

FORMING A UNION

SUMMARY OF PROCESS UNDER APPRAISAL AND ADJUSTMENT ACT 2003

Once the Presbytery Plan is agreed by the Presbytery and the Ministries Council, the process towards union is led and guided by a Presbytery Planning Committee:

1. The Committee confers with the local parties to the union (i.e. with ministers, elders, Board, and any other members of ministry team). If the plan is to unite 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 union).
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(s).
3. Agree a Basis of Union between the Committee and the office-bearers. See style Basis of Union attached.
4. During these negotiations, involve the Ministries Council, which may offer advice.
5. Once the Basis of Union 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 Union being presented for a vote.
6. The Basis of Union is voted on by each congregation at a congregational meeting. Members and adherents may speak and vote.
7. If the union is involving an existing minister, there is to be a secret ballot at each congregation (usually there is a secret ballot for all votes in any case). If the minister is in a reviewable charge, then that congregation (only) votes on two things: the Basis of Union generally, and whether the union should be immediate or deferred till the end of the review period.
8. The Basis of Union 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 union 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 Union 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 Union.
12. If the (new) charge is vacant, Presbytery can give permission to call a new minister once the Basis of Union is agreed and every appeal period is past.

MODEL BASIS OF UNION
FOR UNITING CONGREGATIONS

The congregation of _____ and the congregation of _____ shall be united from a date to be determined by Presbytery and that on the following terms and conditions:

1. **Name:** The name of the united congregation shall be * _____ and Scottish Charity Number SC0 [] will be retained.
2. **Transference of Property and Funds:** The property and funds belonging to or held on behalf of each congregation shall belong to or be held on behalf of the united congregation and any transference necessary shall be duly effected.
3. **Places of Worship:** The church at present used and occupied by the _____ congregation shall be the place of worship of the united congregation. The church at present used by the _____ congregation shall be used, sold, let or otherwise disposed of subject to the titles on which it is held, subject to the approval of the Presbytery, and, if necessary, 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 the congregation.
4. **Territorial Responsibility:** The bounds to be served by the united charge shall be _____ or as the Presbytery shall determine.
5. **Kirk Session:** The elders of both/all Kirk Sessions shall form with the minister or ministers the Kirk Session of the united congregation.
6. **Congregational Management:**
The temporal affairs of the united congregation shall be administered by the Kirk Session in terms of the Unitary Constitution, the Delegation of Assembly being authorised to issue the appropriate Deed of Constitution to the said congregation.
7. **Minister:** (Appropriate wording should be included which is likely to be either:
(i) Both/all charges being vacant, the united charge shall proceed to the election of a minister. or
(ii) The Rev. ... , presently Minister of ... , shall be the Minister of the united charge in terms of Section 11 (1) (b) of Act VII, 2003
8. **Manse:** The manse of the _____ congregation shall be the manse of the united congregation. The manse of the _____ congregation shall be sold, let or otherwise disposed of, subject to the titles on which it is held, and 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 the congregation.
9. **Ministerial Support:** The stipend of the Charge shall be paid in accordance with the terms of the National Stipend Scheme.
10. **Power to Readjust:** While the articles and terms shall form the Basis of Union for the two congregations now uniting, the united congregation shall be free like other congregations to adjust arrangements under the authority of Presbytery as need may arise.

* *In 2008 the General Assembly agreed a 'formula' for the name of a congregation. The formula for the names of congregations of the Church of Scotland is that every congregation's name should comprise: (1) a geographical name, i.e. a city, town or village; (2) an additional name identifying the congregation if there is more than one congregation at that geographical location, e.g. Holy Trinity or St Luke's and (3) the words 'Church of Scotland'. The word 'Parish' or 'Kirk' are optional and if preferred the words 'Church of Scotland' may appear in brackets.*