

23. Committee on Methodist Law and Polity (1)

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SECTION A GENERAL REPORT

The Committee is charged under Standing Order 338 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 other bodies. The Committee also seeks to ensure that Standing Orders comply with any changes in legislation or case law.

The Committee has appointed a new Chair and welcomed a new Secretary during this connexional year.

On 4 March 2021, the Revd Dr James N Tebbutt was appointed as Chair of the Committee for an initial period of three years from 1 September 2021 and as acting Chair for the remainder of this connexional year, in place of Mrs Susan Howdle.

The Committee wishes to record its deep appreciation for Mrs Howdle's willing and dedicated service as interim Chair since November 2019.

The Conference Officer for Legal and Constitutional Practice acts as Secretary of the Law and Polity Committee. Following the departure of the previous Conference Officer for Legal and Constitutional Practice, Mrs Louise Wilkins, in December 2019, the Committee was without a secretary for six months. On the recommendation of the Methodist Council, further to Standing Orders 116C and 314 and by means of Resolution 3/3 (2020), the 2020 Conference appointed Mrs Joanne Anderton as Conference Officer for Legal and Constitutional Practice with immediate effect.

The Committee wishes to thank Mr Richard Hood, Interim General Counsel and Company Secretary, for the work he undertook for the Committee pending the appointment of the new Conference Officer for Legal and Constitutional Practice in June 2020.

Mr Graham Danbury, Dr Robert Gaitskell QC and the Revd Dr Andrew Goodhead have tendered their resignations from the Committee. The Committee thanks them for their valuable contributions to the Committee's work over many years.

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The Committee appointed Miss Elizabeth Ovey as its representative to the Conference under Standing Order 102(1)(iii).

The Committee appointed the Law and Polity Conference Sub-committee under Standing Order 338(6) as follows: the Revd Dr Jonathan Hustler, Mrs Joanne Anderton, the Revd Jennifer M Dyer, Miss Elizabeth Ovey, the Revd Canon Julian M Pursehouse, the Revd Ian Rutherford and the Revd Dr James N Tebbutt.

The Committee reviewed its Terms of Reference and undertook a skills audit of its members. It also approved a formal role description for its Chair and process for the Chair's nomination and appointment.

The Committee will report its opinion on the *God in Love Unites Us* Provisional Resolutions to the Conference this year, as per Standing Order 122(3).

The Committee has provided support and guidance on numerous constitutional matters throughout the year and continues to assist with ongoing pieces of work being undertaken by the Church. Examples include:

- setting up an 'Online Meetings' working group to consider the constitutional implications of conducting church business online as necessitated by the COVID-19 pandemic and what permanent changes to Methodist legislation might be needed to enable online meetings and electronic governance more generally at all levels within the Church. This work is continuing.
- setting up an 'Oversight and Trusteeship' working group to respond to Resolutions 25/1 and 25/2 of the 2020 Conference and to support the Secretary of the Conference in the work undertaken by the group established by Resolution 25/9. The Committee's response to the Resolutions and report of its work on the Oversight and Trusteeship project are reported elsewhere in the Conference Agenda.
- assisting the Secretary of the Conference in responding to the Law Commission's consultation on Weddings Law.

Further items will be reported in Part 2 of the Committee's report to the Conference.

***RESOLUTION

23/1. The Conference receives the General Report.

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SECTION B

METHODIST MINISTERS' PENSION SCHEME – MEMBERSHIP OF THOSE IN FULL CONNEXION WHO ARE NOT YET ORDAINED

Due to the national restrictions on physical gatherings as a result of the COVID-19 pandemic, the usual ordination services immediately following Reception into Full Connexion were not able to take place in 2020.

In paragraph 4 of its report to the 2020 Conference, the Law and Polity Conference Sub-Committee identified that those received into Full Connexion but not yet ordained were possibly rendered ineligible for the Methodist Ministers Pension Scheme, the Rules of which limit membership to 'Ministers' and 'Probationers' (as defined in the Deed of Union).

The Conference therefore passed Resolution SC/2, confirming its intention that ordinands received into Full Connexion should remain eligible for membership of the Scheme and directing the Conference Officer for Legal and Constitutional Practice to approach the Trustees of the Scheme to address the lacuna.

The Conference Officer for Legal and Constitutional Practice is pleased to report that a Resolution was signed by the Pension Trustees on 27 August 2020 to ensure that ordinands who have been received into Full Connexion but are not yet ordained remain eligible for membership of the Scheme.

*****RESOLUTION**

23/2. The Conference receives the Report.

SECTION C

CONDITION OF MANSES

In 2013 the Conference received Memorial 23 from the Newcastle upon Tyne District Synod, requesting that the Conference '*devise ways in which the financial burden does not fall upon the Circuits concerned*' when a minister leaves a manse in an unreasonable condition.

In 2016 by means of Resolution 43/11, the Conference directed the Law and Polity Committee to:

'make recommendations to the 2017 Conference on amendments to Standing Orders that enable Circuit Meetings to charge a minister who leaves a manse in an unreasonable condition.'

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In 2017, the Committee reported in Section A of its Part 1 Report to the Conference that it had been unable to reach a conclusion on the correct legal basis for the policy.

The Committee deferred the work to the connexional year 2018/19, awaiting the final version of the Ministerial Covenant in the hope that it would assist the Committee with identifying the correct legal basis.

Having been informed by the Conference Office that the Ministerial Covenant was unlikely to address the issue directly, the Committee has reconsidered the work.

The Committee has yet to come to a conclusion as to whether to propose to the Conference that it should (i) decline to legislate for the proposal given the difficulty in identifying the correct legal basis; or (ii) legislate to enable a charge to be deducted from a minister's stipend; or (iii) where the condition of a manse gives rise to a Part 11 complaint, enable those involved in the process to impose financial penalties to recoup the costs.

As such, the work has been deferred to the forthcoming connexional year and it is intended that a full report will be made to the Conference in 2022. It is hoped that the outcome of the Review of Part 11 of *The Constitutional Practice and Discipline of the Methodist Church* may inform the work.

***RESOLUTION

23/3. The Conference receives the Report.

SECTION D CONSULTATION ON SPECIAL RESOLUTION (BENEFITS TO TRUSTEES)

In 2020, by means of Resolution 6/1, the Conference amended paragraph 2 of the Model Trusts and clause 10 of the Deed of Union, and inserted a new Clause 42A to the Deed of Union. This was primarily to enable managing trustees or connected persons to be appointed to paid roles within their trustee body without the need for Charity Commission consent, provided that any conflicts of interest are managed properly. The amendments also provided that existing employees who become managing trustees are entitled to retain the benefit of any improvements in their terms and conditions of employment, and clarified that ministers may exercise trustee duties as part of their roles notwithstanding that they are in receipt of a stipend.

Under Standing Orders 126(1) and 919A(2), Special Resolutions and proposals amending the Model Trusts must be submitted to those in the home Districts outside of England

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and Wales when under consideration, to determine whether trust instruments taking the place of the Model Trusts in those jurisdictions require amendment to achieve the desired effect.

Given the change of Conference officers referred to at the start of this report, this consultation did not take place as it should have done, but the consultation is now in progress and a formal report will be made to the Conference once completed.

***RESOLUTION

23/4. The Conference receives the Report.

SECTION E MINOR AND CONSEQUENTIAL AMENDMENTS MADE TO CPD IN 2020 REQUIRING RATIFICATION

The Conference Officer for Legal and Constitutional Practice and other members of the Committee made various amendments during the CPD 2020 editing process to correct minor drafting errors. The amendments have been noted by the Committee and now require formal ratification by the Conference.

i. Standing Order 015 (Archives)

A mistake in the drafting of the substituted text in the Order Paper meant that the word 'church' remained in the first line of the version of the text approved by the Conference under Resolution 41/2 (2020) when it should have been deleted. Standing Order 015(2) was therefore corrected during the editing process and now needs ratifying. The corrected text of the Standing Order reads as follows:

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|------|--|
| (2) | The responsibility for supervising and arranging the deposit of [...] records under this Standing Order shall rest with the responsible supervisor who shall be:
(i) in relation to local church and circuit records, the church or circuit archivist, if appointed, failing whom the Superintendent;
(ii) in relation to district records, the Chair; and
(iii) in relation to connexional records, the relevant secretary or convener. |
| (2A) | [deleted] |

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ii. **Standing Order 732(3)(d) (Persons Recognised and Regarded as Presbyters or Deacons)**

Standing Order 732(3)(d) was amended by Resolution 22/15 (2020), but omitted to depict the word ‘also’ in bold/italics to denote an addition to the text of the Standing Order (the word ‘also’ did not appear in the text of the 2019 version of the Standing Order). This omission was corrected in CPD 2020 but needs ratifying, thus:

(d) All such applications shall be made [...] to the Secretary of the Conference, and in the case of deacons **also** to the Warden of the Methodist Diaconal Order [...], and in either case by the date annually determined by the Ministerial Candidates Selection Committee under Standing Order 730(2)(a) or (b), as applicable.

iii **Standing Orders 1122 (Reference to the Connexional Complaints Panel) and 1131(3) (Preparation for Hearing by a Connexional Discipline Committee)**

Standing Orders 1122 and 1131 were amended by Resolution 41/4 (2020) to refer to a new Standing Order, 1102(2)(b)(iii).

However, the amendments approved by the Conference mistakenly omitted ‘(2)’ from their respective references, and referred to “Standing Order 1102(b)(ii)” rather than “Standing Order 1102(2)(b)(ii)”. The omissions were corrected in CPD 2020 and need ratifying.

***RESOLUTION

23/5. The Conference ratifies the Standing Order corrections as set out above.

SECTION F MINOR AND CONSEQUENTIAL CPD AMENDMENTS FOR APPROVAL

i. **Standing Order 138(3) - Memorials Committee**

The following amendment is required to incorporate a drafting point that was overlooked when the Committee redrafted Standing Order 138 in 2020 (see Section L of the Methodist Council’s Part 2 Report to the Conference).

138 Memorials Committee. (1) [Unchanged]

(2) [Unchanged]

(3) Each member nominated by a district Policy Committee ~~shall serve for a period of three years and shall in the first year of appointment be an elected representative of~~

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the District to the ensuing Conference. If any such member should cease to be a church member or minister in the District or should otherwise be unable to complete the full **normal** term of membership, the district Policy Committee shall nominate a substitute for the remainder of the term.

ii. **Standing Orders 335A(2) and 1009(2) - The Global Relationships Committee (incorporating the work of the former World Methodist Committee)**

By resolution 20/4 (2019), the Conference approved amendments to various Standing Orders to give effect to the Council's resolution 60/2 (2019) that the work of the World Methodist Committee be incorporated into the terms of reference for the Global Relationships Committee.

The phrase 'World Methodist Committee' remains in Standing Orders 335A and 1009 in error. Additionally, the reference to the 'Council' in Standing Order 1009(2) should not have a capital 'C'.

The following amendments are therefore required:

335A Oxford Institute of Methodist Theological Studies.

(2) The committee shall include the British officers of the Institute, a member of the ~~World Methodist~~ **Global Relationships** Committee, a treasurer appointed by the council and such other persons as the council shall from time to time determine.

1009 Transfer of Authority.

(2) Before making its recommendation the ~~C~~council shall consult the Faith and Order, Law and Polity and ~~World Methodist~~ **Global Relationships** Committees.

iii. **Standing Order 926(3) - Exceptions for Commercial Leases**

The Town and Country Planning (Use Classes) Order 1987 (as amended) puts uses of land and buildings into various categories known as 'Use Classes'. Standing Order 926(3) refers to use class A4 (drinking establishments). Use class A4 was revoked by the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (SI 2020 No.757), which came into force on 1 September 2020; drinking establishments are now classed as 'sui generis'.

The following amendment to Standing Order 926(3) is therefore proposed:

926 Exceptions for Commercial Leases.

(3) In every lease of premises to which this Standing Order applies the lessee shall covenant, in terms approved by the Connexional Team, not to carry on, permit or suffer any use of or activity on the premises which would bring ~~class~~ **class** them ~~premises~~ **premises** or any part of them ~~within use class A4 as a~~ (drinking establishments) of the Town and Country Planning (Use Classes) Order 1987, as amended, or would involve using them or any part of them as a nightclub.

iv. Standing Order 931(4) – reference to the Charity Commissioners

The Charities Act 2006 removed the role of a Charity Commissioner. A reference to “the Charity Commissioners” should instead be to “the Charity Commission”.

Standing Order 931(4) should therefore be amended as follows:

931 Connexional Consent, Approval and Guidance.

(4) Before any application is made to the Charity Commissioners (or to any court or other authority having jurisdiction in relation to charities) for any order affecting Methodist property the guidance of the Team shall be obtained, and all drafts of proposed orders of the Charity Commissioners, court or other authority shall be submitted to the Team before they are accepted.

v. Standing Order 945(2)(i) - Investment Property

By Conference resolution 21/30 (2018), Standing Order 908 (Interpretation – Investment Property) was revoked. Standing Order 945(2)(i), which refers to land held as an investment, should have been revoked at the same time, but for some reason was overlooked.

Standing Order 945(2) should therefore be amended as follows:

945 Other Proceeds. (1) Capital money arising from any other disposition of land to which this Standing Order applies, shall be paid to the custodian trustees, to be held and applied as capital money held for the circuit purposes of the relevant Circuit.

(2) This Standing Order applies to the sale, letting or other disposition of any land which is local property except:

- (i) ~~land held as an investment, and~~ **[revoked]**
- (ii) land received in the last five years by way of bequest or devise and not required or no longer required for use for Methodist trust purposes, and
- (iii) Local Church caretakers' accommodation.

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vi. Standing Order 1141(6)(c) - Preparation for Hearing by a Connexional Appeal Committee

Standing Order 1141(6)(c) notes that an appeal must take place within two months of the date at which a reporting officer is notified that it is to be brought, unless the Chair of the Committee at their discretion grants an extension. The sub-clause then refers the reader to possible grounds for an extension as provided for in Standing Order 1132(13)(c). Grounds for an extension are, in fact, found in 1131(13)(c).

Standing Order 1141(6) should therefore be amended as follows:

1141 Preparation for Hearing by a Connexional Appeal Committee.

(6)(a) [Unchanged]

(b) [Unchanged]

(c) The hearing must begin within two months of the date on which the reporting officer is notified that an appeal is to be brought, unless the chair at his or her sole discretion grants an extension. The grounds on which an extension may be granted are those set out in Standing Order 1132(13)(c).

*****RESOLUTION**

23/6. The Conference, by way of minor and consequential corrections, amends Standing Orders as set out above.