

## 24. Committee on Methodist Law and Polity

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### SECTION A

#### GENERAL REPORT

1. The Committee is charged under Standing Orders with the scrutiny of all new legislation which is proposed to the Conference in order to ensure its coherence with existing usage and Methodist polity. Various members of the Committee undertake this task and have commented upon all the proposals submitted to the Committee by the Methodist Council and various other bodies. The Committee also seeks to ensure that Standing Orders comply with any changes in legislation or case law.
2. There were no special resolutions referred to the Committee by the 2013 Conference.
3. The Committee has a number of ongoing pieces of work. This includes work on devising criteria to replace managing trustees for a serious breach of trust (this work was formerly referred to as divesting a Church Council of its managing trustee responsibilities). The Committee intends to report to the Council in October 2014 and to the 2015 Conference.
4. The Committee continues to work with those responsible for the Safeguarding process in relation to the Rehabilitation of Offenders Act 1974. The Committee is also undertaking a review of the reinstatement process at the Conference stage and has appointed a working party to undertake this work.
5. The Committee continues to identify and undertake work on matters arising from the case of *The President of the Methodist Conference vs Preston (previously Moore)* and Section E identifies the proposed changes in terminology relating to appointments. The Committee is looking into whether or not it is desirable to clarify any legal issues arising out of the duties and privileges of Methodist membership for members and ministers. A report will be prepared for the Methodist Council with the intention of providing a report to the 2015 Conference.
6. The Committee appointed the Law and Polity Conference Sub-committee under Standing Order 338(6) as follows: The Secretary of the Conference, The Assistant Secretary of the Conference, Mr Andrew Maxfield (Convener), The Revds James A Booth, Jenny M Dyer, David Gamble, Colin A Smith, Mrs Nwabueze Nwokolo, Ms Elizabeth Ovey, Mr David S Walton (Chair).

#### \*\*\*RESOLUTION

#### 24/1. The Conference received the General Report.

### SECTION B

#### MINOR AMENDMENTS TO CPD

As usual the Committee submits a list of corrections to *Constitutional Practice and Discipline* consequent upon decisions already taken by the Conference, or to remedy minor errors and omissions.

**\*\*\*RESOLUTION**

**24/2. The Conference, by way of ratification of corrections already printed in *The Constitutional Practice and Discipline of the Methodist Church*, made the following amendments:**

SO 212(9) – ....under the Sharing of Church Buildings Acts.....

212(4) The council shall appoint an Allowances Committee consisting of nine persons, of whom three shall be presbyters and one shall be a deacon, which ~~reporting to the Ministries Committee as provided in Standing Order 32A1~~ shall make recommendations to the council on the matters specified in clause (3) above and other matters related to allowances for and terms of service of ministers and probationers.

**\*\*\*RESOLUTION**

**24/3. The Conference, by way of minor and consequential corrections, amended Standing Orders as follows:**

**511 Single-Church Circuits.**

(2) (ii) the persons who are members of the Church Council under head (vii) of Standing Order 610(14);

**SECTION C**

**AMENDMENTS TO SO 560**

**Report**

Last year the Conference amended SO 510(1)(ii) in such a way that ministers and others stationed or residing in a Circuit, but not appointed to it, are no longer automatically members of the Circuit Meeting, but can elect to become members.

An undiscussed and, the Committee believes, unintended consequence is that if any such persons do not become members of the Circuit Meeting those of them who would under SO 560(1)(i) have hitherto been members of the Local Preachers' Meeting (an important example being supernumerary presbyters) are no longer so.

A principal reason for the amendment to SO 510(1)(ii) was to give to persons not responsible for the administration of circuit affairs a choice whether to accept or decline the trustee responsibilities involved in membership of the Circuit Meeting. That does not apply to the Local Preachers' Meeting, which is not a trustee body. It is of the essence of the Local Preachers' Meeting, despite its name, that it is a meeting of all the preachers in the Circuit, local or itinerant. Local preachers do not cease to be members when too old or infirm to take appointments. Its functions, including fellowship and oversight, are ones in which such persons as supernumerary presbyters can and do play a valuable part. For all these reasons the Committee considers that it would best accord with our polity if the previous effect of SO 560(1)(i) were restored, and it proposes an amendment to that effect.

**\*\*\*RESOLUTIONS**

**24/4. The Conference adopted the Report.**

**24/5. The Conference amended Standing Order 560(1)(i) as follows:**

- 560 Local Preachers' Meeting.** (1) The Local Preachers' Meeting shall consist of:  
(i) the presbyters, presbyteral probationers, student presbyters and persons authorised to serve the Church as ministers under Standing Order 733 who are, in each case, **eligible under Standing Order 510(1)(ii) to join members** of the Circuit Meeting, **whether or not they have elected to do so.**

**SECTION D  
AMENDMENTS TO SO 498**

**Report**

The Conference of 2011 amended Section 49 of Standing Orders in order to provide for a single Circuit within Synod Cymru, divided into areas, each called an Ardal. Parts of SO 498, however, remain worded as if each Ardal were a separate Circuit. The committee brings amendments, below, to bring that Standing Order into accord with the new situation.

The following amendments to Standing Orders are proposed:

**498 Joint Local Churches. [...]**

(2) Such a church may be in a joint Circuit/Ardal within Standing Order 497, but otherwise shall be in both an Ardal in Synod Cymru and a Circuit in the Wales Synod and **in that case** the chapel shall ~~then~~ appear in the preaching plans of each **and clauses (3) to (5) below shall apply.**

(3) ~~Where a joint Local Church is in two Circuits, the~~ **The** ministers, probationers, circuit stewards and members in each **both the** Circuit **and the Ardal in which such a joint church lies** shall owe a collective responsibility for supporting ~~a joint church~~ **it**; and **its** church stewards and members ~~of a joint church~~ shall owe a collective responsibility for representing the church **in** and contributing to the life of **both** the ~~two~~ Circuits **and the Ardal.**

(4) ~~Where a joint Local Church is in two Circuits, there~~ **There** shall be local negotiation to agree the details of how Standing Orders are to be applied, including agreements on **whether Cylchdaith Cymru or the Circuit in the Wales Synod** ~~which~~ shall act in respect of local property schemes, the route through which pastoral discipline is to be exercised, how membership is to be returned and how the joint church is to contribute fairly to both ~~circuit~~ assessments.

(5) [...]

**\*\*\*RESOLUTIONS**

**24/6. The Conference adopted the Report.**

**24/7. The Conference amended Standing Order 498 as set out in the Report.**

## SECTION E

### AMENDMENTS TO SO 114, 116, 313, 316, 421, 422, 423

#### Report

Had the Supreme Court rejected the Church's appeal in *The President of the Methodist Conference v Preston* there would have been much urgent work to be done, in which the committee would have had a part. It does not follow that because the Supreme Court allowed the appeal we can safely sit back. This report explores one of the areas needing attention. Other work has begun, but no action is yet thought to be required of the Conference.

It was an important ground of the court's decision that just as admission into full connexion is not contractual, so also (to quote from the leading judgment) a minister's duties thereafter "are not consensual, [but] depend on the unilateral decisions of the Conference". In particular, the minister was not serving as a minister pursuant to a five-year invitation from the Circuit Meeting but "pursuant to the life-long relationship into which she had already entered". The invitation was "no more than a proposal to the .... stationing committee", "The decision [to station] is reserved to the Conference .... [which] may move [a minister] even before the end of the period for which the circuit invited the candidate to serve."

It follows that it will be important to keep the distinction between invitations and stationing crystal clear in our legislation, documentation, practice and mindset, and to emphasise that stationing is annual. There had been some slippage in that respect, but the Stationing Committee, and in particular the panel which revises the Code of Practice, is now alive to the point. In addition the practice of the Secretary of the Conference writing to each minister annually with notification of his or her station for the coming year has been revived.

That is a matter for continuing vigilance, but there is one point requiring immediate attention. The *Preston* case concerned a circuit appointment, but the same considerations apply to other situations in which the act of stationing is preceded by a selection or application process of some kind. There are provisions, in such cases, which formally reserve the Conference's ultimate authority to station annually (SO 315(4) and 316(4) for connexional appointments and 423B(5) for district Chairs), but (i) they are not comprehensive (SO 313 is omitted), and (ii) there is a widespread tendency in that context to use the word "appointment" to describe the preliminary process, despite the fact that in accordance with the definition in SO 005(iv) it should be confined to appointment by the Conference to a station. The Committee sees a need to revise the drafting and terminology of those provisions in order to accord both with SO 005(iv) and with the case which the Methodist Church successfully advanced in the Supreme Court.

The Committee therefore brings to the Conference the amendments which it believes to be appropriate in order to avoid, so far as possible, using the word "appointment" in relation to a process other than that of annual stationing. They seek to deal with the difficulty of finding satisfactory substitutes by using words already familiar in related contexts, and to achieve the necessary balance between making all the changes necessary and avoiding those which are not by distinguishing between places where "appointment" refers to the preliminary *process*, and certainly needs to be changed, and those where it refers to the *office*, and can often be left unaltered.

The following amendments to Standing Orders are proposed:

**114 Secretary of the Conference.** (1) [*unchanged*]

(2) Subject to clause 31 of the Deed of Union the provisions of Standing Order 313 shall apply to the **designation and** appointment of the Secretary of the Conference as if holding an office under that Standing Order.

**116A Assistant Secretary.** (1) The provisions of Standing Order 313 shall apply to the **designation and** appointment of the assistant secretary of the Conference as if holding an office under that Standing Order.

(2) *[unchanged]*

**116C Officer for Legal and Constitutional Practice.** (1) The provisions of Standing Order 313 or 314, as appropriate, shall apply to the **designation and** appointment of the Conference officer for legal and constitutional practice as if holding an office under that Standing Order.

**313 Ministerial Designations and Appointments by the Conference.** (1) When it is proposed to appoint or re-appoint a presbyter or deacon in Full Connexion, minister of the Irish Conference or probationer to serve, full time or part time, as a Connexional Secretary or secretary of the Faith and Order Committee, the Methodist Council shall submit a nomination for that office to the Conference, accompanied by a reasoned statement indicating the qualifications of the person nominated. The nomination shall be printed in the Agenda if possible, or failing that shall be circulated at or before the opening of the Representative Session, and no other names may be brought to that Conference.

(2) For **designation to** a new appointment, which shall in the first instance be for a specified period not exceeding six years, the nomination by the council and the ~~appointment~~ **designation** by the Conference shall each require a simple majority of those present and voting.

(3) For **designation to** a re-appointment, which shall be for a specified period not exceeding five years, the nomination by the council and the ~~appointment~~ **designation** by the Conference shall each require a 75% majority of those present and voting. The council shall vote by ballot.

**(3A) A designation under the provisions of this Standing Order is a statement by the Conference of its intention that, if later Conferences concur, a presbyter or deacon be appointed to the office concerned:**

- (i) ***with effect from the beginning of the connexional year after the year immediately following the designation, unless the resolution of designation otherwise provides; and***
- (ii) ***annually for the period of designation, but subject always to the provisions of clause (8) below***

(4) Where the majority required under clause (2) or (3) (as the case may be) is not obtained in the Conference, the Conference shall determine its own procedure, which may include requiring the council to submit a new nomination to the following Conference, and shall include appropriate arrangements for ensuring the performance of the duties of the office until an appointment is made (whether **after designation** under this Standing Order or by the procedure specified).

(5) When new appointments or re-appointments are under consideration in the council they shall be discussed in the absence of the persons concerned.

(6) The council shall complete its work as early in the connexional year as possible and shall notify the Circuit or other authority responsible for the person's current station that the ~~appointment~~ **designation** is to be proposed.

(7) When it is proposed to nominate a deacon or diaconal probationer for an appointment under this Standing Order the Methodist Council shall consult the Warden of the Methodist Diaconal Order, before submitting the name to the Conference.

**(8) Appointments to be made pursuant to designations under this Standing Order shall be included in the stations and nothing in this Standing Order shall derogate from the ultimate authority of the Conference over stationing annually.**

**316 Curtailment of Appointment.** (1) This Standing Order shall apply whenever it is desired on either side to curtail the period of an appointment of

- (i) **designation or recommendation of** a minister for **appointment to** a station under Standing Order 116A, 116C, 313 or 315; or
- (ii) **appointment of** a person to an office under Standing Order 210(1)(i), 213(1)(i), 311 or 322(1A),

and the person appointed and the body designated in the relevant Standing Orders as being responsible for making, recommending or nominating to the appointment are unable to agree or when a connexional complaints team appointed under Standing Order 1122 considers that the question whether such an appointment **a period** should be curtailed should be examined. When requested to do so by the person appointed or by the officer specified in clause (2) below or by a team so appointed the President or the Vice-President on his or her behalf shall appoint a curtailment committee to consider the matter. The committee shall consist of the President or his or her representative, who shall preside, and six other members of the Methodist Council or, where the matter relates to an appointment under Standing Order 210(1)(i), six members of the Strategy and Resources Committee who are not members of the council. The committee's judgment shall be reported to the body responsible for the appointment and as further required in clause (3) below.

(1A), (2) and (3) [unchanged]

(4) Nothing in this Standing Order shall derogate from the ultimate authority of the Conference over stationing annually.

**421 Term of Appointment Service.** (1) A Chair shall be appointed initially **be designated for appointment** for a specified period, not exceeding six years.

(2) Every **designation for an extended** appointment for an extension shall be for a specified period, each not exceeding five years.

(3) The provisions as to curtailment in Standing Order 544 shall apply to ~~the~~ **such** periods of appointment of a Chair as they apply to the period of invitation of a presbyter, reading 'District' for 'Circuit' where appropriate, and with the following further adaptations:

- (i) to (iv) [unchanged]

**421A Nomination Committee.** (1) A nomination committee shall be appointed in the last year but one of the existing Chair's current term of appointment **service** or if the Chair has given notice of an intention to become supernumerary at the end of the next year or of a wish not to remain in the appointment after the end of the current term.

**(2A) A designation under the provisions of this Standing Order is a statement by the Conference of its intention that, if later Conferences concur, a presbyter be appointed to the office concerned:**

- (i) **with effect from the beginning of the connexional year after the year immediately following the designation, unless the resolution of designation otherwise provides; and**
- (ii) **annually for the period of designation, but subject always to the provisions of Standing Order 423B(5).**

(3) to (4) [unchanged]

**422 Extended Appointments.** (1) In the existing Chair's last but one year of appointment **service** (unless the existing Chair has given notice of an intention to become supernumerary or of a wish not to remain in the appointment after the end of the current term) the nomination committee

constituted as set out in Standing Order 421A(2) above shall convene to consider whether or not to recommend that the appointment be extended **an extension**. The advice on consultation contained in the guidance as to the stationing **invitation** of presbyters from time to time approved by the Conference shall be followed as far as the circumstances permit.

(2) [*unchanged*]

**423B Voting in the Conference.** (1) The nomination of the Synod, together with the reasoned statement, shall be printed in the Agenda of the forthcoming Conference and no other names may be brought to that Conference. The majority required shall be that specified in clause (2) below.

(2) In cases of extended appointments, the required majority **for approval** is 75% of those present and voting. In cases of new appointments, a simple majority of those present and voting is required.

(3) Where the required majority is not obtained, the Secretary of the Conference shall as soon as possible convene a new nomination committee which shall follow the process set out in Standing Order 423, consulting the district Policy Committee as necessary. The process set out in Standing Order 423A shall then be followed, in order that a name may be brought for ~~appointment~~ **approval** at the next Conference. Clauses (1) and (2) above shall apply, except that the required majority shall in all cases be a simple majority.

(4) [*revoked*]

(5) ~~Provisions~~ **References** in Standing Orders 421 to 423B ~~for appointments~~ **to designation or service** for periods of years operate only to obviate any need for earlier application of the procedure under those Standing Orders and do not derogate from the ultimate authority of the Conference over stationing annually. ~~A~~ **A proposed** appointment **approved** under this Standing Order shall accordingly be embodied in the stations presented for adoption to the current meeting of the Conference (if clause (3) above applies) or to the next following annual meeting (in all other cases) and the adoption of the stations shall constitute the election of the Chair for the purposes of clause 42 of the Deed of Union.

### **\*\*\*RESOLUTIONS**

**24/8. The Conference adopted the Report.**

**24/9. The Conference amended Standing Orders as set out in the Report.**