

XI. CALL, ELECTION AND APPOINTMENT OF MINISTERS OF WORD AND SACRAMENT ACT (ACT XI 2025)

Edinburgh, 20 May 2025, Session 11

The General Assembly, hereby enact and ordain as follows:–

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PART 1 – DEFINITIONS AND INTERPRETATION

1.1 For the purposes of this Act the following terms shall have the meanings assigned to them below:–

- a) “Adjustment” shall mean a form of adjustment set out in section 7, sub-sections (1) to (11) of the PMP Act;
- b) “Advisory Panel” means the pool of persons appointed by Presbytery to provide advice and support to congregations in a vacancy in terms of section 5 of this Act;
- c) An “appointment” shall mean an appointment to a post other than an inducted Minister detailed within the Approved Mission Plan and which is either counted within the allocation of ministry posts funded by the General Fund and allocated to that Presbytery by the General Assembly or is funded locally by the congregation and/or the Presbytery;
- d) “Approved Mission Plan” shall mean a Mission Plan formulated in terms of the PMP Act which has been initially approved by the Presbytery, FAPLT and the General Trustees and which thereafter has been annually and five-yearly evaluated and developed in accordance with the PMP Act;
- e) “Basis of Adjustment” shall mean the written terms upon which an Adjustment is implemented;

- f) A “charge” shall mean a sphere of pastoral duty to which a minister is inducted and may include a Team Ministry Role as referred to in section 7(10) of the PMP Act;
 - g) A “congregation” shall mean an association of persons in a parish whose names are on the Communion Roll and Adherents’ Roll and who are under the pastoral oversight of a minister or ministers or a Team Ministry (or an Interim Moderator) and a Kirk Session, for Christian worship, fellowship, instruction, Mission and service;
 - h) A “Financial Board” shall mean the body responsible for managing the finances of a congregation, being a Congregational Board, Deacons’ Court, Committee of Management or Kirk Session;
 - i) “FAPLT” shall mean the Faith Action Programme Leadership Team, a standing committee of the General Assembly;
 - j) “Permission to Call” shall mean permission to call and elect a Minister of Word and Sacrament granted by the Vacancy Procedure Committee or the Presbytery in line with the terms of the Approved Mission Plan and in terms of this Act;
 - k) “Presbytery” shall mean the Presbytery of the bounds;
 - l) “PMP Act” means the Presbytery Mission Plan Act (Act VIII 2021);
 - m) “Reviewable Charge” shall have the meaning ascribed to it in the PMP Act;
 - n) “Team Ministry” shall mean a Team Ministry in terms of section 7(10) of the PMP Act;
 - o) “Team Ministry Role” shall mean a role in a Team Ministry as referred to in section 7(10) of the PMP Act;
 - p) “vacancy” shall mean a charge which is without an inducted minister and which has been granted Permission to Call, and shall include the situation of a prospective vacancy with Permission to Call where an Interim Moderator has been appointed under section 7(1) of this Act, as well as the situation with Permission to Call where a member of a Team Ministry has demitted or translated from his or her Role, and “vacant” shall be construed accordingly; and
 - q) “Vacancy Procedure Committee” shall mean a standing committee of Presbytery established in terms of section 3 of this Act.
- 1.2 While this Act lays out steps to be taken in sequential order, certain tasks can be undertaken concurrently and Kirk Sessions and Nominating Committees are encouraged to consider where this can happen.

PART 2 – VACANCY

2. Circumstances of Vacancy

This Act may apply in the following circumstances (although the following list is not exhaustive) and provided that Permission to Call has been granted:

- (a) the death of the minister of the charge;
- (b) the removal of status of the minister of the charge or the judicial suspension of the minister in terms of section 40 of the Discipline Act (Act I 2019);
- (c) the dissolution of the pastoral tie in terms of the Congregations in Unsatisfactory State Act (Act I 1988) or the Income Protection and Ill-Health Act (Act VI 2019);
- (d) the demission of the charge and/or status of the minister of the charge;
- (e) the translation of the minister of the charge to another charge;
- (f) the demission or translation of a minister from a Team Ministry Role.

In the circumstances of sub-sections 2(d), (e) or (f), the minister shall normally give at least three months’ prior notice in writing to the Presbytery Clerk of the Presbytery for that minister’s current charge.

PART 3 – PRESBYTERY COMMITTEES/PEOPLE WHO ASSIST

3. Vacancy Procedure Committee

- (1) Each Presbytery shall have a standing committee known as the Vacancy Procedure Committee. The Presbytery shall appoint at least three and no more than seven of its members to serve on the Vacancy Procedure Committee and shall provide information and training as required for those so appointed. The Vacancy Procedure Committee shall fulfil the Presbytery's functions specified in this Act in relation to vacant charges, including the question of granting of Permission to Call.
- (2) Where any member of the Vacancy Procedure Committee has a significant personal connection to the ministry or a former ministry of the vacant charge or of any constituent congregation thereof, he or she shall not take part in the decision-making process related to that charge/congregation.
- (3) The Vacancy Procedure Committee shall include a Convener, Depute Convener and Clerk, the latter of whom need not be a member of the Committee but may be the Presbytery Clerk.
- (4) The Vacancy Procedure Committee shall have a quorum of three.
- (5) The Convener of the Vacancy Procedure Committee may, where he or she reasonably believes a matter to be non-contentious, consult members individually, and may do so by electronic means. A meeting shall be held at the request of any member of the Committee.
- (6) Every decision made by the Vacancy Procedure Committee shall be reported to the next meeting of Presbytery, but may not be recalled by Presbytery where the decision was subject to the provisions of section 4 below and no request was made under section 4(2).
- (7) One of the tasks of the Vacancy Procedure Committee, subject to the provisions of section 4 below, shall be to determine the number of members of each congregation who shall serve on the Nominating Committee, the overall number on any Nominating Committee being an odd number up to a maximum of thirteen.

4. Request for Consideration of a Vacancy Procedure Committee decision by Presbytery

Where in this Act any decision by the Vacancy Procedure Committee is subject to the provisions of this section, the following rules shall apply:–

- (1) The Presbytery Clerk shall intimate to all members of the Presbytery by mailing, by electronic means, or at a Presbytery meeting, the course of action or permission proposed, and shall arrange for one Sunday's pulpit intimation of the same to be made to the congregation or congregations concerned, in terms of Schedule A. The intimation having been made, it shall be displayed as prominently as possible at the church building(s) for seven days.
- (2) Any four individuals, being communicant members of the congregation concerned or full members of the Presbytery, may give written notice requesting that action be taken in terms of subsection (3) below, giving reasons for the request, within seven days after the pulpit intimation.
- (3) Upon receiving notice in terms of subsection (2), the Presbytery Clerk shall assist the process or permission referred to in subsection (1), which shall then require the approval of the Presbytery.

- (4) The Moderator of the Presbytery shall in such circumstances consider whether a Specific Purpose meeting of the Presbytery should be called in order to avoid prejudicial delay in the vacancy process.
- (5) The Presbytery Clerk shall cause to have served upon the congregation or congregations an intimation in terms of Schedule B citing them to attend the meeting of Presbytery for their interest.
- (6) The consideration by Presbytery of any matter under this section shall not constitute an appeal or a Petition, and the decision of Presbytery shall be deemed to be a decision at first instance subject to the normal rights of appeal or dissent-and-complaint.

5. Advisory Panel

- (1) The Presbytery shall appoint a pool of at least three persons to be known as the Advisory Panel.
- (2) Members of the Advisory Panel shall provide advice and support to congregations in a vacancy and may do so individually or collectively, save as referred to in section 28, where the whole Advisory Panel shall act.
- (3) The Advisory Panel may comprise members of the Vacancy Procedure Committee and may contain individuals who are not members of the Presbytery. Members of the Advisory Panel shall initially be appointed for a term of two years, and may serve further terms.
- (4) Member(s) of the Advisory Panel shall meet:
 - (a) before the election of the Nominating Committee, with the Kirk Session (or Kirk Sessions both separately and together) of the vacant charge, to consider together in the light of the whole circumstances of the charge (i) what kind of ministry would be best suited to their needs, and (ii) the finalising of the Profile which has been prepared in accordance with section 13;
 - (b) with the Nominating Committee before it has taken any steps to fill the vacancy, to consider how it should proceed;
 - (c) with the Nominating Committee at any other time by request of either the Nominating Committee or a member of the Advisory Panel.

PART 4 – PRESBYTERY ACTIONS: RELEASE OF DEPARTING MINISTER, APPOINTMENT OF INTERIM MODERATOR AND PERMISSION TO CALL

6. Release of Departing Minister

Where the circumstances pertain to subsections 2(d), (e) or (f) above, the Vacancy Procedure Committee shall

- (1) except in cases governed by subsection (2) below, decide whether to release the minister from his or her charge and, in any case involving translation to another charge or introduction to an appointment, instruct him or her to await the instructions of the Presbytery or another Presbytery;
- (2) in the case of a minister in the first five years of his or her first charge (other than a Reviewable Charge), decide whether or not there are exceptional circumstances to justify releasing him or her from his or her charge and proceeding in terms of subsection (1) above;

- (3) determine whether a vacancy has arisen or is anticipated and, as soon as possible, determine the date upon which the charge becomes actually vacant, and
- (4) inform the congregation or congregations by one Sunday's pulpit intimation as soon as convenient;

The provisions of section 4 above shall apply to the decisions of the Vacancy Procedure Committee in terms of subsections (1) and (2) above.

7. Appointment of Interim Moderator

- (1) At the same time as the Vacancy Procedure Committee makes a decision in terms of section 6 above, or where circumstances pertain to subsections 2(a), (b) or (c) above, the Vacancy Procedure Committee shall appoint an Interim Moderator for the charge in terms of the Church Courts Act (Act VI 2023) and shall make intimation thereof to the congregation subject to the provisions of section 4 above.
- (2) The person appointed as an Interim Moderator shall not be a member in the vacant charge nor a member of the Vacancy Procedure Committee. The name of the Interim Moderator shall be forwarded to FAPLT.
- (3) Subject always to section 7(4), if the Interim Moderator appointed is a ministerial member of Presbytery, she/he is thereby disqualified from becoming an applicant or accepting an invitation to be considered in the current vacancy.
- (4) A ministerial member of Presbytery who has in the past served as an Interim Moderator in the charge is not subject to the disqualification set out in section 7(3) if one of the following conditions applies:
 - (i) The person was discharged as Interim Moderator at least two years prior to time of applying for the vacancy, or
 - (ii) Intimation of the request to be discharged as Interim Moderator was given to the Presbytery Clerk prior to Permission to Call being given.

8. Duties of Interim Moderator

- (1) The Interim Moderator shall preside at all meetings of the Kirk Session (or of the Kirk Sessions in the case of a linked charge), save in the case of a Team Ministry where the Interim Moderator is not appointed to the Team Ministry Role which supplies the Moderator of the Kirk Session, in which case the Interim Moderator shall only preside in relation to vacancy business. The Interim Moderator shall also preside at all congregational meetings in connection with the vacancy, or at which the minister would have presided had there been a sitting minister. In the case of a congregational meeting called by the Presbytery in connection with adjustment the Interim Moderator, having constituted the meeting, shall relinquish the chair in favour of the representative of the Presbytery, but he or she shall be at liberty to speak at such a meeting. In consultation with the Kirk Session and the Financial Court he or she shall make arrangements for pulpit supply.
- (2) The Interim Moderator appointed in a prospective vacancy may call and preside at meetings of the Kirk Session and of the congregation for the transaction of business relating to the said prospective vacancy, ahead of the actual date of demission or translation. He or she shall be associated with the Kirk Session until the date of the actual vacancy; after that date he or she shall take full charge.
- (3) It shall be the duty of the Interim Moderator to ascertain whether or not the Kirk Session (or Kirk Sessions in the case of a linking or deferred linking or deferred union) may wish to follow the procedures contained in the Ministers and Deacons in Civil Partnerships and Same Sex Marriages Act (Act I 2015), as regards making a decision on whether or not to depart (as "depart" is defined within that

Act). Any such decision should be made after the Kirk Session(s) meets with the Advisory Panel.

- (4) The Interim Moderator shall act as an assessor to the Nominating Committee, being available to offer guidance and advice. If the Committee so desire he or she may act as their Convener, but in no case shall he or she have a vote.
- (5) In the event of the absence of the Interim Moderator, the Vacancy Procedure Committee shall appoint a member of the Presbytery who is not a member of the vacant congregation to fulfil any of the rights and duties of the Interim Moderator.

9. **Permission to Call**

When the decision to release the minister from the charge has been made and the Interim Moderator appointed, the Vacancy Procedure Committee shall consider whether to give Permission to Call, and such a decision shall be subject to the provisions of section 4 above. The Vacancy Procedure Committee must refer the question of Permission to Call to the Presbytery Committee holding appropriate delegated authority or to the Presbytery itself if:

- (a) a financial sustainability review of the charge in terms of section 10 of the PMP Act is underway (as to which the Vacancy Procedure Committee shall obtain confirmation from the Presbytery Clerk;
- (b) shortfalls exist which in the opinion of the Vacancy Procedure Committee require consideration in terms of section 10 hereunder;
- (c) the Vacancy Procedure Committee has reason to believe that the Vacancy Schedule referred to in section 11 below will not be approved;
- (d) the Manse is not currently available with vacant possession;
- (e) the Vacancy Procedure Committee has reason to believe that the Presbytery will, in terms of section 12 below, instruct work to be carried out on the Manse before a call can be sustained, and judges that the likely extent of such work warrants a delay in the granting of Permission to Call, or
- (f) the Vacancy Procedure Committee has reason to believe that the Presbytery may wish to delay or refuse the granting of Permission to Call for any reason.

Any decision to refuse Permission to Call shall be subject to appeal or dissent-and-complaint.

10. **Shortfalls**

- (1) As soon as possible after intimation of a vacancy or anticipated vacancy reaches the Presbytery Clerk, the Presbytery shall ascertain whether the charge has current or accumulated shortfalls in contributions to central funds, and shall determine whether and to what extent any shortfalls that exist are justified.
- (2) If the vacancy is in a charge in which the Presbytery has determined that shortfalls are to any extent unjustified, it shall not resolve to allow a call of any kind until:
 - (a) the shortfalls have been met to the extent to which the Presbytery determined that they were unjustified, or
 - (b) a scheme for the payment of the unjustified shortfall has been agreed between the congregation and the Presbytery and receives the concurrence of the Assembly Trustees, or
 - (c) a fresh assessment of the charge in terms of the PMP Act has been carried out, regardless of the status of the charge in the Approved Mission Plan; and:
 - (i) During such assessment no further steps may be taken in respect of filling the vacancy, and the Presbytery shall make final determination

of what constitutes such steps, which may include suspension of the vacancy process.

- (ii) Following such assessment and any consequent adjustment or deferred adjustment the shortfalls have been met or declared justifiable or a scheme has been agreed in terms of subsection 2(b) above; the Presbytery shall inform FAPLT and the Assembly Trustees of its decisions in terms of this section; and the Presbytery shall remove the suspension of vacancy process referred to in subsection 2(c)(i).

PART 5 – LOCAL FINANCIAL BOARD RESPONSIBILITIES: VACANCY SCHEDULE, MANSE, PARISH PROFILE AND ELECTORAL REGISTER

11. Vacancy Schedule

- (1) When in terms of sections 6 and 7 above the decision to release the minister from the charge has been made, the Interim Moderator has been appointed and Permission to Call has been granted, there shall be issued, by the Stewardship & Finance Department a Schedule or Schedules for completion by the responsible Financial Board(s) of the vacant congregation(s) in consultation with representatives of the Presbytery, setting forth the proposed arrangements for payment of ministerial expenses and for provision of a manse, showing the ministry requirements and details of any endowment income. The Schedule, along with an Extract Minute from each relevant Kirk Session containing a commitment fully and adequately to support the ministry, shall be forwarded to the Presbytery Clerk. For the avoidance of doubt, the Vacancy Schedule submitted to Presbytery shall include a recently completed Manse Condition Schedule following inspection of the manse of the charge.
- (2) The Schedule shall be considered by the Vacancy Procedure Committee and, if approved, transmitted to the Stewardship & Finance Department by the Presbytery Clerk. The Vacancy Procedure Committee or Presbytery must not sustain an appointment and call until the Schedule has been approved by them and by the Stewardship & Finance Department, exercising delegated powers on behalf of the Assembly Trustees, which shall intimate its decision within six weeks of receiving the Schedule from the Presbytery.
- (3) The accuracy of the Vacancy Schedule shall be kept under review by the Vacancy Procedure Committee.
- (4) The provisions of section 4 above shall apply to the decisions of the Vacancy Procedure Committee.

12. Manse

Where the Manse is vacant or becomes vacant, the Presbytery Property Committee shall inspect the Manse, consult with the Presbytery Buildings Officer and come to a view on what work, if any, must be carried out to render it suitable for a new incumbent. The views of the Property Committee shall then be communicated to the Presbytery which shall, subject to any modifications which might be agreed by that Court, instruct the Financial Board of the congregation to have the work carried out. As noted in sections 9(d) and (e), Permission to Call may be delayed if the Manse is not available with vacant possession or if that is warranted by the likely extent of work to be carried out on the Manse, and in particular, no induction date shall be fixed until the Presbytery Property Committee has again inspected the Manse and confirmed that all required work has been undertaken satisfactorily.

13. **Parish Profile**

Subject to the right to call having first been granted, the Kirk Session(s) shall prepare a Profile of each congregation and parish within the charge, in accordance with the template published in the Guidelines for Kirk Sessions. In the case of a linked charge, this shall take the form of a single document, with separate sections for each constituent congregation. In all cases the Profile shall contain, as an Appendix, a copy of the current Mission Action Plan on each constituent congregation produced in accordance with the Presbytery Mission Plan Act (Act VIII 2021). The draft Profile(s) shall then be submitted to the Advisory Panel, prior to its meeting with the Kirk Session(s) (section 5(4)(a)), for possible comment and revision.

14. **Electoral Register**

- (1) The Kirk Session shall keep each of its Communion Roll and Adherents' Roll up to date in accordance with the Communion Rolls and Adherents' Rolls Act (Act IV 2025). The persons on each of those Rolls shall together constitute the Electoral Register of the congregation/charge.
- (2) At least one week before intimation is given in term of section 15 below that a Nominating Committee is to be appointed the Session Clerk shall send the current Electoral Register to the Presbytery Clerk and that shall constitute the Electoral Register for the purposes of subsequent sections of this Act, amended thereafter only as specified in this section 14.
- (3) If, after the Electoral Register is sent to the Presbytery Clerk in terms of subsection (2) above, any communicant is given a Certificate of Transference, or any person's name is removed from the Communion or Adherents' Roll, the Session Clerk shall delete that person's name from the Electoral Register and initial the deletion. Such a Certificate shall be granted only when application for it has been made in writing, and the said written application shall be retained until the vacancy is ended.
- (4) The Session Clerk shall only update the Electoral Register to reflect any additions to the Communion Roll or Adherents' Roll where a reinstatement and extension of Permission to Call is granted in terms of section 28 of this Act.

PART 6: THE NOMINATING COMMITTEE

15. **Appointment of Nominating Committee**

- (1) Once the Electoral Register has been sent to the Presbytery Clerk in terms of section 14(2), intimation in terms of Schedule C shall be made that a meeting of the congregation is to be held to appoint a Committee of its own number for the purpose of nominating one person to the congregation to be elected as their minister.
- (2)
 - (a) The Interim Moderator shall preside at this meeting, and the Session Clerk, or in his or her absence a person appointed by the meeting, shall act as Clerk.
 - (b) The Interim Moderator shall remind the congregation of the number of members it is required to appoint to the Nominating Committee, as determined by the Vacancy Procedure Committee, and shall call for Nominations. To constitute a valid Nomination, the name of a person on the Electoral Register has to be proposed and seconded by another person whose name is on the Electoral Register, and assurance given by the proposer that the person is prepared to act on the Committee. The Clerk shall take a note of all Nominations in the order in which they are made.

- (c) For the avoidance of doubt, a member of a vacant charge shall not be eligible for nomination to serve on a Nominating Committee, if he or she is:
 - (i) a minister (including a retired minister) of the Church of Scotland,
 - (ii) a member of the diaconate of the Church of Scotland,
 - (iii) an employee of the vacant charge,
 - (iv) an employee of FAPLT who works in the vacant charge, or
 - (v) the spouse or civil partner, of an outgoing minister, or of any Team Minister, or of any former minister of the charge.
 - (d) When it appears to the Interim Moderator that the Nominations are complete, they shall be read to the congregation and an opportunity given for any withdrawals. If the number of persons nominated does not exceed the maximum fixed in terms of subsection (4) below there is no need for a vote, and the Interim Moderator shall declare that these persons constitute a Nominating Committee.
 - (e) If the number exceeds the maximum the election shall proceed by a system of written ballot devised by the Kirk Session to suit the size of the congregation and approved by the Vacancy Procedure Committee or the Presbytery. In either case, in the event of a tie for the last place a further vote shall be taken between or among those tying.
 - (f) The Interim Moderator shall, at the same meeting or as soon thereafter as the result of any ballot has been determined, announce the names of those thus elected to serve on the Nominating Committee, and intimate to them the time and place of their first meeting; which may be immediately after the congregational meeting provided that has been intimated along with the intimation of the congregational meeting.
- (3) Where there is an agreement between the Presbytery and the congregation or congregations that the minister to be inducted shall serve in a Parish Grouping or with part of their time in a Presbytery-designated role, that agreement may specify that the Presbytery is entitled to appoint up to two non-voting representatives to serve on the Nominating Committee.
 - (4) When the vacancy is in a linked charge, or when a union or linking of congregations has been agreed but not yet effected, or when there is agreement to a deferred union or a deferred linking, or where the appointment is to more than one post, the Vacancy Procedure Committee shall, subject to the provisions of section 4 above determine how the number who will act on the Nominating Committee will be allocated among the congregations involved, unless provision for this has already been made in the Basis of Union or Basis of Linking as the case may be.
 - (5) The Nominating Committee shall not have power to co-opt additional members but the relevant Kirk Session shall have power when necessary to appoint a replacement for any of its appointees who ceases, by death or resignation, to be a member of the Nominating Committee, or who, by falling ill or by moving away from the area, is unable to serve as a member of it.

16. **Constitution of the Nominating Committee**

It shall be the duty of the Interim Moderator to summon and preside at the first meeting of the Nominating Committee, which may be held at the close of the congregational meeting at which it is appointed and at which the Committee shall appoint a Convener and a Clerk. The Clerk, who need not be a member of the Committee, shall keep regular minutes of all proceedings. The Convener shall have a deliberative vote (if he or she is not the Interim Moderator) but shall in no case have a casting vote. If the

Clerk is not a member of the Committee, he or she shall have no vote. At all meetings of the Committee only those present shall be entitled to vote.

17. Task of the Nominating Committee

- (1) The Nominating Committee shall have the duty of nominating one person to the congregation to be elected as minister.
- (2) It shall proceed by a process of announcement in a monthly vacancy list, application and interview, and may also advertise, receive recommendations and pursue enquiries in other ways. The Nominating Committee shall make available to all applicants and enquirers the Profile and Appendix specified in section 13. Regardless of how such individuals may initially have been approached or identified, no individual shall be considered as a candidate for the vacancy unless he or she has first submitted a formal application.
- (3) The Nominating Committee shall make themselves aware of the roles of the other members of any Team Ministry as described in section 7(10) of the PMP Act and may meet with them for this purpose.

PART 7 – WHO CAN BE CALLED AS THE MINISTER

18. Eligibility for Election

- (1) The following categories of persons, and no others, are eligible to be nominated, elected, and called as ministers of parishes in the Church of Scotland, but always subject, where appropriate, to the provisions of the Admission and Readmission of Ministers Act (Act X 2025):
 - (a) A minister holding Category **O** registration, in terms of the Registration of Ministries Act (Act II 2017);
 - (b) A minister who has applied for Category **O** registration, whose application is currently under consideration, provided that before the call can be sustained or the minister in question inducted, Category **O** registration must have been granted;
 - (c) A Graduate Candidate holding an Exit Certificate or a Graduate Candidate's Certificate in terms of section 22A of the Selection and Training for Full-Time Ministry Act (Act X 2004).
 - (d) The holder of a Certificate of Eligibility in terms of the Admission and Readmission of Ministers Act (Act X 2025).
- (2) Notwithstanding section (1) above, the following categories of persons shall not be eligible to apply for vacancies:
 - (a) Anyone who has served as an Interim Moderator in the current vacancy unless the conditions set out in section 7(4) apply.
 - (b) A person who is the subject of ongoing proceedings being undertaken in accordance with the Discipline Act (Act I 2019).
 - (c) A person who is not a member of, or cannot become a member of, the PVG Scheme, as defined in the Safeguarding Act (Act XVI 2025) and in addition, in the case of a minister who has lived outwith the UK for 12 months or more (whether continuous or in total) in the last ten years, who cannot exhibit appropriate Safeguarding clearance, including a criminal record check, satisfactory to the Presbytery and the Safeguarding Service, from the appropriate government/agency in the relevant jurisdiction(s).

19. Undue Influence

- (1) Ministers occupying positions within a Team Ministry in the charge, or larger area including the charge, and former holders of such positions, shall be eligible to apply and shall not by virtue of office be deemed to have exercised undue influence in securing the call.
- (2) A *locum tenens* or Assistant Minister in the vacant charge shall not by virtue of office be deemed to have exercised undue influence in securing the Call.
- (3) Any person nominated to a charge shall in accepting a Call provide an assurance that no undue influence has been used by the person appointed or by others to secure the Call.
- (4) The Presbytery has a duty to take into consideration any evidence or allegation that undue influence has been used to secure the Call.

20 Team Ministry

An Interim Moderator shall be appointed in relation to vacancy business where there is a Team Ministry and one of the ministers in the team demits from his or her Role. Where the Team Ministry Role of the minister in question included being Moderator of the Kirk session, then the Interim Moderator shall also fulfil that role.

21. Temporary Certificates of Eligibility

Superseded by the Admission and Readmission of Ministers Act (Act X 2025).

PART 8 – THE NEW MINISTER

22. Nomination

- (1) Before the candidate is asked to accept Nomination, the Interim Moderator shall ensure that the candidate is given an adequate opportunity to see the whole ecclesiastical buildings (including the Manse) pertaining to the congregation, and to meet privately with all members of staff of the charge and/or of any members of a Team Ministry. Furthermore, the candidate shall be provided with:
 - (a) a copy of the Approved Mission Plan and of any current Basis of Adjustment or Basis of Reviewable Charge;
 - (b) copies of the most recent annual report and accounts for each congregation of the charge, as approved by an independent examiner;
 - (c) copies of the most recent quinquennial inspection reports in relation to the buildings of the charge; and
 - (d) a copy of the current Action Plan for each constituent congregation in the charge.

The candidate shall acknowledge receipt of the above documents in writing to the Interim Moderator.

- (2) Before the Nominating Committee reports the identity of the nominee to the Kirk Session and Presbytery, it shall report the process followed to the Advisory Panel (by electronic means if desired) who shall give any further advice it or they deem necessary.
- (3) Before any Nomination is intimated to the Kirk Session and Presbytery Clerk, the Clerk to the Nominating Committee shall secure the written consent thereto of the nominee.
- (4) Before reporting the Nomination to the Vacancy Procedure Committee, the Presbytery Clerk shall obtain from the nominee or Interim Moderator evidence of the eligibility of the nominee to be appointed to the charge.

- (a) In the case of a minister being a member of Presbytery, this shall constitute a certified extract from the Register of Ministry showing that the minister has Category **O** registration.
- (b) In the case of a minister not being a member of any Presbytery of the Church of Scotland, this shall constitute an Exit Certificate or Graduate Candidate's Certificate in terms of Act X 2004, or a Certificate of Eligibility in terms of the Admission and Readmission of Ministers Act (Act X 2025).
- (c) In addition, in the case of a minister in the first five years of his or her first charge, an extract minute shall be obtained either from the Vacancy Procedure Committee of his or her current Presbytery, or from that Presbytery, exceptionally releasing the minister.
- (d) In the case of all ministers, this shall include evidence of membership of the PVG Scheme, as defined in the Safeguarding Act (Act XVI 2025), or of application for such membership, provided always that
 - (i) no induction shall take place until evidence of PVG Scheme membership is exhibited, and
 - (ii) where the minister has lived outwith the UK for 12 months or more (whether continuous or in total) in the last ten years, the minister shall exhibit appropriate Safeguarding clearance, including a criminal record check, satisfactory to the Presbytery and the Safeguarding Service, from the appropriate government/agency in the relevant jurisdiction(s).

23. Preaching by Nominee

- (1) The Interim Moderator, on receiving notice of the Nominating Committee's Nomination, shall arrange that the nominee conduct public worship in the vacant church or churches, normally within four Sundays of receipt of the Nomination, and that the ballot take place immediately after each such service.
- (2) The Interim Moderator shall arrange for intimation to be made on the two preceding Sundays regarding the arrangements made in connection with the preaching by the nominee and the ballot thereafter, all in terms of Schedule D.

24. Election of Minister

- (1) The Interim Moderator shall normally preside at all congregational meetings connected with the election, which shall be in all cases by ballot, and shall normally be in charge of the ballot.
- (2) The Interim Moderator may invite one or more persons (not being persons whose names are on the Electoral Register of the vacant congregation) to assist him or her in the conduct of a ballot vote.
- (3) When a deferred union or deferred linking is involved the Interim Moderator shall consult and reach agreement with the minister or Interim Moderator of the other congregation regarding the arrangements for the conduct of public worship in these congregations by the nominee as in section 23(1) above. The Interim Moderator shall in writing appoint a member of Presbytery to take full charge of the ballot vote for the other congregation. If there is a minister already inducted in another congregation in terms of a deferred union or deferred linking, he or she shall not be so appointed, nor shall he or she be in any way involved in the conduct of the election.

25. Ballot Procedure

- (1) The Kirk Session shall arrange to have available at the time of election a sufficient supply of voting-papers printed in the form of Schedule E hereto, and

these shall be put into the custody of the Interim Moderator who shall preside at the election, assisted as in section 24 above. He or she shall issue on request to any person whose name is on the Electoral Register a voting-paper, noting on the Register that this has been done. Facilities shall be provided whereby the voter may mark the paper in secrecy, and a ballot-box shall be available wherein the paper is to be deposited when marked. The Interim Moderator may assist any person who asks for help in respect of completing the voting-paper, but no other person whatever shall communicate with the voter at this stage. The Interim Moderator, or the deputy appointed by him or her, shall be responsible for the safe custody of ballot-box, papers and Electoral Register.

- (2) As soon as practicable, and at latest within twenty-four hours after the close of the voting, the Interim Moderator shall constitute the Kirk Session, or the joint Kirk Sessions when more than one congregation is involved, and in the presence of a quorum of the Kirk Session(s), shall proceed with the counting of the votes, in which he or she may be assisted as provided in section 24 above. When more than one ballot-box has been used and when the votes of more than one congregation are involved, all ballot-boxes shall be emptied and the voting-papers shall be mixed together before counting begins so that the preponderance of votes in one area or in one congregation shall not be disclosed.
- (3) A voting-paper shall only be considered as spoilt and the vote not counted where the intention of the voter is unclear, and in no other circumstances. It shall be for the Kirk Session, on the recommendation of the Interim Moderator, to determine whether the intention of the voter is clear.
- (4) If the number voting For exceeds the number voting Against the nominee shall be declared elected and the Nominating Committee shall be deemed to be discharged.
- (5) If the number voting For is equal to or less than the number voting Against, the Interim Moderator shall declare that there has been failure to elect and that the Nominating Committee is deemed to have been discharged. He or she shall proceed with the election of a fresh Nominating Committee in terms of section 15 above, without further reference to the Presbytery.
- (6) After the counting has been completed the Interim Moderator shall sign a declaration in one of the forms of Schedule F hereto, and this shall be recorded in the minute of the Kirk Session or of the Kirk Sessions. In presence of the Kirk Session the Interim Moderator shall then seal up the voting-papers along with the marked copy of the Electoral Register, and these shall be transmitted to the Presbytery Clerk in due course along with the other documents specified in section 29(1) below.
- (7) The congregational meeting connected with the election may be held in hybrid form, and in that event the terms of the Protocol agreed at the Commission of Assembly on 30 November 2023, which are appended in Schedule 2 to this Act, shall apply.

26. **Withdrawal of Nominee**

- (1) Should a nominee intimate withdrawal before he or she has preached as nominee, the Nominating Committee shall continue its task and seek to nominate another nominee.
- (2) Should a nominee intimate withdrawal after he or she has been elected, the Nominating Committee having been discharged, the Interim Moderator shall proceed with the election of a fresh Nominating Committee in terms of section 15 above, without further reference to the Presbytery.

27. **The Call**

- (1) The Interim Moderator shall, along with the intimation regarding the result of the voting, intimate the arrangements made for those on the Electoral Register of the congregation, during a period of not less than eight days prescribed within a two week window, to subscribe the Call (Schedule G). Intimation shall be in the form of Schedule H hereto.
- (2) The Call may be subscribed on behalf of an individual on the Electoral Register not present to sign in person, provided a mandate authorising such subscription is produced as in Schedule I. All such entries shall be initialled by the Interim Moderator or by the member of the Kirk Session appending them.
- (3) Those eligible to sign the Call shall be all those whose names appear on the Electoral Register. A paper of concurrence in the Call may be signed by persons associated with the congregation whose names have not been entered on the Electoral Register.

28. Failure to Nominate

The exercise by a congregation of its right to call a minister shall be subject to a time-limit of twelve months; this period shall be calculated from the date when intimation is given of the grant of Permission to Call.

If no election has been made and intimated to the Presbytery by the expiry of that time then the Permission to Call expires and the Presbytery shall review the matter.

Thereafter the Presbytery may either (1) resolve to review the relevant aspects of the Approved Mission Plan in accordance with the PMP Act or (2) if the Presbytery is still satisfied that a minister should be appointed, resolve that the Permission to Call shall be reinstated and the Presbytery shall proceed in one of the following ways:

- (a) grant an extension, which shall usually be for a further six months and instruct the Kirk Session to revise and update the Parish Profile in line with the template published in the Guidelines for Kirk Sessions. If no appointment is made in this further period, the Presbytery shall proceed again in terms of this section of the Act and may select any option, including further extensions;
- (b) instruct that a fresh Nominating Committee be elected in terms of section 15 above, subject to a further time-limit on the right to call of six months, calculated from the date that Presbytery so resolves. The process shall then be followed in terms of this Act from the point of the election of the Nominating Committee; or
- (c) take steps to make such an appointment, proceeding as follows:—
 - (i) The Presbytery shall discharge the Nominating Committee, instruct the Advisory Panel as a whole to bring forward to a subsequent Presbytery meeting the name of an eligible individual for appointment to the charge and intimate this instruction to the congregation. If satisfied with the recommendation brought by the Advisory Panel, the Presbytery shall thereupon make the appointment.
 - (ii) The Presbytery Clerk shall thereupon intimate to the person concerned the fact of his or her appointment, shall request him or her to forward a letter of acceptance along with a certified extract from the Register of Ministry showing that the minister has Category **O** registration or other evidence of eligibility to be called in terms of section 18(1) above, as the case may be, together with evidence of membership of the PVG Scheme, as defined in the Safeguarding Act (Act XVI 2025) (and in addition if applicable Safeguarding clearance as specified in section 22(4)(d)(ii) above), and shall arrange with him or her to conduct public worship in the vacant church or churches on an early Sunday.
 - (iii) The Presbytery Clerk shall cause intimation to be made in the form of Schedule J that the person appointed will conduct public worship on the day specified and that a Call in the usual form will lie with the Session

Clerk or other suitable person, for not less than eight free days within a two week window, to receive the signatures of the congregation. The conditions governing the signing of the Call shall be as in section 26 above.

- (iv) At the expiry of the time allowed, the Call shall be transmitted by the Session Clerk to the Presbytery Clerk who shall lay it, along with the documents referred to in sub-paragraph (ii) above, before the Presbytery at its first ordinary meeting or at a Specific Purpose meeting.

PART 9 – CONFIRMING THE NOMINATION

29. Transmission of Documents

- (1) After an election or appointment has been made the Interim Moderator shall secure from the person appointed (i) a letter of acceptance of the appointment, (ii) evidence of Category **O** registration in the form of a certified extract from the Register of Ministry (or other evidence of eligibility to be called in terms of section 18(1) above, as the case may be), (iii) evidence of membership of the PVG Scheme, as defined in the Safeguarding Act (Act XVI 2025) (iv) in addition, if applicable, Safeguarding clearance as specified in section 22(4)(d)(ii) above) and (v) a letter of assurance that no undue influence has been used by the person appointed or by others to secure the Call.
- (2) The Interim Moderator shall then without delay transmit the relevant documents to the Presbytery Clerk. These are:
- the minute of Nomination by the Nominating Committee,
 - all intimations made to the congregation thereafter,
 - the declaration of the election and appointment,
 - the voting-papers,
 - the marked copy of the Register,
 - the letter of acceptance,
 - evidence of Category **O** registration in the form of a certified extract from the Register of Ministry, (or other evidence of eligibility to be called in terms of section 18(1) above, as the case may be), and
 - evidence of membership of the PVG Scheme, as defined in the Safeguarding Act (Act XVI 2025) (and in addition if applicable Safeguarding clearance as specified in section 22(4)(d)(ii) above).
- He or she shall also inform the Presbytery Clerk of the steps taken in connection with the signing of the Call, and shall arrange that, at the expiry of the period allowed for subscription, the Call shall be transmitted by the Session Clerk to the Presbytery Clerk.
- (3) After the person elected has been inducted to the charge the Presbytery Clerk shall:
- (a) deliver to him or her the approved copy of the Vacancy Schedule referred to in section 11(2) above, and
- (b) destroy the intimations and voting-papers lodged with him or her in terms of subsection (2) above and ensure that confidential documents and correspondence held locally are destroyed.

30. Sustaining the Call

- (1) All of the documents listed in section 29 above shall be laid before the Vacancy Procedure Committee which may resolve to sustain the Call and determine arrangements for the induction of the new minister, subject to (a) a request for the release, if appropriate, of the minister from his or her current charge in terms

- of this Act and (b) the provisions of section 4 above as to decisions of the Vacancy Procedure Committee. The Moderator of the Presbytery shall, if no ordinary meeting of the Presbytery falls before the proposed induction date, call a Specific Purpose meeting for the induction.
- (2) In the event that the matter comes before the Presbytery in terms of section 4 above, the procedure shall be as follows:–
 - (a) The Call and other relevant documents having been laid on the table the Presbytery shall hear any person whom it considers to have an interest. In particular any member of the Advisory Panel shall be entitled to be heard if he or she so desires, or the Presbytery may ask for a report from him or her. The Presbytery shall then decide whether to sustain the appointment in terms of subsection (1) above, and in doing so shall give consideration to the number of signatures on the Call. It may delay reaching a decision and return the Call to the Kirk Session to give further opportunity for it to be subscribed.
 - (b) If the Presbytery sustain an appointment and Call to a Graduate Candidate, and there be no appeal tendered in due form against its judgement, it shall appoint the day and hour and place at which the ordination and induction will take place.
 - (c) If the Presbytery sustain an appointment and Call to a minister of the Church of Scotland not being a minister of a parish, or to a minister of another denomination, and there be no ecclesiastical impediment, the Presbytery shall appoint the day and hour and place at which the induction will take place.
 - (3) In the event that the Call is not sustained, the Presbytery shall determine either (1) to give more time for it to be signed in terms of section 27 above or (2) to proceed in terms of subsection (1) or (2)(b) or (2)(c) of section 28 above.
 - (4) No Call shall be sustained until the following evidence has been laid before the Vacancy Procedure Committee:
 - (i) that the new minister has Category **O** registration, in the form of a certified extract from the Register of Ministry (or other evidence of eligibility to be called in terms of section 18(1) above, as the case may be),
 - (ii) that the new minister is a member of the PVG Scheme, as defined in the Safeguarding Act (Act XVI 2025) and
 - (iii) in addition, if applicable, Safeguarding clearance as specified in section 22(4)(d)(ii) above.

PART 10 – SERVICES OF ORDINATION, INDUCTION AND INTRODUCTION

31. Admission to a charge

- (1) When the Presbytery has appointed a day for the ordination and induction of a Graduate Candidate, or for the induction of a minister already ordained, the Clerk shall arrange for an intimation in the form of Schedule K to be read to the congregation on the two Sundays preceding the day appointed.
- (2) At the time and place named in the intimation, the Presbytery having been constituted, the Moderator shall call for the return of the intimation attested as having been duly served. If the minister is being translated from another Presbytery, the relevant minute of that Presbytery or of its Vacancy Procedure Committee agreeing to translation shall also be laid on the table. Any objection, to be valid at this stage, must have been intimated to the Presbytery Clerk at the objector's earliest opportunity, must be strictly directed to life or doctrine and must be substantiated immediately to the satisfaction of the Presbytery, in which

case procedure shall be assisted and the Presbytery shall take appropriate steps to deal with the situation that has arisen. Otherwise the Presbytery shall proceed with the ordination and induction, or with the induction, as hereunder.

- (3) The Presbytery shall proceed to the place of worship where public worship shall be conducted by those appointed for the purpose. The Clerk shall read a brief narrative of the cause of the vacancy and of the steps taken for the call and election of a new minister. The Moderator, having read the Preamble, shall, addressing him or her by name, put to the person to be inducted the questions prescribed. Satisfactory answers having been given, the person to be inducted shall sign the Formula. If he or she has not already been ordained, the person to be inducted shall then kneel, if able to do so, and the Moderator by prayer and the imposition of hands, in which members of the Presbytery, appointed by the Presbytery for the purpose, and other ordained persons associated with it, if invited to share in such imposition of hands, shall join, shall ordain him or her to the office of the Holy Ministry. Prayer being ended, the Moderator shall say, "I now declare you to have been ordained to the office of the Holy Ministry, and in name of the Lord Jesus Christ, the King and Head of the Church, and by authority of this Presbytery, I induct you to this charge, and in token thereof we give you the right hand of fellowship". The Moderator with all other members of Presbytery present and those associated with it shall then give the right hand of fellowship. The Moderator shall then put the prescribed question to the members of the congregation. Suitable charges to the new minister and to the congregation shall then be given by the Moderator or by a minister appointed by the Presbytery for the purpose.
- (4) When an ordained minister is being inducted to a charge, the act of ordination shall not be repeated and the relevant words shall be omitted from the declaration. In other respects the procedure shall be as in subsection (3) above.
- (5) When the appointment is for a limited or potentially limited period (including to a Reviewable Charge) the service shall proceed as in subsections (3) or (4) above except that in the declaration the Moderator shall say "I induct you to this charge on the Basis of [specific Act and Section] and in terms of Minute of Presbytery of date"
- (6) After the service the Presbytery shall resume its session, when the name of the new minister shall be added to the Roll of Presbytery, and the Clerk shall be instructed to send certified intimation of the induction to the Session Clerk to be engrossed in the minutes of the first meeting of Kirk Session thereafter, and, in the case of a translation from another Presbytery or where the minister was prior to the induction subject to the supervision of another Presbytery, to the Clerk of that Presbytery. The Presbytery Clerk shall also send intimation of the induction to the national offices, to FAPLT and to the Payroll Department at the national offices.

32. Service of Introduction

- (1) When a minister has been appointed to a linked charge the Presbytery shall determine in which of the churches of the linking the induction is to take place. This shall be a service of induction to the charge, in consequence of which the person inducted shall become minister of each of the congregations embraced in the linking. The intimation regarding the induction, which shall be in terms of Schedule K, shall be read in all of the churches concerned. There shall be no other service of induction, but if the churches are far distant from one another, or for other good reason, the Presbytery may appoint a service of introduction to be held in the other church or churches.

- (2) In any case of deferred union or deferred linking the minister elected and appointed shall be inducted “to the vacant congregation of A in deferred union (or linking) with the congregation of B” and there shall be no need for any further act to establish his or her position as minister of the united congregation or of the linked congregation as the case may be. The Presbytery, however, shall in such a case arrange a service of introduction to the newly united congregation of AB or the newly linked congregation of B.
- (3) When an appointment has been made to an extra-parochial office wholly or mainly under control of the Church (healthcare chaplaincy, prison, workplace or university, full-time clerkship, professor or lecturer in an accredited institution as defined in Act X 2004 etc.) the Presbytery may deem it appropriate to arrange a service of introduction to take place in a church or chapel suitable to the occasion.
- (4) When an appointment has been made to a parochial appointment other than that of an inducted minister, the Presbytery may arrange a service of introduction to take place within the parish. If ordination is involved, suitable arrangements shall be made and intimation shall be given in terms of Schedule L.
- (5) A service of introduction not involving ordination shall follow the lines of an induction except that instead of putting the normal questions to the minister the Moderator shall ask him or her to affirm the vows taken at his or her ordination. Where the service, in terms of subsection (3) or (4) above, includes the ordination of the minister, the vows shall be put in full. In either case, in the declaration the Moderator in place of “I induct you to” shall say, “I welcome you as”.
- (6) When an appointment is for a limited or potentially limited period (including an appointment in terms of section 21 above) the service shall proceed as in subsection (4) and (5) above and the Moderator in welcoming the new minister shall specify the basis of the appointment.

33. Minister’s name on Communion Roll.

Upon induction, or where appropriate in the case of introduction, the minister’s name shall be added to the Communion Roll of the charge.

PART 11 - MISCELLANEOUS

34. Guidelines

FAPLT shall prepare and issue Guidelines for (a) Interim Moderators and Kirk Sessions, (b) Nominating Committees, (c) Advisory Panels, (d) compiling Parish Profiles, (e) Vacancy Procedure Committees, and (f) Presbytery Clerks, in order to facilitate procedures in this Act. Such Guidelines shall be kept under review and shall be updated periodically to reflect current Church law, policy and practice.

35. Intimations & notices

- (1) For the purposes of this Act intimations to congregations may be made (a) orally during an act of worship, or (b) in written intimations distributed to the whole congregation provided that the congregation’s attention is specifically drawn to the presence of an intimation there in terms of this Act.
- (2) Any notices or intimations may be made or sent by electronic means.
- (3) Confirmation that all required intimations have been duly made on the correct number of Sundays shall be sent by the Session Clerk to the Presbytery Clerk before the service of induction or introduction.

36. **Effective date, Repeal, Amendments and Transitional Provisions**

- (1) This Act shall come into force when agreed by the General Assembly. The existing Vacancy Procedure Act (Act VIII 2003) (as amended) is repealed on the same date; all other legislation prior to this Act shall be construed in conformity with this Act.
- (2) Notwithstanding subsection (1) above, the repeal of Act VIII 2003 as amended shall not affect the operation of the said Act (or Deliverances of the General Assembly in pursuance thereof) prior to the repeal of the said Act, or anything done or suffered under the said Act or related Deliverances; and any rights or obligations acquired or incurred thereunder shall have effect as if the said Act had not been repealed.
- (3) Where a charge has been given Permission to Call on or after 1 June 2025, this Act shall apply to all process under this Act following thereafter, but where Permission to Call was granted prior to 1 June 2025, then Act VIII 2003 shall continue to apply to all process, provided that in the case of any charge where Permission to Call was granted prior to 1 June 2025 and process has not concluded as 31 December 2025, that process shall thereafter switch to be followed to conclusion under this Act and Act VIII 2003 shall no longer apply.

SCHEDULE 1: INTIMATION SCHEDULES (A TO L)

A NOTICE OF DECISION OF VACANCY PROCEDURE COMMITTEE – Section 4(1)

To be read on one Sunday

Notice is hereby given that the Vacancy Procedure Committee of the Presbytery of proposes [*proposed course of action*]. This action will proceed unless at least four persons, who are either communicant members of this congregation of X [and Y]* or full members of Presbytery, together or separately submit to the Presbytery Clerk a request for this proposal to be considered at the next meeting of the Presbytery. Any such request must set out the relevant reasons.

You should submit any such request in writing to [*name and postal address of Presbytery Clerk*] by [*date seven days after date of this intimation*].

If four valid requests are received, then [*state the proposed course of action*] will be suspended and the approval of Presbytery will be required.

A B Presbytery Clerk

**refer to other congregation(s) if a linked charge*

NB this intimation is also to be displayed as prominently as possible at the church building for seven days

B NOTICE CITING A CONGREGATION TO ATTEND – Section 4(5)

To be read on one Sunday

Notice is hereby given that in connection with the [anticipated] vacancy in this congregation of X [and Y]*, a valid request has been made for the matter of [*here insert action or permission which had been proposed*] to be considered by the Presbytery. [*The proposed course of action*] is in the meantime suspended

The Presbytery will meet to consider this matter aton the day of at o'clock. Any member of this congregation of X [and Y]* may attend that meeting and Presbytery shall hear any person whom it considers to have an interest.

A B Presbytery Clerk

**refer to other congregation(s) if a linked charge*

C ELECTION OF NOMINATING COMMITTEE – Section 15(1)

To be read on two Sundays

Notice is hereby given that a meeting of this congregation of X [and Y]* will be held in the Church [*or other arrangement may be given here*] on Sunday at the close of morning [*or other main occasion of*] worship for the purpose of appointing a Nominating Committee.

The task of the Nominating Committee will be to nominate one person to this congregation of X [and Y]* to be the new minister.

At that meeting, the congregation shall be invited to elect [number of persons] people, who are on the Electoral Roll of this congregation of X [and Y]*, to serve on the Nominating Committee. If you wish to propose anyone to serve on the Committee you may do so at the meeting providing the person has indicated a willingness to serve.

C D Interim Moderator

**refer to other congregation(s) if a linked charge*

D NOTICE OF NOMINATION – Section 23(2)

To be read on two Sundays

At a meeting held at..... on, the Nominating Committee chose the person who they wish to propose to this congregation of X [and Y]* to be our new minister. The name of the person proposed is **

Arrangements have been made for *[give name again]*, to conduct public worship in this Church on Sunday the day of at o'clock.

Immediately after that service, there will be a vote on whether or not *[Name]* should be appointed as the new minister of this congregation of X [and Y]*. Anyone whose name appears on the Electoral Register of this congregation of X [and Y]* shall be entitled to vote. No-one else shall be entitled to vote.

C D Interim Moderator

**refer to other congregation(s) if a linked charge*

*** The name and status of the person should at this point be entered in full*

E VOTING-PAPER – Section 25(1)

FOR Electing <i>[Name]</i>	
AGAINST Electing <i>[Name]</i>	

Directions to Voters – If you are in favour of electing *[Name]* put a cross (x) on the upper right-hand space. If you are not in favour of electing *[Name]* put a cross (x) in the lower right-hand space. Mark your voting-paper in this way with a cross, and put no other mark on your voting-paper or your vote may not be counted.

Note: The Directions to Voters must be printed prominently on the face of the voting-paper.

F DECLARATION OF ELECTION RESULT – Section 25(6)

I hereby declare the results of the voting for the election and appointment of a minister to the vacant charge of *..... to be as follows.

FOR Electing [Name]: [No of votes]
AGAINST Electing [Name]: [No of votes]

EITHER

(1) Therefore, [Name] has accordingly been elected and appointed as the new minister subject to the approval of Presbytery.

OR

(2) In consequence of this vote there has been a failure to elect. The Nominating Committee is deemed to have been discharged. [Continue in terms of Schedule C if appropriate.]

Date

C D Interim Moderator

** Here enter details*

G THE CALL – Section 27(1)

Form of Call

We, members and adherents of the Church of Scotland and of the congregation known as *....., being without a minister, address this Call to be our minister to you, [Name]....., of whose gifts and qualities we have been assured, and we warmly invite you to accept this Call, promising that we shall devote ourselves with you to worship, witness, mission and service in this parish, and also to the furtherance of these in the world, to the glory of God and for the advancement of His Kingdom.

** Here enter details*

Paper of Concurrence

We, persons associated with the congregation of the Church of Scotland known as *..... concur in the Call addressed by that congregation to [Name]..... to be their minister.

** Here enter details*

Note: The Call and Paper of Concurrence should be dated and attested by the Interim Moderator before they are transmitted to the Clerk of the Presbytery.

H SUBSCRIBING THE CALL – Section 27(1)

To be read on at least one Sunday

Notice is hereby given that this congregation of X [and Y]* has elected [Name] to be our new minister and a Call to the said [Name] has been prepared. This Call will lie in [Place].....

from..... theday of [Month]..... until [Date which is at least eight days later], between the hours of and During that time any person whose name is on the Electoral Register of the congregation may sign the Call in person or by means of a mandate.

If a mandate is to be used, the relevant form may be obtained from the Session Clerk.

A paper of Concurrence will also be available for signature by any person who is connected with the congregation but whose name is not on the Electoral Register of the congregation. Children are also welcome to add their names to this paper.

C D Interim Moderator

**refer to other congregation(s) if a linked charge*

I MANDATE TO SIGN CALL – Section 27(2)

I,* of **, being a person whose name is on the Electoral Register of the congregation, hereby authorise the Session Clerk, or other member of Session, to add my name to the Call addressed to [Name] to be our new minister.

(Signed)

** Here enter full name in block capitals*

*** Here enter address in full*

J CITATION IN CASE OF NOMINATION BY PRESBYTERY – Section 28(c)(iii)

To be read on one Sunday

Notice is hereby given that [Name], whom the Presbytery has appointed to be minister of this congregation of X [and Y]* will conduct public worship in the Church on Sunday the day of at o'clock.

A Call addressed to the said [Name] will lie in [Place]..... from the day of between the hours of and during the day and between the hours of and in the evening, until [Date which is at least eight days later]. During that time any person whose name is on the Electoral Register of the congregation may sign the Call in person or by means of a mandate.

If a mandate is to be used, the relevant form may be obtained from the Session Clerk.

A paper of Concurrence will also be available for signature by any person who is connected with the congregation but whose name is not on the Electoral Register of the congregation. Children are also welcome to add their names to this paper.

The Presbytery will meet to deal with the appointment and Call at on the day of at o'clock. Any member of the congregation may attend that meeting.

A B Presbytery Clerk

**refer to other congregation(s) if a linked charge*

K NOTICE OF INDUCTION – Section 31(1) and section 32(1)

To be read on two Sundays

Notice is hereby given that the Presbytery of has received a Call from this congregation of X [and Y]* addressed to [Name] to be the new minister. This Call has been sustained as a regular Call, and has been accepted by him/her**.

The Presbytery, having judged the said[Name] qualified for the ministry of the Gospel and*** for this charge, has resolved to proceed to his/her [ordination and]**** induction on[day of the week] the[date] day of[month] at[time] o'clock. The only circumstance in which this would not occur is if an objection occurs which may reasonably impede it.

Notice is given that if any member of this congregation of X [and Y]*, has objection to the life or doctrine of the said [Name] you should intimate your objection at the earliest opportunity to the Presbytery Clerk. If you do this, you will also need to submit to the Presbytery Clerk appropriate evidence to substantiate your objection.

The Presbytery is to meet at[time] on[date as above]. If an objection is not notified in advance but is first brought at that meeting the objector must satisfy the Presbytery that there was no earlier opportunity to bring the objection to the attention of the Presbytery Clerk.

Unless a substantiated objection is made which is then upheld, the Presbytery shall proceed to [ordination and]**** induction of the said[Name] without further delay.

By order of the Presbytery

A.....B.....Presbytery Clerk

**refer to other congregation(s) if a linked charge*

*** Add, where, appropriate, "and his/her translation has been agreed to by the Presbytery of....."*

**** Omit "for the ministry of the Gospel and" if this minister to be inducted has been ordained previously*

***** Omit, where appropriate, "ordination and"*

L NOTICE OF ORDINATION IN CASE OF INTRODUCTION – Section 32(4)

To be read on two Sundays

Notice is hereby given that a service of introduction is to take place because [narrate circumstances requiring service of introduction]. The Presbytery has found that the said [Name] has been regularly appointed and is qualified for the ministry of the Gospel and for the said appointment. The Presbytery has resolved to proceed to his or her ordination to the Holy Ministry and to his or her introduction as [specify appointment].

This ordination and introduction will take place on the day of at o'clock, and will proceed unless an objection occurs which may reasonably impede it.

Notice is given if any member of this congregation of X [and Y]* has anything to object to in the life or doctrine of the said [Name], you may appear at the Presbytery meeting at on the day of at o'clock to state your objection. Any objection which is made must be substantiated.

Unless a substantiated objection is made which is then upheld, the Presbytery will proceed to ordination and introduction of the said[Name] without further delay.

By order of the Presbytery

A B Presbytery Clerk

**refer to other congregation(s) if a linked charge*

SCHEDULE 2: PROTOCOL AS TO HYBRID CONGREGATIONAL MEETINGS

From 1 December 2023, congregational meetings, in addition to being held wholly in person, may be held in hybrid form, meaning with attendees permitted to be present in person or online, provided that certain conditions as set out below are met.

However, ***congregational meetings may NOT be arranged to be held wholly online.***

The conditions which will apply to congregational meetings held in hybrid form are mainly intended to achieve equivalence to the requirements which would apply under existing Church law to a meeting held wholly in person, and they are as follows:

- 1) The Kirk Session must decide in advance that the specific congregational meeting in question is one which it is appropriate to hold in hybrid form rather than wholly in person, having regard to the subject matter of the meeting and to the congregation's particular circumstances;
- 2) The Communion Roll or Electoral Register, as the case may be, must be up to date as follows: in the case of the Communion Roll it must have been annually revised and attested in terms of the Communion Rolls Act (Act VI 2000)¹ within the calendar year prior to the date on which the congregational meeting is to take place, and in the case of the Electoral Register, it must have been prepared and may be updated in terms of the Vacancy Procedure Act (Act VIII 2003)²;
- 3) Notice of the congregational meeting must be intimated in the normal way, ie by pulpit intimation and where appropriate via the congregation's website and/or social media, by at least ten days' (including two Sundays') notice to the congregation;
- 4) The Kirk Session must be satisfied that arrangements can be made to distribute in advance to those who request it and are entitled to it, a link to join the congregational meeting online and information about how to connect and participate, including details of how to contribute to the discussion and how to vote;
- 5) The Kirk Session must be satisfied that it will be able to verify the identity of those who will be joining the congregational meeting online as being persons entitled to attend, participate and vote in such a meeting;
- 6) The Kirk Session must be satisfied that the congregational meeting can be set up and run with sufficient technical expertise to enable all those present, whether in person or online, to hear the full meeting, including all prayer, worship and debate and also to participate in the meeting should they so wish;
- 7) Before any vote is taken, the Moderator or Interim Moderator shall remind the meeting that only those who have been present during the full meeting and who are eligible to vote, can now proceed to vote;
- 8) Where a vote is required, the Kirk Session must be satisfied that an accurate ballot can be held; in the case of a secret ballot the arrangements made shall ensure secrecy of the ballot while maintaining verification of eligibility to vote³; and

¹ This Act has been superseded.

² This Act has been superseded; now see section 14 of this Act: the Communion Roll and Adherents' Roll are to be kept up to date in accordance with the Communion Roll & Adherents' Rolls Act (Act IV 2025) and the persons on each of those Rolls shall together constitute the Electoral Register, subject to the remaining provisions of section 14.

³ There are anonymised polls available on both Zoom and Microsoft Teams (Zoom Polls and Microsoft Forms/Polls).

- 9) The minute of the congregational meeting shall record that the conditions set out in this Protocol were fulfilled, and the minute shall then be engrossed (included and signed) in the minutes of the next Kirk Session meeting.