

52. Law and Polity Committee – Section A

Section A General

- 1 General Report
- 2 The Methodist Church The Gambia autonomy
- 3 Special Resolutions
- 4 Scrutiny of Standing Orders
- 5 Law and Polity Conference Sub-Committee

Section B Minor amendments to CPD

Section C Trustee Indemnity Insurance

Section D Renaming of Connexional Funds

Section E Employees on circuit meetings and church councils

Section F Signalling vocation and clarifying identity

Section G The diaconal session of the Conference

Section H Complaints and discipline

A General

- 1 In addition to the matters dealt with in the resolutions contained in this report, the committee has advised on matters referred to it by the Methodist Council and other committees and individuals.
- 2 One such enquiry concerned the applicability of the Standing Orders about transfer into full connexion to a supernumerary minister of another autonomous conference. The committee's advice indicated that such a transfer is possible, the requirements of Standing Order 730

being capable of being fulfilled in such cases where appropriate. However it may be helpful for further work to be done on Standing Orders 730 and 791(1), to ensure that they fully reflect our current understanding of stationing and to clarify certain points. It is therefore intended to return to this task in the next connexional year.

- 3 A group appointed by the committee continued to scrutinise the Deed of Foundation and the Deed of Church Order in preparation for the autonomy of The Methodist Church The Gambia on 24th May 2009.
- 4 No Special Resolutions were referred to the Law and Polity Committee by the Conference of 2008.
- 5 The committee is charged under Standing Orders with the scrutiny of all new legislation which it is proposed to bring to the Conference in order to ensure its coherence with existing usage. 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.
- 6 The committee has appointed the Law and Polity Conference Sub-committee under Standing Order 338(6) as follows: The Secretary of the Conference, The Revds James A Booth, Jennifer M Dyer, David Gamble, Kenneth G Howcroft, Gareth J Powell Mr Adam Dyjasek, Miss Elizabeth Ovey and Mr David S Walton.

***RESOLUTION

52/1 The Conference adopted the General Report.

B Minor and consequential amendments to CPD

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

1. Ratification of corrections already printed

***RESOLUTION

52/2 The Conference, by way of ratification of corrections already printed in *The Constitutional Practice and Discipline of the Methodist Church*, made the following amendments:

S.O. 030(5) ‘ ... Standing Orders 1101(1)(viii) ... ’

S.O. 231(1)(ii) ... 024 **1141** ...

S.O. 362(4)(i) ‘ ... lay workers **employees** ... ’

S.O. 48A5(2)(i) ~~Standing Orders 405 (lay workers) and 406 (employment of other persons);~~
... (iv) ~~Standing Order 443 (training and developments officers);~~

S.O. 643(1) ... heads (i) to (v) **head (j)** ...

2. Consequential amendments

***RESOLUTIONS

52/3 [*Special resolution*] The Conference amended clause 1 of the Deed of Union as follows:

(iv) ‘Church Courts’ means the Conference, ~~Y Gymanfa~~ **Y Cyngor**, the Synods, the Circuit Meetings, the Local Preachers’ Meetings, the Church Councils and the boards and committees appointed by or reporting to those bodies;

52/4 The Conference amended Standing Orders as follows:

329 Training and Development Officers – delete the whole Standing Order [*By decisions of previous Conferences, the Training and Development Officer scheme came to an end in August 2008 and S. O. 443, dealing with the operation of the scheme in the Districts, has been revoked. This Standing Order, about the functions of the Connexional Team in relation to the scheme, should also now be revoked.*]

1002 (Synod – Ministerial Session)

(20) What ministers of other churches are recognised and regarded or authorised to serve as Methodist ministers **or are associate ministers** within the District?

52/5 The Conference amended the Guidelines for the District Policy Committee (in Book VI, Part 2, Section 8 of CPD) as follows:

4. (c) Ministers and deacons recognised and regarded, ministers and deacons authorised, **associate ministers and deacons**

10. (h) Ministries Panel **Candidates Committee** and Secretary

3. Minor corrections

*****RESOLUTION**

52/6 The Conference, by way of minor correction, amended Standing Orders as follows:

S.O. 563(5)(i) ... but is subject to ~~Standing Orders~~ Sections 113 to 115

S.O. 641 ... subject to Standing Order 644(~~1~~)(4) ...

S.O. 730(4)(iv) ... accepts the obligations **obligation** to be ...

(8) The ~~committees~~ **relevant committee** shall not ...

C Trustee indemnity insurance

Report

1. The standard policies of insurance which all Methodist trustees have for many years been required to hold, and for which they are entitled to pay out of trust moneys, include indemnity cover against such matters as occupier's liability and employer's liability, for which they are collectively responsible. Individual trustees, however, may incur liability for personal acts which amount in law to negligence or breach of trust but are not within that standard cover, typically because they do not implicate the trustees as a body or because the liability is to the trust itself. Although liability of the latter kind is personal it may cause loss to the trust as a whole, but until recently trustees could not legally spend trust funds on premiums to obtain insurance against such liability (conventionally, if misleadingly, called "trustee indemnity insurance") unless their trust instrument authorised them to do so. The Conference therefore, in 2004, amended our principal trust instrument, the Model Trusts, by adding a new head (o) to paragraph 16 to give that authority, and following approval by the Charity Commissioners that amendment came into force on 1 July 2006. It imposes a number of restrictions on the type of acts against which cover can be obtained.
2. In England and Wales, however, the legal position changed on 27 February 2007, when section 73F of the Charities Act 1993, as added by section 39 of the Charities Act 2006, came into force. Section 73F gives a general power to charity trustees to obtain trustee indemnity insurance and to pay the premiums out of trust funds. It imposes restrictions similar to, but not identical with, those in paragraph 16(o) of the Model Trusts.
3. Model Trust trustees in England and Wales can therefore now obtain such insurance under either of two powers, under slightly discrepant conditions. The committee judges it desirable to eliminate that duplication by relying solely on the statute; now that the law of the land sufficiently accommodates our needs there is no need for separate provision, and insurers are likely to tailor their policy terms to accord with its requirements.
4. There is a question how best to achieve that end. As already indicated, paragraph 16(o) has two functions, one enabling and one restrictive. The former empowers managing trustees to apply model trust income in obtaining indemnity insurance and the latter excludes the exercise of that power to obtain cover against certain categories of loss. In the absence of any corresponding statutory power the former had to be in the Model Trusts to be effective, and that being so it was clearly better to include the exclusions in the same paragraph rather than to consign them (as could have been done) to Standing Orders. Now that there is a statutory power that reason for having the provisions in the Model Trusts goes; they could either be there or in Standing Orders.

5. There are a number of general considerations each way as to the better place for them, but one specific fact has persuaded the committee to deal with the subject in Standing Orders. That is that the Model Trusts govern only model trust property and its managing trustees, whereas section 73F applies to all charity trustees, and therefore to all our church courts in all their activities, whether or not transacting model trust business as managing trustees. Any corresponding provisions in our own Methodist legislation should therefore have an equally wide scope.
6. The wording of section 73F is considerably longer than that of paragraph 16(o), so it is tempting simply to provide in Standing Orders that our trustees must comply with the statute, but the committee believes that it will be more helpful if trustees are able to find what they can and cannot do in this respect in CPD, and therefore proposes a full text, except that it seems reasonable to deal with clause (3) of the section (which contains a long definition of “convicted”) by reference.
7. Then there is the question where to fit the provision into Standing Orders. There is an obvious argument for Section 01, but practical application will be so heavily weighted on the property side that readers are much more likely to turn to Part 9, and specifically Section 91. Also, if the proposed revision of Part 9 is adopted Standing Order 911 will conveniently fall vacant, whereas Section 01 is heavily overcrowded.
8. The committee therefore proposes the deletion of head (o) of paragraph 16 of the Model Trusts and the adoption of a new Standing Order 911.
9. Amendment of the Model Trusts requires confirmation by the next following Conference. There is therefore an issue whether the coming into force of the Standing Order should be postponed until the amendment of the Model Trusts is confirmed. But in substance the overlap to which that would give formal expression already exists, and the committee believes that the minor inelegance of having both provisions in CPD for one year is outweighed by the desirability of conforming with the statute as soon as possible. Managing trustees can be advised to make it clear to insurers, during that period, that they are exercising their statutory power rather than acting under paragraph 16(o).
10. As already explained, section 73F is part of a statute which applies only in England and Wales, so there is no certainty that any amendment based on it will be appropriate beyond that territorial extent. The current proposals are therefore confined to that jurisdiction. The responsible bodies in the other jurisdictions for which the Conference legislates are being consulted as to what changes, if any, are appropriate there, and the committee will report on those consultations next year.

11. Consultation has also taken place with Methodist Insurance plc, as the insurer of the overwhelming majority of Local Churches, Circuits and other Methodist bodies, about the extent and level of trustee indemnity cover offered under its policies. This is of course for Methodist Insurance as an independent entity to decide, but it is anticipated that the cover offered will reflect the exclusions which are legally required, besides any further exclusions which in its judgment are commercially appropriate. Advice is also being given to Methodist Insurance as to any guidance which it may wish to offer to trustees about the types of situation which trustee indemnity insurance is, and is not, apt to cover. It is understood that Methodist Insurance also continues to work closely with the Property Office to ensure consistency of advice about the proper exercise of this power, as required by what appears below as Standing Order 911(4).

Amendments to Model Trusts and Standing Orders

Model Trusts

The Conference deletes sub-paragraph (o) of paragraph 16 of the Model Trusts, as applying in England and Wales.

Standing Orders

The Conference adopts a new Standing Order 911, as follows:

911 Indemnity Insurance. (1) This Standing Order applies only in England and Wales.

(2) This Standing Order applies to members of church courts acting as charity trustees within the meaning of legislation relating to charities, and in particular to all managing trustees of model trust property. In this Standing Order “trustees” means all such persons.

(3) This Standing Order regulates the exercise by trustees of any statutory power to arrange for the purchase of insurance designed to indemnify them against personal liability in respect of any breach of trust or breach of duty committed by them in their capacity as charity trustees. Its requirements supplement, not replace, those of the relevant statute or statutes.

(4) Trustees may not purchase such insurance unless they are satisfied that it is in the best interests of the trust estate and of the execution by them of their trust obligations to do so.

(5) The terms of any such insurance must be so framed as to exclude the provision of any indemnity in respect of:

(a) any liability to pay:

(i) a fine imposed in criminal proceedings, or

(ii) a sum payable to a regulatory authority by way of a penalty in respect of noncompliance with any requirement of a regulatory nature, however arising;

(b) any liability incurred in defending any criminal proceedings in which the relevant trustee is convicted of an offence arising out of any fraud or dishonesty, or wilful or reckless misconduct, by him or her;

(c) any liability arising out of any conduct which the relevant trustee knew (or must reasonably be assumed to have known) was not in the interests of the trust estate or of the execution of his or her trust obligations or in the case of which he or she did not care whether it was in those interests or not.

6) For the purposes of clause (5)(b) above “convicted” has the meaning apparent from section 73F(3) of the Charities Act 1993.

*****RESOLUTIONS**

52/7 The Conference adopted the report.

52/8 (*Special resolution*) The Conference amended the Model Trusts as set out above.

52/9 The Conference amended Standing Orders as set out above, with effect from the close of the Conference.

D Renaming of Connexional Funds

Report The Conference of 2008 adopted the following resolutions:

37/7. The Conference authorises the Methodist Council to appoint a Connexional Grants Committee as set out in Appendix 3 of this report; and directs that for the year 2008/09 the said Committee fulfil the responsibilities under Standing Orders of the Resourcing Mission Grants Committee and exercise its powers.

37/9. The Conference agrees that from September 2009 the Fund for Home Mission be known as The Mission in Britain Fund, the Fund for World Mission be known as The World Mission Fund, the Connexional Advance and Priority Fund be known as The Connexional Priority Fund and the Auxiliary Fund be known as The Fund for the Support of Presbyters and Deacons.

Those resolutions clearly needed amendments to Standing Orders for their implementation, but the Conference was not invited to give any directions in that respect, and did not do so. The committee has therefore, under its general responsibility for the state of Methodist legislation, addressed that issue.

The committee was already engaged in a general revision of Part 9 of Standing Orders, relating to property; the renaming of the Advance and Priority Fund, which was the subject of Section 97, naturally falls within the ambit of that revision, and is dealt with there. The creation of the new Grants Committee is not, of course, itself a matter for Part 9, but has an important impact on property legislation, since it replaces the Resourcing Mission Grants Committee, and the balance of advantage has been judged to lie in dealing with that also in conjunction with the Part 9 revision, rather than separately.

The remaining provisions of resolution 37/9, however, have no such link, and are accordingly dealt with here.

Amendments to Standing Orders

362 Specified Funds.

(2) The purposes of the Methodist ~~Fund for World Mission~~ **Fund** shall be the purposes of the Methodist Missionary Society, which are: ...

(3) The purposes of the Methodist **Mission in Britain** Fund ~~for Home Mission~~ shall be the support of work in furtherance of the Church's mission, including grants to Local

Churches and Circuits, in the home Districts. Provision shall be made for grants from the fund for the Mission Alongside the Poor Programme.

(6) The income of Junior Mission for All shall be allocated as to four fifths to the Methodist ~~Fund for World Mission~~ **Fund** and as to one fifth to the Methodist **Mission in Britain** Fund for Home-Mission

364 Other Restricted Funds. (1) The Methodist Council shall raise and administer the Auxiliary Fund **for the Support of Presbyters and Deacons**, the objects of which shall be to provide assistance at the discretion of the council, or of any committee or officer to whom it may delegate its powers in this behalf, to: ...

801 Stipends.

(5) (a) On the death of a minister, deacon or probationer ...

(b) If the deceased leaves a spouse or dependants in financial need, a payment of one full quarter's stipend at the rate payable at the date of death shall be made from the Auxiliary Fund **for the Support of Presbyters and Deacons** to such spouse or dependants, the payment being allocated having regard to the principles applied by the Methodist Ministers' Pension Scheme in allocating lump sum payments from the Scheme.

804 Furniture.

(3) The needs of mission partners returning from overseas to home service shall be a charge upon the **World Mission** Fund ~~for World Mission~~.

805 Retirement Benefits.

(3) (a) A minister may apply for assistance from the Auxiliary Fund **for the Support of Presbyters and Deacons** on becoming a supernumerary.

(b) The spouse of a minister or ministerial probationer may apply for assistance from the Auxiliary Fund **for the Support of Presbyters and Deacons** upon becoming a widow or widower.

974 Purposes. (1) The purposes of the fund are:

(iii) subject to (i) above, to make payments out of capital to the **Mission in Britain** Fund ~~for Home-Mission~~ when so directed by resolution of the Conference ...

Amendments to Guidance (CPD, Book VI, Part 2)

In Section 16, paragraph 7(b), for “Auxiliary Fund” substitute “ Fund for the Support of Presbyters and Deacons”.

*****RESOLUTIONS**

52/10. The Conference adopted the report.

52/11 The Conference amended Standing Orders, as set out above, as from 1 September 2009.

52/12 The Conference amended the guidance in Section 16 of Part 2 of Book VI of The Constitutional Practice and Discipline of the Methodist Church as set out above.

E Employees on Circuit Meetings and Church Councils

Report

As part of the legislation concerning employment by church bodies last year the Conference amended the constitutions of Circuit Meetings and Church Councils. Formerly all lay workers in certain specified posts, but no other employees, were members of those bodies, subject to an eligibility requirement that they be members in the relevant Circuit or church. In the 2008 legislation that was widened to include such persons as the relevant body might appoint from among all its employees.

The committee believes that some details need attention. By oversight, there is no eligibility provision for this category, as (directly or indirectly) there is for all others. The committee proposes that the former requirement of local membership be widened to agree with that applicable to other comparable categories. Secondly the requirement, in the case of Church Councils, of employment by the council itself does not cater for cases where the worker is engaged in work in the church but employed by the Circuit Meeting. Thirdly, it is not made explicit that there is no obligation to make any appointment under this head if the meeting or council does not judge it appropriate. The committee proposes amendments which deal with these points and some minor matters of 'house style'.

Amendments to Standing Orders

510 Constitution. (1) Subject to clause (2) below and Standing Orders 511, 512 and 512A the Circuit Meeting shall consist of :

...

(iv) such persons, **if any**, as the Circuit Meeting **judges it appropriate to appoint from among those employed by the meeting** determines who are appointed under Standing Order 570 and employed by that meeting;;

(2) The persons eligible for appointment under heads **(iv)**, (v) and (ix) of clause (1) above or heads (v) and (viii) of Standing Order 511(2) are those who are members in the Circuit or elsewhere in the Connexion or in another Methodist church or are within category (i) or (ii) of Standing Order 503(1).

610 Constitution. (1) Subject to Standing Orders 511 and 611, the Church Council shall consist of:

(i) the ministers, deacons, probationers and workers listed in clause (4) below;;

...

2A(b) The persons eligible for appointment under heads (ix) and (xi) of clause (1) above **and head (vii) of clause (4) below** are those who are members in the Local Church or

elsewhere in the Connexion or in another Methodist church or are within category (i) or (ii) of Standing Order 606(1).

(4) The ministers, deacons, probationers and workers referred to in clause (1)(i) above shall be:

...

(vii) such persons, **if any**, as the Church Council **judges it appropriate to appoint from among those employed under Standing Order 570 by the council, or by the Circuit Meeting in work in the Local Church** determines who are appointed under Standing Order 570, and employed by the Church Council.

***RESOLUTIONS

52/13 The Conference adopted the report.

52/14 The Conference amended Standing Orders as proposed above.

F “Signalling vocation and clarifying identity”

1. The Background

The 2008 Conference received a report with the above title, and adopted the following proposal [paragraph 2.5]:

The proposal is that throughout the Church, informally and formally, we commit ourselves to use a clear and consistent vocabulary when speaking of those who exercise their ministry on behalf of the Methodist Church in Britain (which has traditionally been described as being “in full connexion with the Conference”):

‘presbyter’ when we mean someone ordained into the Order of Presbyters in the Church of God, i.e. to the ministry of word, sacraments and pastoral responsibility;

‘deacon’ when we mean someone ordained into the Order of Deacons in the Church of God, i.e. to the ministry of witness through service, and who is also a member of a religious order, the Methodist Diaconal Order;

‘minister’ when we mean an ordained person, irrespective of whether they are a presbyter or a deacon.

The Conference then directed the Law and Polity Committee to report to the Conference of 2009 on the items in paragraph 2.6 of the Report, which states:

If this nomenclature is agreed by Conference, there will be a number of consequences, including:

- A revision of the Church’s foundation documents (e.g. *Constitutional Practice and Discipline*);
- A ‘proofing’ of future Conference reports and resolutions;
- A re-labelling of the ‘Ministerial’ Session of the Conference.

The committee’s report appears below. In view of what appears in Section 3 below, an earlier draft of it was shared with the Faith and Order Committee, and their helpful readiness to consider and respond to it was very much appreciated.

2. The general task

Paragraph 2.6 referred to above listed several ‘consequences’. The committee would regard the second of those (the ‘proofing’) as part of the ongoing work of those

52. Law and Polity Committee – Section F

responsible for the production of the Conference Agenda, who read the individual reports when they are submitted and check them carefully as to various aspects. In addition, so far as technical drafting is concerned, all legislation should be submitted to the Law and Polity Committee for pre-Conference scrutiny, which would normally pick up such points.

The first and third consequences in paragraph 2.6 are really linked; the title ‘Ministerial Session’ is, at least for legal purposes, simply one of the most significant examples of what is involved in the general revision of the foundation documents. How to establish the change of title in more popular usage is a different matter, not within the remit of this report.

What then would be required for such a revision of our ‘foundation documents’?

a) We start from the Methodist Church Act 1976 as our legal foundation. There are only two relevant references here - both, significantly, to the ‘Ministerial Session’: in the list of definitions in s. 2(1); and in s. 5(3). Amendment of the Act is not, of course, in the hands of the church. It would not be beyond the bounds of possibility (although expensive in time and money) to go back to Parliament to seek an amendment, but unless and until there are more pressing matters which require the wording of the Act to be revisited more generally, it should be possible to work with that provision unamended. The Deed of Union (see below) could be suitably amended, with careful drafting, to contain a provision which will have the effect that the Presbyterian Session corresponds to/for the purposes of the Act the Ministerial Session.

(There is another piece of legislation which contains reference to ‘minister’: the 1939 Methodist Church Act, which is the foundation document for the Board of Trustees for Methodist Church Purposes and to which the same constraints as to amendment apply. The committee has offered advice to the Board upon the appropriate interpretation of that provision in its statutory context, and it is not anticipated that this will create major problems.)

b) The Deed of Union and Model Trusts

These come as the next tier in our foundation documents. With some exceptions, which do not affect the present issue, they are amendable.

Taking the Model Trusts first, there is the occasional reference to ‘minister’, and consideration would need to be given to whether it was to be given its wider construction now or re-worded to ‘presbyter’, but that is not in itself a difficult task and can be addressed in due course, as explained below.

The Deed of Union would require much more extensive re-drafting (not least because of the substantial number of provisions relating to the Ministerial Session).

Amendments (to either document) would generally require to be via special resolution, i.e. adopted by a 75% majority in the Conference in successive years, with ‘appropriate consultation’ in between, which would surely in such a major matter need to involve the Synods. However, the committee has identified a particular issue which would require different treatment, and this is dealt with in section 3 below.

c) Standing Orders

There would also need to be extensive re-wording of Standing Orders. This would not necessarily be difficult but would obviously require time and care. Consideration would need to be given, for instance, as to whether in each occurrence the phrase “ministerial and diaconal” was best replaced by “presbyteral and diaconal” or simply “ministerial”. The work could be done so that the amended Standing Orders were brought to the Conference at the same time as the Deed changes were brought for confirmation, so as not to add another year to the process.

d) Other items in CPD

Although not ‘foundation documents’, attention would also need to be given in due course to the increasing amount of material whose wording, albeit in the form of guidance or guidelines, has been approved by the Conference and directed to be published in *CPD*.

3. Clause 4 of the Deed of Union

The general situation as to Deed changes has been outlined above. However, the committee has identified a crucial issue. This is, how to deal with the clause which, if any, is fundamental to our ecclesiology and which therefore has particular entrenched status within the Deed: clause 4, which sets out the Doctrinal Standards of the Methodist Church (the full text of which appears at pp213-214 of *CPD* (2008 edition)).

It may be recalled that, until the coming into force of the 1976 Act, the form of this clause could not be amended by the Conference itself – under the provisions of the preceding legislation which was the framework for Methodist Union in 1932, recourse would have had to be to Parliament itself. Under the 1976 Act, amendment is possible, but by the process of a ‘deferred special resolution’, defined by s. 2(1) of the Act as “a resolution of the Conference passed in one year by a special [i.e. 75%] majority and, after full consultation down to and including Local Church level, confirmed in the second following year by a special majority”. In other words, consultation is not just with the Synods, but with Circuit Meetings and Church Councils too, and the confirmation vote takes place two years, not one, later.

This provision has only been invoked once. This was in 1993-5, when the Conference was going through the process of giving formal recognition to the Methodist diaconate as

52. Law and Polity Committee – Section F

an order of ministry within our church. One or two very small phrases in clause 4, which might have implied that we only recognised one order of ministry, were deleted, as the minimum needed at that time to open the way forward; nothing positive was inserted about having the diaconate as another order of ministry. (The opportunity was taken at the same time to remove the couple of remaining instances of non-inclusive language in the Deed!)

Does the implementation of last year's resolutions require the language of cl. 4 to be re-visited? Having considered this, the committee believes that it does. We believe that there are instances where the word 'minister' should properly only apply to presbyters. Similarly, this may be a good opportunity to reconsider the words "to this sole occupation" in a situation where we have two orders of ministry, presbyters and deacons. At the very minimum, there are two instances where the wording needs to be clarified. However, the committee believes that the time may have come to go further and to include a more explicit and positive recognition of the diaconal order of ministry in clause 4, so as to reflect more adequately our current ecclesiology. Whilst appreciating that others may take the view that amendments to the wording of this historic text should be made only when it is absolutely necessary and then only minimally, to remove or clarify wording which does not represent our present understanding and practice, the committee believes that the Conference ought to be given the opportunity to decide upon which approach to adopt.

So, after consultation with the Secretary of the Faith and Order Committee and the Warden of the Methodist Diaconal Order, the committee offers Resolution 52/16 below. In effect this directs that work should be done upon arriving at a form of words which more fully reflects the presence of the diaconal order of ministry in our church, and that a report including any proposed amendments should be brought to the Conference next year. Obviously such work would have to be done in close collaboration between the Law and Polity and Faith and Order Committees, and with the appropriate diaconal involvement.

The effect of the adoption of Resolution 52/16 would therefore be to delay the whole process for one year, but would ensure that a proper exploration of the implications of the decisions of the 2008 Conference is undertaken. Any proposed amendments to the clause brought in the report to the 2010 Conference would then be moved for provisional adoption requiring a 75% majority. This will be the first step in the process of legislative change which the resolutions of the 2008 Conference envisaged. It will require to be brought back in 2012 for confirmation by a similar majority after 'appropriate consultation', extending to Circuit Meetings and Church Councils. This seems to the committee to be the appropriate first step to take: the change of terminology is a matter of considerable significance throughout the membership of the connexion, and this is the best and earliest way of testing it. Meanwhile the considerable number of amendments to other clauses of the Deed of Union and to the Model Trusts (which require a one year,

not two year, interval before confirmation) can begin to be worked upon and brought for provisional adoption at the 2011 Conference. Thus all the amendments to the Deed and the Model Trusts can then be brought back to the 2012 Conference, together with proposed amendments to Standing Orders, so that all can be adopted, if the Conference so decides, together at that Conference.

*****RESOLUTIONS**

52/15 The Conference received the report.

52/16 The Conference directed the Law and Polity Committee, having consulted the Faith and Order Committee and the Warden of the Methodist Diaconal Order, to report to the Conference of 2010 upon whether clause 4 of the Deed of Union might be appropriately amended, not only to accommodate the change of vocabulary resolved upon by the Conference of 2008, but also so as to include an affirmation of the existence and purpose of the diaconal order of ministry which the Methodist Church has received, and, if so, how.

G The Diaconal session of the Conference

A. The background

Many members of the Conference will recall that work on the Review of the Conference has proceeded over several years. The outstanding item is the set of changes relating to the Diaconal Session. The Conference in 2007 and 2008 adopted a number of resolutions to the effect that:

- ∞ there should cease to be a Diaconal Session of the Conference;
- ∞ the exclusive jurisdiction and particular powers of the Diaconal Session of the Conference should be transferred to a committee of the Conference, to be known as the Conference Diaconal Committee, presided over by the President (with certain provisions about who should preside in his or her absence);
- ∞ the Conference Diaconal Committee should consist of all those deacons in full connexion who were members of the Representative Session of the last preceding Conference or, if the Committee met during the Representative Session, of the current one;
- ∞ the Conference Diaconal Committee should relate closely to the Convocation of the Methodist Diaconal Order, with this latter body being the place where deacons would confer about vocation and identity, ‘watch over one another in love’ and confer about ‘the work of God’.

The necessary changes to the Deed of Union were duly adopted by the 2008 Conference and sent for appropriate consultation (in this instance to the Methodist Council). They are brought to the 2009 Conference for confirmation and appear elsewhere in the Agenda.

The proposed Standing Order changes (which depend upon adoption of the Deed changes) were also brought to the 2008 Conference, with the following resolution which was duly adopted:

The Conference notes the following indicative amendments to Standing Orders concerning the Convocation and Conference Diaconal Committee and directs the Law and Polity Committee to bring the amendments in their final form to the Conference of 2009.

Accordingly, Section B contains the amendments in their final form. They closely follow the text of the 2008 version, with a very few minor emendations.

B. Proposed amendments to Standing Orders

002 Terms defined in the Deed of Union (1) ...

~~(viiA) ‘Conference Diaconal Committee’;~~

~~(viiiC) ‘Diaconal Session’;~~

033 [Continuance in Training and Probation] Procedure on Appeals.

(1)The convener shall arrange for the appeal to be heard and for the committee’s recommendation to be brought to the Conference **relevant body for decision under Standing Order 034.**

034 [Continuance in Training and Probation] Procedure in the Conference. Decisions upon Appeals. The Secretary of the Review Committee or, if there has been an appeal, the reporting officer of the Appeal Committee, shall report to the Conference in its Ministerial or Diaconal Session, **or to the Conference Diaconal Committee**, as the case may be, the recommended grounds for discontinuance, the ground of appeal, if any, and the **Review Committee’s** recommendation. The Conference **Ministerial Session or Conference Diaconal Committee** shall consider the case in closed session and may uphold or vary the **Review Committee’s** recommendation. Subject to the foregoing the Conference **it** shall determine its own procedure. ~~The~~ **and its decision** of the Conference shall be final.

042 [Ministerial and Diaconal Incompetence] Inability to Fulfil Requirements.

...

(4)

The person concerned may appeal from the Pastoral Committee to a connexional Appeal Committee, and thence to the Conference **or, in the case of a deacon, the Conference Diaconal Committee**, and in relation to such appeals Standing Orders 1140 to 1145 shall apply, with any necessary changes.

101 Conference Secretariat and Other Officers of the Conference.

~~(4) The officers to be appointed for the Diaconal Session shall be the record secretary, assistant record secretary and such other officers as the last preceding Conference judges necessary.~~

123 Daily Record.

...

(3) The Conference may entertain a resolution for the correction of a day’s record after its adoption if moved by an officer of the Conference or on behalf of the Conference Sub-committee of the Committee on Methodist Law and Polity, and **the Representative Session** may do so in relation to the record of ~~an earlier session~~ **the Ministerial Session** of the same Conference or to the Journal of an earlier Conference.

126 Special Resolutions. (1)(a) **Subject to clause 25B(b) of the Deed** sub-clauses (b) to (d) below shall ...

137 Committees of Reference.

...

(3) There may be referred to a Committee of Reference for consideration and report any matters which any **either** session of **the** Conference or, if arising before that session meets, the President may think fit.

138 Memorials Committee.

...

(6) The report of the committee shall clearly identify:

(i) those memorials which require to be considered by the Ministerial **as well as the Representative** or Diaconal Session of the Conference, **being shared business as defined by clause 24(c) of the Deed of Union; and**

(ii) **those memorials which concern any of the matters specified in items (i) or (ii) of clause 25B(a) of the Deed, upon which the process prescribed by that clause will apply to the proposed reply.**

155 Joint Meetings [i.e. of the Ministerial and Diaconal Sessions]

delete whole Standing Order

Section 18 ~~The Diaconal Session~~ *The Conference Diaconal Committee*

180 Business. ~~The programme of business for the Diaconal Session shall be drawn up by the Secretary in consultation with the President and the Warden of the Methodist Diaconal Order.~~

181 Obituaries. (1) ~~During the Diaconal Session of the Conference the names of those deacons, diaconal probationers and student deacons who have died since the last preceding Conference shall be read.~~

~~— (2) Their obituaries, prepared by the Warden, shall be included in the Agenda and presented to the Conference in its Diaconal Session for adoption, with any further revision accepted by the Conference.~~

~~— (3) The obituaries shall be printed in the Minutes and any received too late for inclusion in the Minutes for the current year shall appear in the Agenda of the succeeding year.~~

182 Annual Inquiry. ~~In the Diaconal Session the Warden shall give assurances to the Conference on behalf of the Convocation as to the character and discipline of the deacons and diaconal probationers. The right of any member of the Conference to bring a charge under Section 02 shall not be affected by the operation of this Standing Order.~~

180 Officers and Members

(1) The preceding or current Conference shall, upon the nomination of the Secretary of the Conference, appoint recording officers of the Conference Diaconal Committee, and one of them also as its reporting officer. So far as not already members of the committee they shall, whether or not deacons, thereby become members under clause 25A(b)(v) of the Deed of Union.

(2) The Secretary of the Conference or his or her deputy shall be the convener of the committee.

(3) The Warden shall be responsible for notifying the President where it appears necessary or appropriate for the President to exercise the power conferred by clause 25A(c) of the Deed to appoint additional or substitute members.

181 Meetings and reports

(1) The Conference Diaconal Committee shall meet as necessary to discharge the responsibilities laid upon it by the Deed of Union and Standing Orders.

(2) The committee shall meet in closed session for business requiring decisions upon individual cases or other confidential matters, and in any other case where Standing Orders so require. It may resolve to do so on other occasions as it deems appropriate.

(3) The committee may refer any matter to a sub-committee of its members for consideration and report.

(3) (4) The reporting officer shall be responsible for recording the decisions made by the committee, reporting them to the next following or current Conference, as the case may be, in its Representative Session and, where the Deed of Union or Standing Orders require, ensuring that they are entered into the Journal of the Conference.

182 Obituaries

(1) The obituaries of those deacons, diaconal probationers and student deacons who have died shall be prepared by the Warden in consultation where possible with the Convocation, and shall be presented to the Conference Diaconal Committee for adoption, with any further revision accepted by the committee.

(2) The reporting officer shall be responsible for reporting them to the Conference for incorporation into the Journal of the Conference.

(3) The obituaries shall be printed in the Minutes and any received too late for inclusion in the Minutes for the current year shall appear in the Agenda of the succeeding year.

183 Annual Inquiry

(1) In the Conference Diaconal Committee the Warden shall annually give assurances on behalf of the Convocation as to the character and discipline of the deacons and diaconal probationers.

(2) The reporting officer shall be responsible for reporting the assurances to the Conference for incorporation into the Journal of the Conference.

(3)The right of any member of the committee to bring a charge under Part 11 shall not be affected by the operation of this Standing Order.

325 Diaconal Candidates Selection Committee.

...

(3) The committee shall recommend to the Conference **Diaconal Committee** the names of those to be accepted as candidates for the diaconate.

326 Diaconal Candidates and Probationers Oversight Committee.

...

(3) The committee shall recommend to the Conference **Diaconal Committee** the names of the probationers to be received into full connexion.

701 Diaconal Ministry.

...

(8) ... The principal constitutional forum in which deacons corporately exercise their servant ministry in the Church and are accounted for by the Church is the ~~Diaconal Session of the Conference~~ **acting through the Conference Diaconal Committee.**

710 Qualifications.

...

(7) ... in the year following ~~the Conference at~~ **that in** which his or her previous offer was declined ...

713 [Candidates] Connexional Committees.

(1) The Diaconal Candidates Selection Committee shall examine all continuing candidates for the diaconate and shall report directly to the ~~Diaconal Session of the Conference~~ **Diaconal Committee**. The Ministerial Candidates Selection Committee shall examine all continuing candidates for the ministry and shall report directly to the Ministerial Session of the Conference.

...

(7)(b) Where there is such an objection and the [selection] committee resolves nevertheless to recommend acceptance or conditional acceptance its recommendation shall be subject to the endorsement of the medical committee of the Methodist Council, which shall investigate all such cases and report to the **Ministerial Session of the Conference or the Conference Diaconal Committee, as the case may be.**

(8) The ~~selection~~ **Committees** shall report to the **Ministerial Session or the Conference Diaconal Committee, as the case may be, ...**

(9) The Ministerial Candidates Selection Committee and Diaconal Candidates Selection Committee shall each have three classes in which it may report on candidates ~~to the Conference~~ **in accordance with clause (8): ...**

715 Appeals.

...

(8) The Appeals Committee shall report to the **Ministerial Session of the Conference or the Conference Diaconal Committee, as the case may be, ...**

(9) In all cases a report shall be made to the **Ministerial Session or the Conference Diaconal Committee, as the case may be.**

716 The Conference – Ministerial and Diaconal Sessions:

(1) The Conference in its Ministerial or Diaconal Session respectively shall first consider those **ministerial** candidates

...

(5) No candidate for the ministry or the diaconate shall be recommended or conditionally recommended by the Ministerial or Diaconal Session to the Representative Session for the ministry or the diaconate save by a vote of 75% or more of the members of the Conference present and voting.

(6) If the Conference in its Ministerial or Diaconal Session recommends or conditionally recommends

716A The Conference Diaconal Committee

The provisions of Standing Order 716 shall apply to the Conference Diaconal Committee in considering and making its recommendations in respect of diaconal candidates, as if references to the Ministerial Session were references to that committee.

717 The Conference – Representative Session.

...

(2) Subject to compliance with Standing Order 716(6) and clause (1) above the candidates for the ministry recommended or conditionally recommended by the Ministerial Session and the candidates for the diaconate recommended or conditionally recommended by the Diaconal Session **Conference Diaconal Committee** shall be proposed ...

718 Change of Order of Ministry.

...

(8) The provisions of Standing Orders 713 to 717 shall apply, and the period of pre-ordination training and probation shall be determined by the **Ministerial Session of the Conference or Conference Diaconal Committee** when the candidate is accepted.

720 General Principles of Pre-ordination Training and Probation.

...

(2) Pre-ordination training and probation may be undertaken consecutively or concurrently as determined for each candidate by the Conference under Standing Order 721(1).

(3) Should the number of persons available to be stationed as probationers by virtue of the determinations **made** of the Conference under Standing Order 721(1) ...

721 Length and Form of Pre-ordination Training and Probation.

(1) The length and form of pre-ordination training and probation for each accepted candidate shall be determined by the Conference in its Ministerial or Diaconal Session of **the Conference or Conference Diaconal Committee, as the case may be, ...**

...

(4) Candidates who are permitted to continue their studies for a degree or to engage in some other activity after acceptance by the Conference shall defer commencement of the period of pre-ordination training and probation for one or more years and it shall begin on a date to be determined by the Conference **or Conference Diaconal Committee, as the case may be, in the connexional year** next following the accepting Conference.

722 Pre-ordination Training.

...

(2) In the case of each person who is recommended by the Ministerial Candidates Selection Committee or Diaconal Candidates Selection Committee to the Conference for acceptance as a candidate ...

725 Oversight of Pre-ordination Training and Probation.

(1) ...and shall report annually to the Ministerial **Session** and the **Conference Diaconal Committee** Diaconal Sessions respectively with recommendations about particular cases as appropriate.

...

(3)(c) The committee's report and recommendations shall be forwarded to the Ministerial and Diaconal Candidates and Probationers Oversight Committees respectively in time for those committees to review them, take any appropriate further action and prepare their reports and recommendations for the Ministerial and Diaconal Sessions of the Conference **required by clause (1) above.**

...

(5)(c) It shall present the report and recommendations to the Diaconal Session of Conference **Conference Diaconal Committee.**

726 Deferment or Suspension of Probation.

(1) ... and that committee [the Ministerial or Diaconal Candidates and Probationers Oversight Committee] ... shall make a recommendation to the **Ministerial Session of the Conference or, as the case may be, the Conference Diaconal Committee**, which may grant or refuse the application.

(2) the President may grant or refuse the application but shall not grant an application unless satisfied of the applicant's intentions as described in clause (1)

above. **Any applications granted shall be reported by the President to the Ministerial Session or, as the case may be, the Conference Diaconal Committee.**

(6) A person granted deferment or suspension of probation as above shall in due course, with the permission of the **Ministerial Session of the Conference or the Conference Diaconal Committee, as the case may be**, granted on application made through the Ministerial or Diaconal Candidates and Probationers Oversight Committee; ~~as the case may be~~, commence or resume probation.

727 Withdrawal from Training.

...

(3) ... The Diaconal Candidates and Probationers Oversight Committee shall consider the matter, giving opportunity for the student to meet the committee, and shall have the authority to accept the withdrawal, reporting any such acceptances to the ~~Conference next following in its Diaconal and Representative Sessions~~ **Conference Diaconal Committee** with a recommendation to the ~~Conference in its Diaconal Session~~ **that committee** to what extent the status of the person concerned as a local preacher (if relevant) and member shall be affected. The ~~Diaconal Session~~ **Conference Diaconal Committee** shall in all such cases make a declaration as to such status and the **acceptance of withdrawal and** declaration shall be reported to the Representative Session.

728A Reception into Full Connexion and Ordination: Deacons.

(1)...(c) The [Diaconal Candidates and Probationers Oversight] committee shall consider all the records, reports and interviews and vote to decide its judgment upon them and its recommendations to the ~~Diaconal Session of the Conference~~ **Conference Diaconal Committee.**

...

(4)(a) The Diaconal Candidates and Probationers **Oversight** Committee shall make recommendations about each ordinand to the ~~Diaconal Session of the Conference.~~ ~~The Conference~~ **Conference Diaconal Committee. That committee** shall make its judgment on the recommendations and then resolve by a ~~standing vote~~ that

(b) Those judged by the ~~Diaconal Session~~ **Conference Diaconal Committee** to be fit for such admission shall be presented to the Representative Session of the Conference ...

730 Ministerial and Diaconal Transfers between Churches.

...

(14) The Conference in its Ministerial and Diaconal Sessions **The Ministerial Session of the Conference and the Conference Diaconal Committee** shall consider the reports of the Ministerial and Diaconal Candidates Selection Committees respectively and (if applicable) the Appeal Committee on all applications for transfer under this Standing Order **and make recommendations to the Representative Session of the Conference.** No applicant shall be recommended or conditionally recommended to the ~~Representative Session~~

for acceptance except by a vote of three fourths of the members of the Conference **recommending body** present and voting. ...

732 Persons Recognised and Regarded as Ministers or Deacons.

...

(3)(d) All such applications shall be made in the case of ministers to the Secretary of the Conference, and in the case of deacons to the Warden of the Methodist Diaconal Order and the Secretary of **the** Conference. The Secretary shall ensure that the applications are assessed by the same connexional bodies as deal with those offering for reception into full connexion by transfer, and according to similar criteria, and shall bring them to the **Ministerial Session of the Conference or the Conference Diaconal Committee, as the case may be**, with recommendations.

...

(6) The Conference or the appropriate connexional committee may make recommendations to a minister's or deacon's own conference or church as to supernumeraryship, deployment but the authority on any such subject shall remain with the minister's **or deacon's** own conference or church.

753 [Convocation] Functions

....

(2) In addition to sessions for devotion, study and fellowship, the agenda of the Convocation shall include:

...

(iii) ~~presentation~~ **preparation** of obituaries;

(iv) ~~presentation~~ **preparation** of applications from deacons in the active work for permission to become supernumerary;

(v) ~~report upon applications from supernumeraries to return to the active work and recommendations to be made upon them by the Stationing Advisory Committee.~~

760 Resignation.

...

(6) ... The President shall report his or her action to the Conference next following both in the Ministerial or Diaconal Session, as the case may be, and in the Representative Session **Ministerial Session of the Conference next following or the next meeting of the Conference Diaconal Committee, as the case may be, and to the Representative Session.**

761 Reinstatement as a Minister, Deacon, Probationer, Student or Local Preacher.

...

(5) The [interviewing] committee shall meet as convened under clause (3)(iv) above, interview the applicant, and confer, and shall then recommend to the Conference **Ministerial Session of the Conference or the Conference Diaconal Committee, as the case may be**, whether the application should be granted, and if not with reasons.

...

(12) A former student minister, student deacon or probationer who wishes to be reinstated shall apply to the President, who shall arrange for the application to be brought to the Conference in its Ministerial or Diaconal Session **Ministerial Session of the Conference or the Conference Diaconal Committee**, as the case may be, ...

(13) Reinstatement shall be by the Conference in its Representative Session, but no applicant shall be proposed to that session for reinstatement except upon the recommendation of the Ministerial or Diaconal Session **or the Conference Diaconal Committee**.

774 Ministers and Deacons without Appointment.

...

(3) A student minister, deacon or probationer who wishes to be without appointment on being received into full connexion shall apply to the Ministerial or Diaconal Candidates and Probationers Oversight Committee, as the case may be, and that committee, if satisfied of the applicant's intention both to complete training (where incomplete) and probation and, in due course, to enter the active work, shall make a recommendation to the **Ministerial Session of the Conference or the Conference Diaconal Committee, as the case may be**, which may grant or refuse the application.

(4) ... the President may grant or refuse the application, but shall not grant an application by a probationer, student minister or student deacon unless satisfied of the applicant's intentions as described in clause (3) above. **Any applications granted shall be reported by the President to the Ministerial Session or, as the case may be, the Conference Diaconal Committee.**

790 Application to become Supernumerary

(2)(b): ... the medical committee shall recommend to the **Ministerial Session of the Conference or the Conference Diaconal Committee, as the case may be**, whether the person concerned should be permitted to become a supernumerary on medical grounds.

(3) The [Stationing Advisory Committee] shall make a recommendation to the Stationing Committee which shall in turn make a recommendation to the **Ministerial Session of the Conference or the Conference Diaconal Committee, as the case may be**.

1145 Proceedings on a Further Appeal. (1) (a) If the grounds of appeal include the ground specified in Standing Order 1140(2)(iv) or permission is given because the condition specified in Standing Order 1144(3)(iii) is satisfied **and the case is not a case against a deacon, diaconal probationer or diaconal student**, the appeal must be heard by:

- (i) the Ministerial Session in cases against ministers, ministerial probationers and ministerial students;
- (ii) the Diaconal Session in cases against deacons, diaconal probationers-

and diaconal students;

(iii) the Representative Session in other cases.

...

(2) (a) All other appeals must be heard by a committee of 30 persons (***in this Standing Order referred to as “the committee”***) appointed by the President from among the members of the relevant session of the preceding Conference, except as provided in clause (5) below ***in accordance with sub-clause (b) below***.

(b) The ‘relevant session’ means the session which would hear an appeal if it fell within clause (1) above. ***The committee shall comprise:***

(i) in cases against ministers, ministerial probationers and ministerial students, 30 persons appointed by the President from among the members of the Ministerial Session of the preceding Conference, and, if it proves impractical to find 30 such persons qualified and able to hear the appeal, from among the members of the Representative Session;

(ii) in cases against deacons, diaconal probationers and diaconal students, the Conference Diaconal Committee constituted in accordance with clause 25A(b) of the Deed of Union, supplemented, if the number of members of this body qualified and able to hear the appeal is fewer than 30, by persons appointed by the President from among the members of the Representative Session of the preceding Conference;

(iii) in other cases, 30 persons appointed by the President from among the members of the Representative Session of the preceding Conference.

(4) ... (d) A decision by the President upholding an objection is final. The President must then appoint a substitute, who must be, whenever possible, a member of the relevant session as defined in ***qualified in accordance with*** clause (2)(b) above, and inform the parties of the identity of the new member....

(5) If under the preceding provisions of this Standing Order there would be fewer than 30 persons hearing or qualified for appointment to hear the appeal, the President must appoint additional persons who are members of the Representative Session of the Conference concerned to make up the number of persons who will hear the appeal to 30

1147 Reports.

...

(2) All decisions referred to in clause (1) above must be reported :
... (ii) in the case of deacons, diaconal probationers and diaconal students, to the Diaconal and Representative Sessions **Conference Diaconal Committee and the Representative Session.**

(3) Any report made under clause (2) above or under clause 23(e) **or 25A(f)** of the Deed of Union in the case of the Representative Session must be made in closed session. ...

(4) In addition to any reports under clause (2) above, a general report must be made to the Conference in **both** sessions **and to the Conference Diaconal Committee (as constituted by clause 25A of the Deed of Union)** by a convener of the connexional Panel at least once every three years. The general report must deal with any questions of principle raised in the cases dealt with, but without reference to any personal details. It will be open to **either** session **and to that committee** to debate those questions.

***RESOLUTION

52/17 The Conference received the report.

52/18 (Shared business with the Diaconal Session)
The Conference amended Standing Orders as set out in Section B of the report with effect from the close of the Conference.

H Complaints and Discipline

The Conference of 2008 adopted a new Part 11 to Standing Orders which made substantial changes to the complaints and discipline procedures. In the course of making those changes, a few minor drafting errors crept in which are corrected by the proposed amendments below.

In the current connexional year, there have been for the first time two appeals by respondents to the Conference, the first of which proceeded to a full hearing by a committee of the Conference. The experience of operating the relevant Standing Orders drew attention to two points:

- (1) the need for a suitable provision for the minimum number of members of a committee of the Conference hearing a discipline appeal. The specified minimum number, which is three, is appropriate for a connexional discipline or appeal committee, where the full membership is five, but is not appropriate for a committee of the Conference;
- (2) the desirability of making express provision for a preliminary hearing in the case of appeals to the Conference, as there is in the case of other discipline hearings.

Those points are also dealt with in the proposed amendments below.

Finally, there are a few points of clarification relating to:

- (1) the time within which discipline hearings should take place and within which objections to the membership of a committee should be raised;
- (2) the composition of a committee which has been reconvened if a direction made by the committee has not been properly complied with.

Again, those points are dealt with in the proposed amendments below.

Proposed amendments

1102(2) (c) Provided that a court has three members, **or, in the case of a committee of the Conference constituted under Standing Order 1145(2) below, 25 members**, no proceeding or decision of the court will be invalid because it consists, in any particular case, of fewer members than is specified in these Standing Orders.

(4) ... Where a provision specifies a time before which ~~an event must not take place a~~

hearing must not begin...

1124(10)(i) ... any of the possible grounds for summary dismissal set out in clause (67) of Standing Order 1123 ...

1130(6)(b) On receiving a copy of a charge or charges ... The relevant connexional Team member must also send a copy of the charge or charges to ... the Chair of the District containing the complainant's **respondent's** Circuit.

(d) if the complainant is a lay person who is not a member in one of the home-Districts, references to his or her Circuit mean the Circuit in the home Districts with which he or she has the closest connection:

1131(9)(d) **Subject to paragraph (e) below, if** the Presenting Officer, the complainant or the respondent knows of facts amounting to a ground of objection under Standing Order 1102(2) but does not object within the time specified in paragraph (a) above he or she may not afterwards object on that ground.

(e) If, as a result of a previous objection to a member of the committee or the withdrawal of a member of the committee or otherwise, the Presenting Officer, the complainant or the respondent is informed of a proposed member of the committee at such a time that it is not reasonably practicable for any objection to be made in accordance with paragraph (a) above, he or she must make the objection as soon as is reasonably possible and the chair must deal with the objection fairly having regard to all the circumstances.

(11) The reporting officer must supply to the complainant such of the papers ... as he or she, in conjunction **consultation** with the chair of the ~~C~~committee ...

(13)(b) The hearing must not ~~take place~~ **begin** earlier than 21 days after the reporting officer has supplied the respondent with the papers referred to in clause (10) above. If ... the Presenting Officer intends to place additional documents before the committee, the hearing must not ~~take place~~ **begin** earlier than such date as the chair of the committee decides is reasonable ...

(c) The hearing must ~~take place~~ **begin** within three months ...

1141(4) (d) **Subject to paragraph (e) below, if** a party knows of facts amounting to a ground of objection under Standing Order 1102(2) but does not object within the time specified in paragraph (a) above he or she may not afterwards object on that ground.

(e) If, as a result of a previous objection to a member of the committee or the withdrawal of a member of the committee or otherwise, a party is informed of a proposed member

52. Law and Polity Committee – Section H

of the committee at such a time that it is not reasonably practicable for any objection to be made in accordance with paragraph (a) above, he or she must make the objection as soon as is reasonably possible and the chair must deal with the objection fairly having regard to all the circumstances.

(6)(b) The hearing must not ~~take place~~ **begin** earlier than 21 days after the reporting officer has supplied the parties with the papers referred to in clause (5) above.

(c) The hearing must ~~take place~~ **begin** within two months ...

1142(4)(b) The person appealing ~~and/or~~ **and** his or her representative ...

(5) If the hearing is upon a reference under Standing Order 1140(7**5**) above ...

1145(4)(c) If the President does not uphold the objection, the objector may renew the objection before the committee when it first meets if he or she has given the President notice at least seven days beforehand of his or her intention to do so (**but subject to paragraph (cA) below**).

(cA) If, as a result of a previous objection to a member of the committee or the withdrawal of a member of the committee or otherwise, a party is informed of a proposed member of the committee at such a time that it is not reasonably practicable for any objection to be made in accordance with paragraph (a) above or for its renewal to be notified in accordance with paragraph (c) above, he or she must make the objection or notify the President as soon as is reasonably possible and the President must deal with the objection fairly having regard to all the circumstances.

(6A)(a) The Secretary, if so requested by the President, must convene a preliminary hearing to be conducted by the President, with the assistance of such person or persons as the President may require as advisers, at a convenient date prior to the hearing of the appeal. The hearing may take the form of a meeting or a conference call.

(b) The purpose of any preliminary hearing is to deal with such matters as the President may think fit (which may include any objections to the membership of the committee, if the appeal is to be heard by a committee) and generally to ensure that the appeal is ready to be heard.

(c) A decision of the President at the preliminary hearing may be challenged at the hearing of the appeal provided that the party making the challenge has given the Secretary at least two days' prior notice in writing of his or intention to challenge the decision.

(d) No discussion of the merits of the appeal is to take place at the preliminary hearing.

(18) In this Standing Order, references to "the President" are references to the person for the time being holding the office of the President of the Conference, except in clause

(6A) and in relation to an application for an adjournment under clause (16) or withdrawal of the appeal under clause (17) made at the hearing of the appeal. In such exceptional cases “the President” means the person who is intended to preside, or is presiding, at the hearing of the appeal.

1150 (3A)(a) *If a committee so reconvened would have fewer than three members, the reporting officer must appoint additional members to make the number of members up to five in such a manner that the composition of the committee complies with Standing Order 1131(4) and (5).*

(b) If a committee so reconvened would have at least three members but the original chair is not available, the reporting officer must appoint another person appointed under Standing Order 231(3) to chair the committee.

(c) If additional members are appointed under this clause to a reconvened committee, the reporting officer must inform the respondent of the new members and the respondent has the right to object under Standing Order 1102(2) to any member by giving notice of objection to the reporting officer in writing and with reasons. The chair, whether original or newly appointed, must deal with the objection fairly having regard to all the circumstances.

*****RESOLUTION**

52/19 The Conference adopted the report and made the amendments to Standing Orders set out above.

New Section H: Complaints and Discipline

The present text of SO 1113 excludes from appointment to the connexional Reconciliation Group any person who is a member of a district Reconciliation Group. It is now proposed that such persons should no longer be excluded. The composition of the panel of persons to form the connexional Reconciliation Group is still under consideration and the Conference is therefore requested to delegate the appointment of the panel for the connexional year 2009–2010 to the Methodist Council.

52/20 The Conference amended Standing Order 1113(2) as follows:

(2) No person may be appointed a member of the connexional Reconciliation Group who holds an office or is a member of a group (**other than a district Reconciliation Group**) or panel appointed under this Section or Standing Order 231.

52/21 The Conference delegated the appointment of the connexional Reconciliation Group for the connexional year 2009–2010 to the Methodist Council.