - a) Five members appointed by the General Assembly, each to serve as a member of one of the five Councils of the Church (excluding Support & Services on which the Convener of the Committee will sit).
 - b) Convener who is not a member of any of the other Councils and who will act as a personal support for the Ecumenical Officer (EO) and Vice-Convener, appointed by the General Assembly.
 - c) A representative of the United Free Church of Scotland appointed by that Church.
 - d) A representative of the Roman Catholic Church in Scotland appointed by the Bishops' Conference and one representative from each of three churches drawn from among the member churches of ACTS and the Baptist Union of Scotland, each to serve for a period of four years.
- e) The Committee may co-opt, as a full voting member one of the four Church of Scotland representatives on the Scottish Churches' Forum.
- f) The Committee shall co-opt Church of Scotland members elected to the central bodies of Churches Together in Britain and Ireland (CTBI), the Conference of European Churches (CEC), the World Council of Churches (WCC), the World Alliance of Reformed Churches (WARC) and the Community of Protestant Churches in Europe (CPCE, formerly the Leuvenberg Fellowship of Churches).
- g) The General Secretary of ACTS shall be invited to attend as a corresponding member.
- h) For the avoidance of doubt, while, for reasons of corporate governance, only Church of Scotland members of the Committee shall be entitled to vote, before any vote is taken the views of members representing other churches shall be ascertained.
14. Legal Questions 18
Convener, Vice-Convener and ten members appointed by the General Assembly, the Convener and Vice-Convener of the Assembly Arrangements Committee, the Clerks of Assembly, the Procurator and the Solicitor of the Church.
15. Stewardship and Finance 20
Convener, Vice-Convener and sixteen members appointed by the General Assembly together with the General Treasurer and the Director of Stewardship.
16. Safe-guarding 9
Convener, Vice-Convener and four members appointed by the General Assembly, the Council

- Secretaries of Mission and Discipleship and Social Care, one representative from and appointed by each of the Ministries and World Mission Councils, the Solicitor of the Church, the Principal Clerk, whom failing the Depute Clerk, the National Adviser as Secretary to the Committee, with other staff in attendance as required and, up to six members co-opted by the Committee for their expertise. For the avoidance of doubt it is declared that only Assembly appointed members (including those representing the Ministries and World Mission Councils) will be entitled to vote.
17. World Mission Council 28
Convener, two Vice-Conveners, 24 members appointed by the General Assembly, one of which will also be appointed to the Ecumenical Relations Committee, and one member appointed by the Presbytery of Europe.
18. Panel on Review and Reform 11
Convener, Vice-Convener and 8 members appointed by the General Assembly, together with the Ecumenical Officer (non-voting).
19. Nomination of Moderator 54
The three surviving immediate past Moderators, three elders appointed by the General Assembly, and one representative minister, deacon or elder from every Presbytery in the United Kingdom and from the Presbytery of Europe.
The Convener shall be the past Moderator present and willing to act whose year of office was the latest.
The Secretary shall be the Principal Clerk *ex officio*.
20. Judicial Commission 48
Chairman, Vice-Chairman, and forty-six ministers and elders appointed by the General Assembly.
(The Clerks of Assembly are Clerks of the Judicial Commission though not members thereof.)
21. General Trustees
Trustees are appointed as required, by the General Assembly on the nomination of the Trust.
22. Nomination Committee..... 44
Convener, Vice-Convener and forty-two members appointed by the General Assembly. Notwithstanding SO 115, no member of the Committee, having served a term of four years, shall be eligible for re-election until after a period of four years, except for special cause shown. The Convener'ship of the Committee shall be for three years.
23. Church of Scotland Trust
Trustees are appointed as required, by the General Assembly on the nomination of the Trust.
24. Church of Scotland Investors Trust 7
Trustees are appointed as required, by the General Assembly on the nomination of the Trust.
Convener, Vice Convener, and five members appointed by the General Assembly.
25. Delegation of the General Assembly 4
The Clerks of Assembly, The Principal Clerk as Chairman the Procurator and the Solicitor of the Church, *ex officii*.
26. Iona Community Board 20
Convener and five members appointed by the General Assembly;
Six members appointed by and from the Iona Community, two changing each year;
The Leader of the Iona Community;
One member appointed by and from the Presbytery of Argyll.
In addition the Board will invite six member churches of Churches Together in Britain and Ireland (CTBI) to appoint a representative member to the Board, such members being eligible to serve for a maximum period of four years.
27. Parish Development Fund 11 plus co-optees
Convener, Vice-Convener and 9 members appointed by the General Assembly.
The Committee shall have the power to co-opt not more than six non-voting advisors who have appropriate skill and knowledge.