

# Paper P2

Law and polity advisory group  
Annual report

United Church 2016  
Church 2016  
Reformed Church 2016  
Church 2016

# Paper P2



## Law and polity advisory group Annual report

### Basic Information

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<b>Action required</b>	For information only
<b>Draft resolution(s)</b>	<b>None</b>

### Summary of Content

<b>Subject and aim(s)</b>	To report on the work of the advisory group since Autumn 2014
<b>Main points</b>	
<b>Previous relevant documents</b>	
<b>Consultation has taken place with...</b>	

### Summary of Impact

<b>Financial</b>	
<b>External (e.g. ecumenical)</b>	

# Report to Mission Council

1. The Law and polity advisory group was created by resolution of Mission Council in October 2007. The first appointments to the group were made by the General Assembly of 2010. The group last reported on its work to Mission Council at the autumn meeting in 2014, when the Group's composition and functions were revised by Resolution P2. This report covers the Group's main business to December 2015.
2. **Membership**
  - 2.1 The group comprises:
    - A convenor and secretary (currently the Revd Prof David Thompson and Dr Augur Pearce);
    - The Clerk of Assembly, the General Secretary and the legal adviser;
    - One Synod Clerk (currently George Faris); and
    - Two other members (currently Morag McLintock and Denise FitzPatrick).
  - 2.2 Appointments aim to ensure that at least one other member besides the legal adviser is legally qualified, and that the group brings together expertise in the history, polity and administration of the United Reformed Church and/or ecumenical constitutional issues.
  - 2.3 The group has also made a practice of inviting a representative of the provincial legal and trust officers (PLATO), currently Neil Mackenzie, to attend its meetings.
3. **Meetings and business**
  - 3.1 Since its reconstitution, the group has met four times: in November 2014, and February, June and October 2015.
  - 3.2 Members of the group have contributed to the work of the National Synods and human sexuality task groups and the human resources advisory group. Formerly overlapping membership with the faith and order committee enabled the group to contribute at the early stages of the latter's work on church membership.
  - 3.3 The group has worked with the Clerk of Assembly on drafting projects flowing from the work of the Peel Commission, including proposals to govern the suspension or removal of denominational volunteers and officers of Assembly; the urgent replacement of an Assembly Moderator-elect; and closed sessions of Assembly or Mission Council. It has also contributed to guidance from the Clerk on the role retained for district councils under the Schedules to the URC Acts.
  - 3.4 The group is now in a position to append to this report (as Paper P2a) an 'Opinion on trustee responsibilities for church buildings' obtained from Mrs Francesca Quint of Counsel in 2014 (slightly revised from the version prepared after a conference in late 2013).
  - 3.5 A paper prepared by the group, which drew substantially on this Counsel's Opinion, became in turn the primary reference source from which guidance was circulated by PLATO to directors of provincial and national Trust Companies and to synod officers in England and Wales. That PLATO guidance is also appended (Paper P2b). Now that this PLATO paper has been sent out for the benefit of trust companies, a further document will need to be issued on behalf of Mission Council, making this guidance

available to local churches in an appropriately accessible form. The group will attend to this, in consultation with PLATO.

- 3.6 A paper on the local church and the charities supporting it, personal liability and incorporation, has been prepared by the group and forwarded to PLATO for comment. This addresses the suggestion sometimes heard that the new legal vehicle of the Charitable Incorporated Organisation (CIO) may be a useful tool for local churches.
- 3.7 The group has completed its consideration of Appeals procedures between councils of the Church, on which a separate paper sets out recommendations to Mission Council.
- 3.8 In December 2014, the group answered a question posed by the General Secretary regarding the doctrinal implications of a change in the Church's marriage practice; together with the views of the faith and order committee, this fed into the discussion on the marriage of same-sex couples which took place at Mission Council in May 2015. Members of the group have since contributed to practical guidance that may be required if the proposed change in practice takes place. The group has continued to monitor regulations appearing in this area in both England and Scotland, and is now monitoring legislative initiatives in the Isle of Man and Channel Islands.
- 3.9 Material considered by the group on the secession provisions of the URC Acts 1981 and 2000 was supplied through the General Secretary as a resource to Synod Moderators.
- 3.10 The group has ongoing work on the employment status of ministers and the discipline of elders. It plans to co-ordinate its work in both areas with the ministries committee, prior to making proposals.