

FORMING A LINKING

SUMMARY OF PROCESS UNDER APPRAISAL AND ADJUSTMENT ACT 2003

After the Presbytery Plan is agreed by Presbytery and Ministries Council, the process for linking is led by a Presbytery Planning Committee:

1. The Committee confers with the local parties to the linking (i.e. with minister, elders, Board, and any other members of ministry team). If the plan is to link the charges under an existing minister of one charge, the minister must give written consent to the discussions (otherwise it would have to be a deferred linking).
2. All meetings are to be called by the Committee, which will appoint a minister or elder to act as Convener. The meetings must not be convened by the minister of the affected charge or charges.
3. Agree a Basis of Linking between the Committee and the office-bearers. See style Basis of Linking attached.
4. During these negotiations, involve the Ministries Council, which may offer advice.
5. Once the Basis of Linking is agreed by the Committee and Kirk Session, if an existing minister's rights are being affected, they must consent (again) to the Basis of Linking being presented for a vote.
6. The Basis of Linking is voted on by each congregation at a congregational meeting. Members and adherents may speak and vote.
7. If the linking is involving an existing minister, there is to be a secret ballot at each congregation (usually all the votes are held by secret ballot in any case). If the minister is in a reviewable charge, then that congregation (only) votes on two things: the Basis of Linking generally, and whether the linking should be immediate or deferred till the end of the review period.
8. The Basis of Linking is then agreed by the Presbytery. The affected congregations are cited to attend the Presbytery meeting. The Presbytery is to give regard to the vote of the congregations, but it could go ahead with a linking in any case regardless of the congregational votes (subject to the agreement of the incumbent minister). Any appeal against the Presbytery decision must be intimated at the Presbytery meeting, then sent to Principal Clerk in writing within 14 days.
9. The agreed Basis of Linking goes to Ministries Council for approval.
10. Presbytery intimates concurrence of Ministries Council to the next Presbytery meeting. (Again, any appeal must be intimated at the Presbytery meeting).
11. Presbytery sets a date for the Linking.
12. If the (new) charge is vacant, Presbytery can give permission to call a new minister once the Basis of Linking is agreed and every appeal period is past.

MODEL BASIS OF LINKING

The congregation of _____ and the congregation of _____ shall be linked as from the _____ day of _____, and that on the following terms and conditions:

1. **Transference of Property and Funds:** The property and funds belonging to or held on behalf of each congregation shall remain the property and funds of each congregation as at present.
2. **Places of Worship:** Both/All churches at present used and occupied by the congregations shall be the places of worship of the linked congregations. Services shall be conducted in _____ Church at _____ and in _____ Church at _____ each Sunday.
Or (“At times to be decided by the minister and the Kirk Sessions, subject to the approval of the Presbytery.”)
3. **Territorial Responsibility:** The bounds to be served by the linked charge shall be _____ or as the Presbytery shall determine.
4. **Kirk Session:** The Minister of the linked charge shall be the Moderator of each Kirk Session. The Kirk Sessions may meet together, as they deem it desirable.
5. **Congregational Management:** The temporal affairs of each congregation shall be administered as at present. The office-bearers of the congregations shall meet annually to decide on their portion of the contribution to stipend and related expenses, listed expenses and maintenance of the manse, as may be agreed from time to time by the office-bearers and subject to the approval of the Presbytery.
6. **Minister:** (Appropriate wording should be included which is likely to be either:)
 - (i) Both/all charges being vacant, the linked charge shall proceed to the election of a minister.
 - or
 - (ii) The Rev. ... , presently Minister of ... , shall be the Minister of the linked charge in terms of Section 11 (1) (b) of Act VII, 2003
7. **Manse:** The manse of _____ shall be the manse of the linked congregations. The manse of _____ congregation shall be sold, let or otherwise disposed of subject to the approval of the Presbytery and, if necessary, of the General Trustees or the General Assembly. The free proceeds of any such sale or let shall (a) if falling within the scope of Act VII 1995, be credited to the benefit of the congregation in the Consolidated Fabric Fund or (b) if not falling within the scope of the said Act, be held and applied for fabric purposes in connection with the properties of _____ congregation.
8. **Ministerial Support:**
The stipend of the minister shall be payable in terms of the National Stipend Scheme.
9. **Power to Readjust:** While these articles and terms shall form the Basis of Linking for the congregations now linking, the linked congregations shall be free like other congregations, to adjust arrangements under the authority of Presbytery as need may arise.