

## 15. Committee on Methodist Law and Polity (1)

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### **SECTION A GENERAL REPORT**

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

The 2018 Conference directed the Committee to undertake several pieces of work with the Methodist Council, including consideration of the potential for alternative models of managing trusteeship. Such consideration has taken place at the Connexional Leaders' Forum and the Methodist Council. Any policy decisions taken in respect of this piece of work requiring amendments to the Model Trusts or Standing Orders will be brought to the Conference in 2020.

There were no special resolutions referred to the Committee by the 2018 Conference.

The Committee continues to work closely with the Safeguarding Committee to ensure any policy amendments that affect Standing Orders are acted upon and discussions continue on the use of the word "contract" in section 69.

The Committee has considered at length whether there are any legal or constitutional matters that would prevent amendments to paragraphs 14(2) and 14(2A) of the Model Trusts and this work has led to proposals being made to the Methodist Council in April 2019 in respect of paragraph 14(2A). Any proposals for amendment to paragraph 14(2A) will be contained in Volume 2 of the Conference Agenda.

The Committee assisted in finalising the constitution for Ecumenical Areas so that they are able to register with the Charity Commission.

The Committee awaits the outcome of the consultation on the Code of Conduct and the final substance of the Code in order to decide how best to link this Code with the existing Complaints and Discipline or Ministerial Competence processes. It is also anticipated that any Code would assist the Committee in deciphering how to enable Circuits to reclaim

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from ministers, costs that are incurred due to the condition that a manse has been left in.

The Committee receives a report, at least annually, from the Complaints and Discipline Subcommittee and makes any proposals as necessary to amend Standing Orders to continually clarify and improve the process.

The Committee has commented upon and assisted members of the Conference Office in responding to a claim by a minister for judicial review of a church process. Permission to make a claim for judicial review was not granted by the Court and therefore the claim never progressed.

The Committee appointed the Law and Polity Conference Subcommittee under Standing Order 338(6) as follows: the Secretary of the Conference, the Conference Officer for Legal and Constitutional Practice, the Revds Jennifer M Dyer, Julian M Pursehouse and James Tebbutt, Miss Elizabeth H Ovey and Mr David S Walton (Chair).

### **\*\*\*RESOLUTION**

**15/1. The Conference receives the General Report.**

### **SECTION B MINOR AMENDMENTS TO CPD**

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

By way of explanation the 2018 Conference following a review of the Safeguarding Committee agreed to changes to Standing Order 232 and subsequently fewer former Presidents and Vice- Presidents serve on the committee. The consequential amendments to Standing Orders 232 and 234 are set out below.

There is one further consequential amendment to Standing Order 730(4) to ensure the correct cross-referencing.

### **\*\*\*RESOLUTION**

**15/2. The Conference, by way of minor and consequential corrections, amends Standing Orders as follows:**

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**232 Safeguarding Committee.** (1) The Methodist Council shall annually appoint a Safeguarding Committee consisting of:

- (i) a chair who shall be appointed for four years;
- (ii) up to 18 people who shall be appointed for six years who shall include:
  - (a) at least five persons who, by virtue of their relevant experience, will in the judgment of the council command wide respect, and
  - (b) at least ten **other** persons with relevant experience.

**234 Appeal Process.** (1) The convener shall arrange for the appeal to be heard by an appeal panel which shall include one person referred to in Standing Order 232(1)(i)(b) and two persons referred to in Standing Order 232(1)(ii)(a), **and** one of whom **the latter** shall be a former President or Vice President, who shall chair the appeal panel. No member of the appeal panel shall have been involved in giving or making the direction or determination which is the subject of the appeal.

**730 Ministerial Transfer between Churches** (4) Subject to clause (5AB) below the appropriate Connexional Team member responsible for presbyteral or diaconal candidates shall obtain:

### SECTION C JOINT ADVISORY COMMITTEE ON THE ETHICS OF INVESTMENT

The Conference annually receives a report from the Joint Advisory Committee on the Ethics of Investment. It has been noted that this committee is not established within Standing Orders and the Law and Polity Committee has therefore been working with the committee in order to bring the proposed Standing Order set out below.

**231A Joint Advisory Committee on the Ethics of Investment. (1) There shall be a Joint Advisory Committee on the Ethics of Investment appointed annually in accordance with clause (2) below.**

**(2) The committee shall consist of eleven persons and shall comprise:**

- (i) **A chair appointed by the Methodist Council;**
- (ii) **Five other persons appointed by the Methodist Council;**
- (iii) **Five persons appointed by the Central Finance Board.**

**(3) The committee shall meet as frequently as need be, but in any event at least once a year.**

**(4) The committee shall be responsible for advising the Central Finance Board on ethical**

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*aspects of investments and proposed investments, and shall report annually to the Conference.*

### \*\*\*RESOLUTIONS

**15/3. The Conference receives the Report.**

**15/4. The Conference adopts Standing Order 231A as set out in this Report.**

### SECTION D

#### LEGAL AND PROPERTY SUPPORT FOR MANAGING TRUSTEES

In 2018, the Legal and Property Support for Managing Trustees working party reported to the Council and made a number of recommendations that were accepted by the Council and reported to the Conference. Recommendation 13 required that contracts that needed detailed connexional scrutiny under SO 931(3) should be reviewed with a full list of documents being produced and any amendments to SO 931(3) should be brought to the 2019 Conference.

The Law and Polity Committee has prepared a list of documents which, following consultation with the Trustees for Methodist Church Purposes (TMCP) and the group appointed by the Strategy and Resources Committee to oversee implementation of the working party's report, will be presented to the Methodist Council in October 2019 for adoption.

In order to offer clarity to managing trustees as to what requires Connexional Team inspection and approval, and to direct their attention to the full list, a proposed amendment to SO 931(3) is set out below.

931(3)(a) **Subject to sub-clause (b) below all** All contracts, relating to property, conveyances, leasehold agreements, sharing agreements, deeds and declarations of every kind **relating to property, and in particular documents of a kind specified in a list to be published from time to time for this purpose by the Methodist Council**, shall be forwarded **submitted** in draft to the Connexional Team for inspection and approval before being signed.

**(b) Sub-clause (a) above does not apply to:**

- (i) contracts for building works or demolition, except insofar as they contain, or should contain, provisions relating to Party Wall Act matters, or**
- (ii) licences, except those of a kind specified in the said list.**

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

**15/5. The Conference receives the Report.**

**15/6. The Conference amends Standing Order 931(3) as set out in the Report.**