

## 5. Special Resolutions

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### **Special Resolutions submitted by the Conference of 2013 to the Methodist Council under Standing Order 126(1)(c)**

Under Standing Order 126, special resolutions of the Conference have to be confirmed the following year after appropriate consultation before they can become effective. For the purposes of consultation, they are either referred to the Methodist Council (unless moved on the Council's behalf, in which case they are referred to the Law and Polity Committee) or dealt with as provisional legislation under Standing Order 122 and submitted to the Synods and the Law and Polity Committee.

The bodies consulted may approve or disapprove the resolution but may not amend it.

The Conference of 2013 referred two such resolutions to the Methodist Council for them to vote on. The background information and proposed amendments to the Standing Orders, Model Trusts or Deed of Union are set out below.

#### **Section A**

##### **Functions of the Presbyteral Session of the Conference and the Conference Diaconal Committee**

The Ministries Committee reported to the Conference that it had considered a report from a working group looking at the provisions of Section 03 of the Standing Orders, and agreed that certain matters (such as "how to develop best practice from 'cradle to grave' of a person's offering for and time in the ministry" which involve policy processes and good practice as to how various situations are dealt with) required long-term consideration.

A number of issues require exploration including the grounds of appeal in Section 03 cases and the possibility of bringing together the membership pool for a number of the ad hoc panels and committees into one common panel from which people with appropriate expertise and experience can be chosen respectively to be members and to chair such groups. Work on this by the Law and Polity Committee continues. However, prior to that work being undertaken and so as to enable some revision of the appeals process under Section 03 it is necessary first to make some changes to the Deed of Union.

The view of the Law and Polity Committee, as reported to the Conference, was that an amendment to Section 03 should be made so as to bring the treatment of students and probationers in line with the treatment of ministers following a decision by a discipline committee under Part 11 (Complaints and Discipline). It is envisaged that there would still be an initial committee and a right of appeal to an appeal committee as currently set out in Section 03. This would be followed by a further right of appeal to the Conference, however the change proposed by both the Law and Polity Committee and the Ministries Committee would see each committee having the authority to make a final decision unless an appeal is brought. That is, as in Part 11, if a Committee concludes that a person should cease to be in training, such a decision would take effect immediately, unless the person exercised a right to appeal.

Clause 23(d) of the Deed of Union provides:

“The Conference in its Presbyteral Session shall have exclusive jurisdiction over the following business:

- (i) continuance or discontinuance in training or on probation or reinstatement of each student or probationer in training or on trial for presbyteral ministry;
- (ii) any appeal to the Conference arising out of any charge against a presbyter or probationer or a student in training for presbyteral ministry.”

The proposed Deed of Union amendments are:

**a) Presbyters**

Clause 23(d):

The Conference in its Presbyteral Session shall have exclusive jurisdiction over the following business:

- (i) ***any appeal to the Conference arising out of a decision taken by the body authorised to do so by Standing Orders as to discontinuance in training or on probation of any student or probationer in training or on trial for presbyteral ministry;***
- (iA) any decision, other than one referred to in item (i) above, as to the*** ~~continuance or discontinuance~~ *in training or on probation or reinstatement of each student or probationer in training or on trial for presbyteral ministry;*
- (ii) any appeal to the Conference arising out of any charge against a presbyter or probationer or a student in training for presbyteral ministry;

**b) Deacons**

Clause 25A(d):

(i) When the committee meets to hear an appeal in a matter of discipline ***or discontinuance*** the person who shall preside shall be determined in accordance with the relevant Standing Order.

....

(e) The committee shall, in relation to deacons and to students and probationers in training or on probation for diaconal ministry, have the responsibility and power, on behalf of the Conference, to:

- (i) ***hear and determine any appeal to the Conference arising out of a decision taken by the body authorised to do so as to discontinuance in training or on probation of any student or probationer;***
- (iA) make all decisions, other than those referred to in item (i) above, as to the*** ~~continuance or discontinuance~~ *in training or on probation of each student or probationer;*
- (ii) consider and determine any application for reinstatement by a former student or probationer;
- (iii) hear and determine any appeal to the Conference arising out of any charge against a deacon, probationer or student;

and its decisions on such matters shall be final.

The Methodist Council approved the Resolution.

**\*\*\*RESOLUTION**

**5/1. The Conference confirmed the amendments to the Deed of Union as set out in section A above.**

**Section B**

**Amendments to Model Trusts**

The Law and Polity Committee advised the Conference that two minor amendments are needed to the Model Trusts, to bring them in line with recent changes in charity legislation:

**16 General powers of managing trustees. ....**

(n) ‘... section ~~82~~ **333** of the Charities Act ~~1993~~ **2011**; ...’

**26 Protection of purchasers. ...**

(2)(c) ‘...section ~~82~~ **333** of the Charities Act ~~1993~~ **2011**...’

The Methodist Council approved the Resolution.

**\*\*\*RESOLUTION**

**5/2. The Conference confirmed the amendments to the Model Trusts as set out in Section B above.**