

NOTICE OF MEETING OF PRESBYTERY

PRESBYTERY OF MELROSE AND PEEBLES

The Presbytery will meet **BY ZOOM** on Tuesday 5 October 2021 at 7pm for Ordinary Business.

Peter Sandison, Assistant Clerk

BUSINESS

1. Constitute
2. Sederunt and Apologies
3. Minute of meeting on 7 September 2021 (pp128-129)
4. Order of Business
5. Business Committee
6. Vacancy Procedure Committee (*to follow*)
7. Presbytery Mission Plan Committee (*verbal report*)
8. Committee on Re-opening of Church Buildings (*verbal report*)
9. Presbytery Reform Steering Group (*verbal report*)
10. Intimations
11. Adjournment

Business Committee

1. Church Courts Act Overture – Presbytery appoints an Order of the Day at 8pm during the meeting of Presbytery on Tuesday 2 November 2021 to consider the Overture, after which a postal ballot will be held. Presbytery notes that a guidance note on the Overture (and the Overture referred to at 2. below) and the ballot process has been prepared by the Clerk and included with the Presbytery papers (pp3-5)
2. Solemnisation of Same-Sex Marriage Overture – Presbytery appoints an Order of the Day at 8.30pm during the meeting of Presbytery on Tuesday 2 November 2021 to consider the Overture, after which a postal ballot will be held. The guidance note referred to at 1. above also covers this Overture and the ballot process.
3. Presbytery notes that the Clerk has received a request from Galashiels Church to extend beyond December 2021 the permission granted to call a minister. The Business Committee has considered this request and recommends that an extension be granted to allow Galashiels Church more time to find a new minister following the union of the three Galashiels Churches in May 2021. The Business Committee acknowledges that its 2019 Presbytery Plan, which provided for the union of the three churches in Galashiels and the appointment of a minister to the united charge, has lapsed since the decisions of the General Assembly of 2021. It acknowledges that Presbytery needs to agree a new Presbytery Mission Plan by the end of 2022 and that, in addition to the adjustments already set out in the 2019 Plan, a further reduction of one full-time ministry post is required in the new Mission Plan. Buildings will also have to be considered in the Mission Plan. However, given that significant adjustment has already taken place in Galashiels, with the three previous churches having taken the bold step of uniting to form one Galashiels Church, there is no realistic possibility of any further adjustment taking place in that part of the Presbytery in order to agree the new Mission Plan. In coming to the decision to unite the three former Galashiels congregations, mission was very much the driving factor, with the desire to serve the town of Galashiels as one Church of Scotland congregation being more important than any desire to remain as separate congregations. The united congregation still has three church buildings but it has been proactive in recognising that not all three places of worship can remain open. Outside advisers have been engaged and there is a plan for the buildings being actively developed (which includes the possible disposal of one building). It is hoped that a new minister will be appointed soon to the new charge and can take his or her part in determining the exact pattern of worship and of the use of buildings in the new charge. Presbytery approves an extension of the permission granted to Galashiels Church to call a minister beyond December 2021 and agrees to make an application to the Faith Nurture Forum for such extension to be granted as an exceptional permission as referred to in section 31 of the Report of the Faith Nurture Forum to the General Assembly of 2021. Presbytery remits to [] the responsibility for making such an application to the Faith Nurture Forum with the information required in terms of the [Permission to Call Protocol](#).

Intimations

1. Presbytery members may have noticed that the Presbytery website is currently unavailable; this is because of an issue with the domain name transfer and it will be restored as soon as possible.
2. The Presbytery Yearbook has been updated and is included with these Presbytery papers.

PRESBYTERY OF MELROSE AND PEEBLES
OVERTURES UNDER THE BARRIER ACT – (1) AMENDING THE CHURCH COURTS ACT 2000 AND
(2) ON SOLEMNISING SAME-SEX MARRIAGE
GUIDANCE NOTE FOR PRESBYTERY MEETING IN NOVEMBER 2021

This guidance note has been prepared in advance of our Presbytery voting on (1) the Overture amending the Church Courts Act and (2) the Overture on Solemnising Same-Sex Marriage. The Overtures were adopted by the General Assembly of 2021 and are now coming to Presbyteries under the Barrier Act. An Overture will become law if it is approved by a majority of Presbyteries and by the General Assembly of 2022. The Overtures are set out in full in the Remits Booklet 2021 (pages 17-19) and members of Presbytery are encouraged to read these.

What is the Overture amending the Church Courts Act?

The Legal Questions Committee, as instructed by the General Assembly, is in the process of preparing a completely new Church Courts Act, which is likely to come before the General Assembly of 2023.

In the meantime, this Overture amends the existing Church Courts Act to reduce the size of the General Assembly. This is in response to the General Assembly's 2019 instruction to the Assembly Arrangements Committee to "bring proposals to the General Assembly of 2020 which would lead to a reduction in the membership of the General Assembly". It was noted that since 2000 there had been a 55% reduction in Church of Scotland membership, but the size of the General Assembly had remained the same. Reducing the size of the General Assembly would result in a significant cost saving and would make it easier for Presbyteries that struggle to appoint commissioners.

The Overture would make two changes:

- In the calculation of commissioners to the General Assembly each year, the number would be calculated as one fifth of charges (plus certain ministerial appointments, such as chaplains and OLMs); currently the proportion is one quarter. Presbyteries will still be able to decide how to allocate ministers to attend the Assembly each year (which is not limited to ministers in charges, chaplains and OLMs but can include, for example, retired ministers). The number of elders attending from each Presbytery will also reduce in a corresponding way.
- At the moment, all former Moderators of the General Assembly are able to attend the Assembly as commissioners (along with an equalising elder or minister); under the proposal contained in the Overture, only the five most recent past Moderators would automatically be entitled to attend as commissioners. (Other Moderators could attend if commissioned by their Presbyteries as part of the normal allocation). Furthermore, where Moderators from the last five years are appointed as commissioners in addition to the normal allocation, there will be no equalising elder or minister appointed. This change is proposed so that former Moderators do not become too large a proportion of overall commissioners, within the reduced number of commissions.

These proposals could affect our Presbytery more than other Presbyteries (of course, the impact of Presbytery Reform will also need to be taken into account). As well as affecting our calculation of commissioners based on charges and minister appointments, we currently have in our membership two former Moderators. If the five-year rule were enacted, these former Moderators would no longer be entitled automatically to attend Presbytery as commissioners, and there would no longer be the opportunity to send equalising elders for them.

What is the Overture on the Solemnisation of Same-Sex Marriage?

In 2018, the General Assembly instructed the Legal Questions Committee to prepare legislation enabling ministers who wished to be nominated to lead same-sex weddings to do so, while providing safeguards to protect those ministers who do not wish to do so (deacons are also provided for but as we do not currently have any deacons as Presbytery members, I will refer only to ministers). The Legal Questions Committee prepared the draft legislation and presented it to the General Assembly of 2021. The 2021 Assembly decided to adopt the draft legislation and to send it to Presbyteries to consider under the Barrier Act.

The main provision of the Overture is to allow individual ministers who wish to solemnise same-sex marriages to apply for nomination to do so under the Marriage (Scotland) Act 1977. Such ministers would be known as Authorised Celebrants. This is separate from the automatic registration of Church of Scotland parish ministers to solemnise marriages at present (which will continue for marriages other than same-sex marriages). The process is for the individual minister to complete the relevant form and send it to the Principal Clerk, who will make application to the Registrar-General. The authorisation as an Authorised Celebrant has to be renewed every three years.

There is no compulsion on any minister to apply to be an Authorised Celebrant, and before anyone applies for authorisation or plans to conduct any particular same-sex marriage, they should “take into account the peace and unity and pastoral needs of the congregation and of any parish or other grouping of which it is a part”.

The Overture also makes provision about the use of church buildings for same-sex marriages. In broad terms, an Authorised Celebrant can only use the church building(s) in their own charge for same-sex marriages.

Along with the Overture set out in the Remits booklet is an Opinion from the Church Procurator about the protections under civil law for ministers who do not apply to become Authorised Celebrants. Among other things, it says that the Equality Act 2010 is to be amended so that someone who refuses to conduct (or participate in carrying out) a same-sex marriage is not discriminating unlawfully against same-sex couples.

The Overture does leave a number of questions unanswered – for example, are organists and others involved in the service protected under the Equality Act? What happens where Kirk Sessions and ministers have a different view on what should happen in their buildings and in their parish? What exactly is the scope of “the peace and unity and pastoral needs of the congregation” and so on? It is intended that these sorts of questions will be covered in guidance notes to be produced to accompany the legislation if the Overture becomes law.

How will our Presbytery hold its ballots on the Overtures?

There will be an “Order of the Day”, which means that there will be set times for the Overtures to be considered during the November meeting (if other business is concluded earlier than the set times, Presbytery can go ahead and consider the Overtures).

Before the ballot can be held on each Overture, there will be a time for questions and discussion. If you have any questions, it would be helpful if you could let the Clerk or Assistant Clerk (Victoria Linford or Peter Sandison) have these before the meeting, to allow answers to be found in time for the meeting and to make sure that you are not missed out during the meeting. However, that does not preclude questions and discussion at the meeting. Each person who wishes to speak may do so for up to 3 minutes, although the Moderator may bring the discussion to a close after an appropriate time. The November meeting will be held on Zoom (due to ongoing Covid concerns) and it would be helpful, if someone wishes to speak with a comment or question, if they could use the chat function to indicate this. However, people joining by telephone or who cannot operate the chat function can call out that they wish to speak and the Moderator will leave time to ensure that all who wish to speak, may do so.

In previous years, ballots on Overtures have been held during the meeting of Presbytery at which the Overture was considered, and the result has been announced immediately. Because we will be meeting online and a confidential vote cannot be held in person, the ballot papers will be sent out by email to all members of Presbytery who were at the meeting (or, if anyone is attending by phone and does not have email, by post). Only full members of Presbytery (not corresponding members) may vote in the ballot. If you are not present at the Zoom meeting (online or by phone), you cannot take part in the ballot.

The ballot papers will be numbered so nobody can vote more than once. You are asked to print out your ballot papers when you receive them after the meeting, and mark X either FOR the Overture or AGAINST the Overture. There will be a separate ballot paper for each of the Overtures we are considering.

Please then return your ballot papers by post (in the same envelope) to the address noted on the ballot papers. These should be posted to arrive by 20 November 2021.

On or around 21 November, the Assistant Clerk and Business Committee Convener will (on Zoom) count the votes received. The Assistant Clerk will circulate a notice containing the results. The Presbytery vote will be determined by how the majority votes in the ballot.

After the ballot has been held and counted, the Clerk will complete a return form and send it to the Principal Clerk with the result of the ballot on each Overture. There is also a space on the form for any comments from Presbytery.

Victoria Linford, Presbytery Clerk
30 September 2021

7 SEPTEMBER 2021. On Tuesday the seventh day of September 2021, the Presbytery met by Zoom at 7 pm for Ordinary Business. The meeting began with a reading, Genesis 1:26-31, and the Moderator, Rev. Victoria Linford, reflected on the wonder of creation, screen-sharing some famous paintings, then constituting the meeting in prayer.

SEDERUNT AND APOLOGIES: There were present 13 ministers and 23 elders whose names were recorded by the Clerk in the attendance book. The names of corresponding members in attendance were also noted, as were apologies.

MINUTES: The minutes of the meeting of 22 June 2021 (pp. 126-127) were submitted and approved as circulated.

WELCOME TO NEW MEMBER - KAREN RITCHIE: The Moderator warmly welcomed a new member, Mrs Karen Ritchie, the new Presbytery Elder for Peebles Old, and welcomed back Mrs Fran Selkirk, a returning Reader who is a Corresponding Member.

ORDER OF BUSINESS: The Order of Business was approved as circulated, including one additional item, an informal verbal report by Rev. Margaret Steele, Convener of the Vacancy Procedure Committee.

BUSINESS COMMITTEE: Prof. Murray Campbell, Convener, presented the Report of the Business Committee, which Presbytery received. Regarding membership of Presbytery Committees (item 3 of the Business Committee Report), he invited those Presbyters who are not on a committee to join one by contacting the relevant Committee Convener.

1. Presbytery Assembly Remits 2021

Overtures under the Barrier Act:

(a) Amending the Church Courts Act (pp 5 and 17 of the [Remits Booklet](#))

(b) Solemnisation of Same-Sex Marriage Overture (pp 6, 18-19 of the [Remits Booklet](#))

Presbytery appointed the required ballots to take place during the November meeting of Presbytery (a return of the votes has to be submitted to the Principal Clerk not later than 31 December 2021). If the Presbytery meeting is not to be held in person, the Business Committee will arrange for a postal ballot to be held following debate at the November meeting. Presbytery asked the Clerk to produce a guidance note on the Overtures for the October meeting.

(c) Presbytery remitted to its Governance Committee the instruction to Presbyteries to study the Report of the Special Commission on the Effectiveness of the Presbyterian Form of Church Governance (item 3 on page 5 of the [Remits Booklet](#), Special Commission): the Governance Committee is to report to Presbytery by the December meeting.

(d) Presbytery remitted to a new Mission Plan Committee (see 2. below) the instruction to Presbyteries to consider in their planning the work being done on developing intergenerational church life (item 11 on page 6 of the [Remits Booklet](#), Faith Nurture Forum): the Mission Plan Committee is to report to Presbytery initially by the December meeting.

(e) Presbytery remitted to a new Mission Plan Committee the instruction to Presbyteries to complete the process of developing and gaining final approval of their Presbytery Mission Plan by 31 December 2022 (item 26 on page 7 of the [Remits Booklet](#), Faith Nurture Forum): the Mission Plan Committee is to report to Presbytery initially by the December meeting.

(f) Presbytery remitted to the Governance Committee the instruction to Presbyteries to co-operate with the Safeguarding Service in a compliance audit of Safeguarding data in readiness for the implementation of the Disclosure Act (item 10 on page 9 of the [Remits Booklet](#), Safeguarding Committee): the Governance Committee is to report to Presbytery by the December meeting.

(g) Presbytery instructed all Committees to study other remits and bring relevant matters to Presbytery.

(h) Presbytery instructed all ministers and elders to bring other relevant matters to the notice of their Kirk Sessions (see pages 3-10 of the [Remits Booklet](#)).

2. Presbytery agreed to form a temporary Mission Plan Committee, with Mr Graeme Donald as Convener and two members of each of the Governance, Mission and Service and Property and Stewardship Committees as its other members to carry out the remits in 1(d) and (e) above.

3. Presbytery approved the membership of its committees for 2021/22 as set out in the Presbytery Yearbook 2021/2022 (attached).

4. Presbytery gave permission to congregations within a linking not to hold worship on a Sunday, on an occasional basis only, provided that Sunday worship is held elsewhere within the linked charge. The Kirk Session must notify the Presbytery Clerk whenever Sunday worship is not held, and this permission will apply for the 2021/22 session of Presbytery.

COMMITTEE ON RE-OPENING OF CHURCH BUILDINGS: Keith Simpson, Convener, reported that since the last Presbytery meeting there had been two applications to re-open, from Traquair and Eddleston, and these had been approved; this left only Lyne and Maxton still closed. Regarding the latest Covid guidelines, which relaxed physical distancing rules in churches, he nevertheless recommended remaining vigilant and to consider maintaining an element of physical distancing. He added that masks must still be worn, but was pleased to confirm that tea and coffee could now be served subject to the relevant guidelines.

STANDING COMMITTEE REPORTS:

Mission and Service: Dr Fiona Burnett, Convener, presented the Report, which was circulated before the meeting.

1. Presbytery received the report.

2. Presbytery agreed to Mr Tim Linford transferring to Edinburgh Presbytery for his final placement, which is with the Rev. Donald Scott at Priestfield Church, Edinburgh.
3. Presbytery approved the provision of an Introduction to Leading Worship course in the Autumn/Winter period and encouraged Kirk Sessions to submit names of applicants for the course.
4. Presbytery approved the provision of a Video Editing for On-line Services Course and encouraged Kirk Sessions to submit names of applicants for the course.
5. Presbytery thanked Dr Peter Ford from the Near East School of Theology for his Zoom lectures on the subject of Understanding Islam and Christian-Muslim relations.
6. Presbytery encouraged the World Mission Group to continue their exploration of links with the Near East School of Theology and how best we can learn from and help each other in our faith journey.
7. Presbytery instructed the Mission and Service Committee to bring to the December 2021 meeting costed plans for a conference marking the end of Melrose and Peebles Presbytery and looking forward to the future.
8. Presbytery received the deliverances as a whole.

Following the report, a long discussion took place regarding Presbytery restructuring, focussing on whether Melrose and Peebles should unite with the adjacent Border Presbyteries of Duns and Jedburgh and Lothian Presbytery, or become part of a larger Presbytery including Edinburgh and West Lothian as well. The Moderator agreed that it would be helpful to share information and documents with members of Presbytery on the progress of Presbytery restructuring.

Property and Stewardship: Mrs Isobel Hunter, Convener, presented the Report.

In advance of the deliverances, Rev. Dr David Donaldson gave an update on the situation of the Galashiels church buildings, reporting that the Kirk Session of Galashiels Church of Scotland has decided against a new Church building, one of the original options discussed.

1. Presbytery received the report.
2. Presbytery noted that work on the dry rot outbreak at Stow Church was approved by the group set up to deal with this over the summer.
3. Presbytery noted that the Committee has considered the report from the Kirk Session of Galashiels Church regarding its buildings, a plan for which is to be agreed within a two-year timescale under the Basis of Union.
4. Presbytery noted the report on the Good Ideas Fund, applauded the innovative use of the Good Ideas fund to date and encouraged others to apply.

VACANCY PROCEDURE COMMITTEE: Rev. Margaret Steele, Convener, was very happy to report that Rev. Tony Foley had preached as Sole Nominee for West Tweeddale Churches, with an overwhelming vote in favour. Presbytery was asked to note that the date of Monday 25th October is being proposed as the date of his induction.

INTIMATIONS:

1. The digital version of the Presbytery Prayer Diary for October/November/December 2021 has now been circulated.
2. Resources to support engagement in the National Giving Day during September/October are now available in a [dedicated section](#) on the Church of Scotland website.
3. Resources for congregations about Climate Sunday and COP26 are also available [online](#).

ADJOURNMENT: There being no further business, the Presbytery adjourned to meet for Ordinary Business on Tuesday 5 October 2021, of which public intimation was made, with the format and venue still to be agreed, and the *sederunt* was closed with the saying of the Grace.

Moderator

Assistant Clerk