



providing for interchangeability of ministry with the Moravian Church. Synod empowered the Standing Committee to take steps to set up the necessary reference group. (The Moravian Province of Britain and Ireland subsequently and unanimously endorsed the interchangeability proposals at their own synod in Swanwick in July.)

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## General Assembly of the Church of Scotland

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JASON LINGIAH

Minister, St Andrew's United Free Church of Scotland, Bellshill; Convener of the Church and Society Committee

### INTRODUCTION

The General Assembly of the Church again met in a 'blended' form, based from the Assembly Hall. The Moderator of the General Assembly this year was the Rev'd Dr Iain Greenshields, BD PhD, Minister of Dunfermline St Margaret's, Presbytery of Fife. Last year's Moderator was an Elder, rather than a Minister: Lord Wallace of Tankerness, PC QC FRSE. Lord Hodge, Deputy President of the Supreme Court of the United Kingdom, was Her Late Majesty The Queen's personal representative to the Assembly as Lord High Commissioner. A brief synopsis of Assembly Business follows.

### THE NEW PRINCIPAL CLERK

The Rev'd Fiona Smith, LLB BD, Minister of Inverness: Ness Bank, was appointed as Principal Clerk of the General Assembly, taking her oath at the Assembly. She took over from the Rev'd Dr George Whyte and she is one of only 40 Principal Clerks of Assembly since the post was created in 1572, and the first woman to hold the position. She will be the secretary of the Legal Questions Committee and the Assembly Business Committee and represent the Church in a number of areas of public life.

### SAME-SEX MARRIAGE

The General Assembly voted by 274 votes to 136 to change a standing church law to allow ministers and ordained deacons to apply to become authorised

celebrants to conduct same-sex ceremonies. The decision, which would enable ministers and deacons to opt-in to a new scheme, came after a majority of presbyteries—29 to 12—approved the ‘Solemnisation of Same Sex Marriage Overture’. A report to the General Assembly makes it clear that no person would be required to participate in the solemnisation of, or be involved in the arrangements for, a same-sex marriage unless they explicitly wished to do so.

Under the terms of the legislation, an individual would have to apply to the Principal Clerk’s office to become a celebrant, and an application would then be made to the Registrar General for Scotland on that individual’s behalf. The Principal Clerk would maintain a record of celebrants and they would be personally responsible for renewing their status every three years. Only ministers who have become celebrants will be permitted the use of a church building in their charge for the solemnisation of same-sex marriages. They would also be able to grant consent to other celebrants to use the building for this purpose. The Church’s Legal Questions Committee is producing guidance to accompany the amended Church law. It will be prepared in consultation with the Faith Nurture Forum and the Theological Forum to assist in the practical operation of the revised Act’s provisions. The Faith Nurture Forum will produce a suggested liturgy for celebrants to use to bless same-sex marriages.

#### ST MARGARET DECLARATION

The Church of Scotland agreed to a ‘declaration of friendship’ with the Roman Catholic Church in Scotland which had been agreed by the Bishops Conference of the Catholic Church in Scotland earlier in the year.

The text states in its introduction: ‘We, the undersigned, representing the Church of Scotland and the Catholic Church in Scotland, wish publicly to express our recognition of each other as Christians, and as children of God in Christ (Galatians 3: 25–28). We recognise each other as brothers and sisters in Christ, and we wish to express our friendship and respect for one another as fellow Christians, citizens and partners in announcing the kingdom of God in our land’.

This follows on from the Saint Andrew Declaration, signed on St Andrew’s Day 2021 by the then Moderator of the General Assembly and the Primus of the Scottish Episcopal Church in St Mary’s Episcopal Cathedral to declare a friendship between the two Churches.

#### PRESBYTERY REFORM

The General Assembly of 2019 had planned and approved to reduce the number of Presbyteries from over 40 to around 12 by 2024. Six of the new ‘super-

Presbyteries' have now been formed with various Unions taking place. Most other new Presbyteries will commence in 2023.

## LEGAL QUESTIONS COMMITTEE

A large part of the Legal Questions Committee report was given over to a draft Church Courts Act, setting out the functions, responsibilities, procedures and membership of the three courts (Kirk Session, Presbytery, General Assembly) and the relationships between them.

While the draft Act does not make significant changes to current legislation, the Committee states that it 'seeks to articulate current practice and describe rights and duties more fully' than current legislation and that 'the intention has been to draft material which is both clear and understandable, removing archaic words and phrases'.

The Committee states that the new presbyteries will 'have considerable responsibilities . . . and with such responsibility comes accountability'. Under the proposals, Presbytery Reviews would be carried out every five years by the presbytery itself, overseen by a three-person group appointed by a Presbytery Review Committee. It will assess how well the presbytery is fulfilling its functions and responsibilities, enable good practice to be shared across the Church, and enable action to be taken in cases of conflict or non-compliance. Again, the proposals are presented for consultation, to be followed by an Act to be presented in 2023.

An Act was passed to amend the Commission of Assembly Act (Act VI 1997) to 'tidy up' various Regulations passed since 2019.

## ACT IX 1697 – THE BARRIER ACT

In the Assembly Business Committee report it was noted that the Special Commission on the effectiveness of Presbyterian Governance stated that 'It is not for nothing that our chief piece of legislation is called the Barrier Act enacted by the 1697 General Assembly. That being said, the purpose of the Barrier Act is not, ironically, to prevent change, but rather to ensure proper consultation across the Church about change'.

Not all changes are covered by the Barrier Act, but only those concerned with matters of doctrine, worship, discipline and government. Good consultation and communication about prospective change in any of these matters is essential in order that legislation is not enacted without broad support within the Church or without full consideration of its impact having been undertaken. The Business Committee noted that, in the spirit of a reformed Church which must always be reforming, it was important to review from time to time how to achieve the sort of mature reflection that is needed before such changes are made.

It was recommended that that the Legal Questions Committee carry out a review of the effectiveness of the Barrier Act as a means of ensuring the necessary scrutiny and broad acceptance of proposed changes to matters of doctrine, worship, discipline and government within the Church. This is significant, because the Barrier Act governs how change is enacted at Assembly level.

## PENSION TRUSTEES

The Pension Trustees reported that all the Church schemes under their management were more than fully funded. The impact of COVID-19 on the valuations had been excluded 'in line with industry practice', but would be reviewed when more information was available about the lasting impact of the pandemic.

The statutory increases in payments across all the schemes were 3.1% for benefits accrued between 6 April 1997 and 5 April 2005, and 2.5% for benefits accrued since 6 April 2005. The discretionary increases were 3.1% on pre-1997 service in the Ministers Main Fund, and 4.9% on all benefits in the Widows and Orphans and Contributors Funds.

The Trustees reported that they had reviewed and updated their position on environmental, social and governance (ESG) factors and that their policy was for the schemes' assets to have the highest ESG rating available.

## GENERAL TRUSTEES

The General Trustees reported that in 2021, 28 churches (some with halls), 26 manses, a further separate hall, nine glebes and eight other properties were disposed of. This leaves the Trustees with 1276 churches, 770 manses, 1096 halls and 330 other properties, and 12,500 acres of glebe. It should be noted that a number of properties are vested locally in congregational trustees rather than being vested in the General Trustees.

The deliverance also reminded financial boards and presbyteries of the 'duty to provide a habitable manse and to keep it in a good state of repair and decoration'.

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