

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

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### **SECTION A GENERAL REPORT**

The Committee is charged under Standing Order 338 with the scrutiny of all new legislation which is proposed to the Conference in order to ensure its coherence with existing usage and Methodist polity. Various members of the Committee undertake this task and have commented upon all the proposals submitted to the Committee by the Methodist Council and other bodies. The Committee also seeks to ensure that Standing Orders comply with any changes in legislation or case law.

In December 2019, the Conference Officer for Legal and Constitutional Practice and Secretary of the Committee Louise Wilkins left her post after nearly eight years of service in the Conference Office. The committee wishes to record its deep appreciation for her service.

Richard Hood has been appointed as Interim General Counsel & Company Secretary. He has taken on many of Mrs Wilkins' duties while the Conference awaits a nomination from the Methodist Council for the appointment of a new Conference Officer for Legal and Constitutional Practice, under Standing Order 314(3) (the nomination can be found elsewhere in the Agenda). A Legal Counsel (Governance) post has now been filled.

After many years of distinguished service, Mr David Walton has stepped down as Chair of the Committee. The Secretary of the Conference invited Mrs Susan Howdle to act as his successor for the time being. Mrs Howdle has been a member of the Law and Polity Committee for many years and was the Vice-President of the 1993 Conference. The Conference Office is extremely grateful for her support in a time of rapid staff turnover.

The Committee's Complaints and Discipline Sub-Committee has produced guidelines on confidentiality in Part 11 Proceedings for Complainants and Respondents, Local Complaints Officers and Connexional Complaints Team Members. These guidelines were approved by the Methodist Council at its March meeting.

The Committee voted on the Provisional Resolutions approved by the Conference further to *God in love unites us*: The Report of the Marriage and Relationships Task Group. A Report on its opinion on the Resolutions will be submitted to the Conference as per Standing Order 122(3).

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The Committee has assisted the Trustees for Methodist Church Purposes in preparing instructions to Counsel on the issue of disposal of Model Trust property at undervalue to members of Local Churches who wish to leave the Connexion.

The Committee is keeping under review the progress of various pieces of work on which its input might be requested. This includes the Ministerial Covenant (formerly known as the Code of Conduct), particularly in respect of its implications for the judgment of the Supreme Court in *The President of the Methodist Conference v Preston* (2013), and a Review of Part 11 of the Constitutional Practice and Discipline of the Methodist Church (CPD): the Church's Complaints and Discipline Procedures.

The Committee appointed the Law and Polity Conference Subcommittee under Standing Order 338(6) as follows: the Revd Jennifer M Dyer, Miss Elizabeth Ovey, the Revd Canon Julian M Pursehouse, the Revd Ian Rutherford and the Revd Dr James N Tebutt.

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

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

### **SECTION B THE THEOLOGY AND ECCLESIOLOGY OF THE DIACONATE AND THE METHODIST DIACONAL ORDER**

The Conference of 2019 adopted a major report upon the Diaconate, with various recommendations for work to be done. <https://www.methodist.org.uk/downloads/conf-2019-25-Theology-and-Ecclesiology-Underpinning-the-Diaconate.pdf>

The implications of the report are wide-ranging, and much of it awaits further work by other bodies. Resolution 25/7 directed the Law and Polity Committee “to bring recommendations for any necessary amendments to Standing Orders in respect of the decision set out in resolution 25/5 and the consideration referred to in resolution 25/6 to the 2020 Conference”.

Resolution 25/6 directed the Ministries Committee to explore what changes might be needed to the candidating, training and probation processes to equip and authorise deacons to preach, and this exploration is still ongoing [as appears elsewhere in the Agenda]. The Law and Polity Committee is therefore not yet in a position to consider whether amendments to Standing Orders will be required, and therefore seeks the Conference's permission to report upon these at a later date.

Resolution 25/5 was as follows: “The Conference affirms that preaching is part of the ministry of deacons and directs that from 1 September 2020:

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- a. deacons shall no longer be listed as Local Preachers on the Plan;
- b. the list of ministers on the Plan will follow the order listed in SO 785(4)(b);
- c. all deacons will be members of the Local Preachers' Meeting."

The amendments below address each of these directions. Even within this area of work there are still outstanding questions which await policy decisions in due course, but the basic points are covered this year.

As there is some overlap between directions a and c, the necessary changes related to them are set out in section 1) below, in the order in which the Standing Orders appear. Because ministerial membership of the Local Preachers' Meeting is largely dealt with by reference to membership of the Circuit Meeting under SO 510, opportunity has also been taken to simplify the provision as it is difficult to see any reason for distinguishing between the two types of ministers with 'authorised' status in the current SO 560(1)(iA) and (ii), and to correct one error in terminology.

There is currently no direction as to how ministers are listed on the Plan, so a new clause has been added to SO 521, as set out in section 2). It is assumed that the Conference erroneously referred last year to SO 785(4)(b), rather than (a).

Finally, there may need to be further consequential amendments arising from the change from the status of local preacher for deacons, but the ones which have been identified so far are listed in section 3).

1) Deacons no longer to be listed as Local Preachers, and all deacons to be members of the Local Preachers' Meeting

**552 Ex-Officio Membership.** Subject to Standing Order 512B(6)(ii) the Superintendent, all ministers, probationers and persons authorised to serve the Church as presbyters or deacons under Standing Order 733 appointed to the Circuit and the circuit stewards shall, ex officio, be members of and entitled to attend all official meetings (however described) connected with the Circuit, except that ~~deacons and~~ circuit stewards shall not be members of the Local Preachers' Meeting unless they are local preachers.

### **560 Local Preachers' Meeting.**

(1) The Local Preachers' Meeting shall consist of:

(i) the ex-officio members specified in Standing Order 552 [*see above, for the consequential amendment in SO 552*];

(iA) the ~~presbyters~~ **ministers**, presbyteral probationers, student presbyters and persons authorised to serve the Church as ministers under Standing Order 733 who are, in each case,

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eligible under Standing Order 510(1)(ii) to join the Circuit Meeting, whether or not they have elected to do so **and, in the case of deacons authorised to serve under Standing Order 733, who have authority to preach under clause (7)(b) thereof;**

(ii) any deacons, diaconal probationers and diaconal students who are local preachers and any persons authorised to serve the Church as deacons under Standing Order 733 with authority to preach under clause (5) thereof who are, in each case, members of the Circuit Meeting; **any diaconal probationers and students being eligible to be members of the Circuit Meeting but not previously admitted as local preachers, who shall be entitled to attend but not to vote;**

(iii) all local preachers who are members in the Circuit;

(iiiA) any local preachers who are employed by the Circuit under Standing Order 570 to perform duties which include preaching or assisting in preaching (who shall be primarily accountable to the Local Preachers' Meeting of the Circuit in which they are employed); and

(iv) any persons who are for the time being authorised to serve as local preachers in the Circuit under Standing Order 566B(1) or (2).

**SO 566 (8)** The names of local preachers who are members in the Circuit ~~or are deacons or diaconal probationers who are members of the Circuit Meeting~~ shall appear in the list of local preachers in the circuit plan with their year of admission as a local preacher.

2) Listing of ministers on the Plan

### **521 The Plan.**

....

**(3) The ministers' names shall be listed on the circuit plan in the order in which they are required to appear in the stations in accordance with Standing Order 785(4)(a).**

3) Consequential amendments

**564 Candidates [for local preaching].** Those who wish to train to become local preachers must be and remain members. They must in the first place be recommended to the Local Preachers' Meeting by the Church Council of the Local Church in which they are members, or by a presbyter **minister**, presbyteral probationer or local preacher present in the meeting. They should, before the meeting, have shared in an interview with the Superintendent, who should also have consulted as necessary with the candidate's Local Church and the presbyter having pastoral charge of that church in such manner as he or she thinks fit.

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**566 Admission procedure [for local preachers].** (4) For the purposes of the second interview the person on trial:

(i) shall, during the quarter preceding the interview, conduct a full service in the presence of two preachers (one of whom should under normal circumstances be a ~~presbyter~~ **minister**) and a church steward who is not a local preacher, who shall together prepare a report for the meeting, written on the form provided by the Connexional Team; ...

### **SO 1131 Preparation for Hearing by a connexional Discipline Committee.**

(5) The composition of the committee must reflect the status of the respondent, so that, subject to clause (6) below:

(i) if the respondent is a presbyter, presbyteral probationer or presbyteral student, the committee must include three presbyters;

(ii) if the respondent is a deacon, diaconal probationer or diaconal student, the committee must include three deacons;

(iii) if the respondent is a local preacher (~~not falling within (ii) above~~), the committee must include three local preachers;

(iv) if the respondent does not fall within any of the preceding heads, the committee must include three lay members.

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

**15/2. The Conference receives the Report.**

**15/3. The Conference amends Standing Orders as set out above.**

**15/4. The Conference gives permission to the committee to bring any necessary further amendments required under resolution 25/7 of the 2019 Conference to a later Conference.**

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### SECTION C MINOR AND CONSEQUENTIAL AMENDMENTS TO CPD

#### Standing Order 552

A committee member drew to the Chair's attention a minor error possibly made when SO 552 was last amended to accommodate the provisions of SO 733:

**552 Ex-Officio Membership.** Subject to Standing Order 512B(6)(ii) the Superintendent, all ministers; **and** probationers ~~and persons authorised to serve the Church as presbyters or deacons under Standing Order 733~~ appointed to the Circuit, **all persons authorised to serve the Church as presbyters or deacons under Standing Order 733 and appointed to fulfil presbyteral or diaconal duties in the Circuit** and the circuit stewards shall, ex officio, be members of and entitled to attend all official meetings (however described) connected with the Circuit, except that ~~deacons and~~ circuit stewards shall not be members of the Local Preachers' Meeting unless they are local preachers.

If adopted, this amendment would be in addition to those proposed in Section B above.

#### \*\*\*RESOLUTION

**15/5. The Conference amends Standing Order 552, as set out above.**