

18. Committee on Methodist Law and Polity (1)

Contact name and details	Mrs Louise C Wilkins, Conference Officer for Legal and Constitutional Practice Secretary of the Committee Email: wilkinsl@methodistchurch.org.uk
---------------------------------	--

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. The 2015 Conference directed the Committee to undertake various pieces of work and to bring Standing Order amendments to the Conference in 2016. The Committee has worked with the Heritage Committee and Ministries Committee to bring Standing Order amendments to the Conference which implement policy decisions taken by the Methodist Council.
3. There were no special resolutions referred to the Committee by the 2015 Conference.
4. The Committee has a number of ongoing pieces of work which includes working with the Faith and Order Committee to clarify the governance and oversight arrangements for Fresh Expressions. The Committee continues to work on clarifying the relationship between the Church and members of the Methodist Church, whether lay or ordained, in consultation with the Faith and Order Committee and Ministries Committee.
5. The Committee continues to work on identifying if and how the Equality Act 2010 applies to the Methodist Church and in particular itinerant ministry. It had been envisaged that a report would be brought to the Conference in 2016, but other work – including a legal case – has had to take priority.
6. The Committee appointed the Law and Polity Conference Sub-committee under Standing Order 338(6) as follows: the Secretary of the Conference, the Conference Officer for Legal and Constitutional Practice, the Revds Jenny Dyer, Colin Smith, Julian Pursehouse, Ms Elizabeth Ovey and Mr David Walton (Chair).

***RESOLUTION

- 18/1. 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.

The Committee has proposed the deletion of SO 116(3A) as it is evident that this Standing Order has been replaced by SO 114(1E) by the 2015 Conference.

***RESOLUTION

18/2. 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 010(7)(ii) '... refer the matter to the Safeguarding Advisory Panel **Committee** and...'

SO 030(3) '... district Probationers Committee; ~~and.~~'

SO 055(3) 'children, [...] young people **or vulnerable adults.**'

SO 417(1) 'Except as provided in Standing Order 1007(4) **(3)(b)** district representatives...'

SO 102(5) '... in accordance with Standing Order 250(~~13~~**11**).'

SO 722(3) '...Candidates and Probationers Oversight Committee, ~~as the case may be,~~ shall have...'

SO 724(4) '...Candidates and Probationers Oversight Committees ~~respectively.~~'

SO 725(3)(c) '... Candidates and Probationers Oversight Committees ~~respectively~~ in time for ~~those~~ **that** committees to review them, take any appropriate further action and prepare their reports and recommendations required by clause (1) above.'

SO 741 'Except as provided by Standing Orders 1007(4) **(3)(b)**...'

SO 772 'the particular arrangements made by ~~those committees~~ **that committee** with another conference or church...'

SO 806(8) '...adoption leave applicable to employed persons...'

SO 111(2A)(i)' in response to a request made under Standing Order 1123(~~86~~) or 1124(11)...'

18/3. The Conference, by way of minor and consequential corrections, amended Standing Orders as follows:

013 (3)(a) 'If the responsible officer believes on reasonable grounds that ... or ~~where~~ **that** a safeguarding issue has arisen, or that for the preservation of good order in the Church the office-holder should on some other ground be suspended under this Standing Order and if the office-holder does not resign, then the responsible officer may suspend...'

040(12) If at any time it appears to the Consultative Committee [...] unless the connexional complaints team after investigation decides not to refer the matter for the preparation of a charge or to follow one of the alternative procedures specified in Standing Order 1123(56).

~~' 116 (3A) The Secretary may delegate to any of the Connexional Secretaries or other senior members of the Connexional Team, as appropriate, or, after consultation with the President and the Vice-President, to some other person the exercise, in general or on a particular occasion, of any of the functions assigned to the Secretary by Standing Orders. He or she shall prepare and maintain a list of all such general delegations made, identifying in each case the relevant person and functions concerned.'~~

232(2) (iA) 'to determine any appeal brought by a person dissatisfied with a direction made *given* in respect of any disclosure or other matter as mentioned in sub-clause (i) above;'

232(3A)(b) 'When discharging the functions specified under clause 2(iA) above the panel nominated shall contain one person referred to in clause (1)(i) and two persons referred to in clause (1)(ii) one of whom shall be a former President or Vice-President, who shall chair the panel. No member of the panel shall have been involved in *making giving* the direction which is the subject of the appeal.'

SECTION C COMMERCIAL LEASES

Report

The Methodist Council reported to the 2015 Conference that it had directed the Connexional Team to undertake a review of the current restrictions on the use of investment property and that as a result it recommended changes in those restrictions. It brought resolutions directing the terms of those changes.

The Conference received the report and directed this committee to bring the necessary Standing Order amendments to the 2016 Conference.

The committee now brings proposed amendments to Standing Orders, as directed.

No mention is made in the report or resolutions of the provisions in Standing Order 943(3) requiring the imposition of restrictions, somewhat similar to those in Section 92, on the use of former chapels on sale, so the committee has not amended that Standing Order.

The resolutions referred to the 'quinquennial inspection' required of managing trustees. The requirements for such inspections are contained in Standing Order 952 and relate to local and circuit property. There is also a reference in Standing Order 964(3) to a (rather narrower) five-yearly inspection of district property. The committee has assumed the intention of the resolution was to apply to district property as well as local and circuit property. The committee can see no reason for differentiating between five yearly and quinquennial inspections and has therefore proposed Standing Orders amendments.

Standing Order 919A requires that there shall be consultations with appropriate persons in the home Districts and Circuits outside England and Wales when amendments to the Model Trusts are under consideration. Although the current proposals do not concern the Model Trusts the Standing Orders involved depend in part for their effect on the law relating to planning and gambling, and it is possible that in those respects the position is different in Scotland, the Isle of Man, Guernsey, Jersey

or Gibraltar (or even in Wales) from that in England, by reference to the law of which the proposed committee's amendments are framed. The committee does not judge that they need be postponed or limited in scope for that reason, but does intend to initiate consultations to ascertain whether anything further is needed.

*****RESOLUTION**

18/4. The Conference adopted the Report.

18/5. The Conference amended Standing Orders as follows:

014 Gambling and other Activities. (1) Subject to any specific resolution of the Conference it is not permissible in any circumstances to raise funds for Church purposes by any form of gambling which *under Standing Order 924* could not be permitted on Methodist premises *in use for any purpose within heads (b) to (o) of paragraph 13 of the Model Trusts* ~~under Standing Order 924.~~

(2) *[unchanged]*

(3) Activities relating to intoxicants and forbidden *by Standing Order 922 clauses (1) to (3)* on Methodist premises *in use for any purpose within heads (b) to (o) of paragraph 13 of the Model Trusts* ~~by Standing Order 922 clauses (1) to (3)~~, shall not take place elsewhere as part of any publicly advertised event using the name of the Methodist Church unless: [...].

922 Intoxicants. (1) Subject to clauses (3) and (4) below *and to Standing Order 926* the supply, sale or use of intoxicants on Methodist premises is not permitted in any circumstances, nor may Methodist premises be used in such a way as to advertise or promote, whether directly or by means of sponsored events, the sale or use of intoxicants. [...]

924 Gambling. (1) Except as provided in clause (2) *below and in Standing Order 926*, no form of gambling is permitted on Methodist premises. [...]

926 Exceptions for Commercial Leases. (1) *Where this Standing Order applies the provisions of clauses (3) and (4) below shall have effect in place of those in Standing Orders 922 and 924 respectively.*

(2) This Standing Order applies to Methodist premises which are no longer required for any purpose within heads (b) to (o) of paragraph 13 of the Model Trusts and are demised on a lease for a term of 10 years or more at a commercial rent and/or premium.

(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 them or any part of them within use class A4 (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.

(4) 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 gambling on the premises except:

(i) as permitted by Standing Order 924(2); and

(ii) the sale of lottery tickets and scratchcards in the course of a business lawfully carried on by the lessee within the terms of the lease, so far as such sale is not already permitted by that Standing Order.

952 Quinquennial Inspections. (1) In relation to all local property the Circuit Meeting shall, ***subject to clause (4) below***, arrange for an inspection, which shall include an inspection for timber decay, at least once every five years by professionally qualified persons, who shall report to the Church Council and the Circuit Meeting with recommendations as to any work required. The Circuit Meeting shall ensure that any further investigatory inspections shown to be necessary in the initial inspection report are carried out if the managing trustees have not acted.

(2) In relation to all circuit property the Circuit Meeting shall, ***subject to clause (4) below***, arrange for an inspection, which shall include an inspection for timber decay, at least once every five years by professionally qualified persons, who shall report to the Circuit Meeting, the circuit stewards and, in the case of manses, the district Manses Committee with recommendations as to any work required. The district Manses Committee shall ensure that any further investigatory inspections shown to be necessary in the initial inspection report are carried out if the managing trustees have not acted.

(3) *[unchanged]*

(4) Clauses (1) and (2) above shall not apply to Methodist premises which are no longer required for any purpose within heads (b) to (o) of paragraph 13 of the Model Trusts and are demised on a full repairing lease for a term of 10 years or more.

966 District Property.

(1) *[unchanged]*

(2) All district trustees shall arrange for an inspection, which, ***subject to clause (5) below***, shall include an inspection for timber decay, at least once every five years of all district property by professionally qualified persons, who shall report on their inspection to the district trustees, the district property secretaries and Policy Committee and (in the case of manses) the district Manses Committee. *[...]*

(3) *[unchanged]*

(4) *[unchanged]*

(5) Clause (2) above shall not apply to Methodist premises which are no longer required for any purpose within heads (b) to (o) of paragraph 13 of the Model Trusts and are demised on a full repairing lease for a term of 10 years or more.

SECTION D

WORLD METHODIST COUNCIL: MINISTERIAL EXCHANGES

Report

The 2015 Conference received a report from the Methodist Council's World Methodist Committee which gave notice that amendments to SO 335(3) would be brought to the 2016 Conference to provide for the Methodist Council being the approving body for ministerial exchanges rather than the Conference. The 2015 Conference delegated authority for approval of the exchanges during the connexional year 2015/16 to the Council. The necessary Standing Orders are set out below.

Amendments to Standing Orders

SO 335 World Methodism

(3) The committee is responsible for:

(i) *[unchanged]*

(ii) *[unchanged]*

(iii) arranging international exchanges of pastorates under the auspices of the World Methodist Council, recommending them to the ~~Conference~~ **Methodist Council** and appointing, if it thinks fit, a reference group to assist the secretary for the exchange of pastorates;

(iv) [...]

(3A) All proposals for exchanges of pastorates shall require the approval of the ~~Conference~~ **Methodist Council**. [...]

***RESOLUTION

18/6. The Conference adopted the Report.

18/7. The Conference amended Standing Order 335 as set out in the Report.

SECTION E REINSTATEMENT AS A PRESBYTER

Report

The 2015 Conference directed, in response to Notice of Motion 2015/201, that amendments to Standing Orders be brought to the Conference in 2016 to clarify that a former presbyter with the status of member only must first obtain reinstatement as a local preacher before being able to apply to return to the active work. The opportunity has been taken to clarify in Standing Order 761(14) the need for a Circuit Meeting to take a decision to reinstate an applicant as a local preacher if the Conference so directs.

Amendment to Standing Orders

761 Reinstatement as a Presbyter, Deacon, Probationer, Student or Local Preacher. (1) A former presbyter or deacon in Full Connexion who wishes to be reinstated or a former deacon who resigned or was excluded from the Methodist Diaconal Order before the Conference adopted the practice of receiving deacons into Full Connexion and who wishes to be reinstated as a member of the Methodist Diaconal Order and received into Full Connexion shall apply in writing before the 15th January to the President. ***A former presbyter who has the status of member only and is seeking, upon reinstatement, to return to the active work, must first obtain reinstatement as a local preacher under clause (14) below.***

(1A) Subject to compliance with the last sentence of clause (1) above, where applicable, The the President shall arrange for the application to be considered as set out in the following clauses.

(14) A former presbyter or deacon in Full Connexion, probationer or student who by reason of a judgment or declaration under Standing Order 760 or 727 or Part 11 is a member but not a local preacher and who, having formerly been a local preacher, wishes to be reinstated as such shall apply to the President and the application shall be considered and determined as set out in clauses (1) to (11) or (12), as the case may be, of this Standing Order, with any necessary changes, but so that no medical examination shall be required. If the Conference decides that the applicant shall be reinstated it shall direct the Circuit Meeting of the Circuit in which he or she is a member to ~~approve his or her reinstatement~~ ***reinstate him or her*** as a local preacher.

*****RESOLUTION**

18/8. The Conference adopted the Report.

18/9. The Conference amended Standing Order 761 as set out in the Report.

**SECTION F
SELECTION CRITERIA FOR CANDIDATING**

Report

The 2015 Conference in response to Notice of Motion 2015/203 directed the Ministerial Candidates and Probationers Oversight Committee, in conjunction with the Law and Polity Committee, to include in the relevant Standing Orders reference to the selection criteria for candidating.

The proposed Standing Order amendments place responsibility for adoption of the selection criteria with the Conference, on the recommendation of the Ministries Committee (which reports to the Conference through the Council).

Whilst reviewing Standing Order 712, the opportunity has been taken to remove references to foundation training that had remained.

*****RESOLUTION**

18/10. The Conference adopted the Report.

18/11. The Conference amended Standing Orders as follows:

32A1 General Responsibilities

[...]

(4) The committee shall recommend to the Conference, through the council, selection criteria for adoption under Standing Order 710A and, as required, amendments to those criteria.

710A Selection Criteria

The Conference shall adopt and publish, and may from time to time amend, selection criteria to be applied in considering offers by candidates for training as presbyters or deacons.

712 District Candidates Committee

[...]

(5) The committee shall meet to consider all the records pertaining to each candidate, ~~and~~ shall interview him or her, ***and shall make a recommendation by reference to the selection criteria published under Standing Order 710A. [...]***

(6) The following persons shall have the right to attend, to witness the deliberations of the committee concerning the candidate and to speak when the candidate is under consideration but shall not have the right to vote:

- (i) the Superintendent of the Circuit sending forward a candidate or the presbyter who has pastoral charge of the candidate; and

~~(ii) in the case of a candidate within Standing Order 710(2)(i) a representative of the relevant training institution; or~~

~~(iii) in the case of a candidate within Standing Order 710(2)(ii) a person who has been significantly involved in the candidate's process of vocational discernment.~~

713 Connexional Committees.

[....]

(8) The selection committee shall report to the Presbyteral Session or the Conference Diaconal Committee, as the case may be, under the classification specified in clause (9) below, the vote for each candidate being recorded and no neutrals being allowed. ***In reaching its classification the committee shall apply the selection criteria published under Standing Order 710A above.***

718 Change of Order of Ministry.

[....]

(7) In the case of a presbyter, deacon or presbyteral or diaconal probationer, the district Candidates Committee shall meet to consider all the records pertaining to the candidate and interview him or her. In the case of a student presbyter or student deacon, the oversight committee of his or her training institution shall perform this function instead of the district Candidates Committee. ***The relevant committee shall then make a recommendation by reference to the selection criteria published under Standing Order 710A. [...]***