

## 61. Committee on Methodist Law and Polity (3)

### SECTION F INITIAL RESOLUTIONS

1. Since the last formal meeting of the Law and Polity Committee, the United Kingdom has gone into lockdown as a result of the coronavirus pandemic and the Methodist Council has decided that the Conference of 2020 cannot take place at Telford, as was resolved by the Conference of 2019, but that an electronic meeting should be held to deal with essential business and other matters. Members of the Law and Polity Committee have been involved in offering advice to the Methodist Council and the Connexional Team on these issues and the advice given on holding electronic meetings is set out in the second report of the Business Committee.
2. In summary, the Committee's view is that:
  - (1) The governing documentation of the Methodist Church requires a physical meeting of the Conference.
  - (2) The governing documentation also requires, however, that certain business should be conducted annually. There is other business which is pressing, even if not legally required to be conducted this year.
  - (3) The Charity Commission has given guidance to bodies in such a position to the effect that it will be understanding of the situation and of any decision to proceed electronically.
  - (4) In order to meet the needs of the Methodist Church, the best course is for the Conference to meet electronically, but since the constitutional status of such a meeting is obscure, the business done should be limited as far as possible to business which is essential.
  - (5) The business of the Conference should be conducted in a way which will demonstrably enable, as far as possible, effective participation and discussion.

To achieve these objectives, the Conference is invited to pass a series of enabling resolutions.

3. In addition, the Committee is aware that since the lockdown restrictions came into force, many Methodist bodies have conducted business electronically in order to ensure that necessary work is undertaken. Decisions have been made which are preliminary to matters which will come before the Conference and which are required by Standing Orders, and business of other kinds has been undertaken. The constitutional basis for at least some of that action is doubtful. It is the Committee's view that it would be appropriate for the Conference, as far as possible, to ratify such action and a resolution is put forward for that purpose.

### \*\*\*RESOLUTIONS

- LP/1.** (Presbyteral Session D/R 1.4.1) **The Conference, noting that the Representative Session will be considering a resolution for the rescission of the resolution of the 2019 Conference that the Conference of 2020 should meet in Telford ("the Telford Resolution"), resolved that:**

- (1) the Conference in its Presbyteral Session shall conduct its business by electronic means and for that purpose a person is present or attends if he or she is present or attends electronically;**
  - (2) information and documents required for the purposes of the Presbyteral Session are taken to be in writing, printed or signed (as the case may require) if a legible electronic version has been provided to the Conference Office in a form which can be made available to the members of the Conference;**
  - (3) all resolutions passed and votes taken, including standing votes, shall be taken electronically by a process recommended by the Business Committee and agreed to (with or without amendment) by the Presbyteral Session;**
  - (4) if the Conference in its Representative Session resolves to rescind the Telford Resolution and to meet electronically, then for all purposes of the Deed of Union and Standing Orders, so far as the law permits, the business of the Presbyteral Session conducted in accordance with this resolution shall be taken to have been validly conducted.**
- LP/2. Pursuant to Standing Order 131(25)(iii) and 131(25A), the Conference resolved to rescind the resolution of the 2019 Conference that the Conference of 2020 in its Presbyteral and Representative Sessions should meet at Telford on the ground that a physical meeting at Telford or elsewhere in Britain has become illegal and resolves instead to meet by electronic means to enable business necessary to the continuing life of the Methodist Church to be transacted.**
- LP/3. For the purpose of enabling its business to be conducted effectively by electronic means, the Conference further resolved that for the duration of the Conference of 2020, so long as it is meeting electronically:**
- (1) the Standing Orders relating to the business of the Conference shall be read and construed as if:
    - (a) a person is present or attends if he or she is present or attends electronically;**
    - (b) information and documents required for the purposes of the Representative Session are taken to be in writing, printed or signed (as the case may require) if a legible electronic version has been provided to the Conference Office in a form which can be made available to the members of the Conference;****
  - (2) all resolutions passed and votes taken, including standing votes, shall be taken electronically by a process recommended by the Business Committee (including the appointment of scrutineers) and agreed to (with or without amendment) by the Representative Session.**
- LP/4. The Conference further resolved that for all purposes of the Deed of Union and Standing Orders, so far as the law permits, the business of the Representative Session conducted in accordance with Resolutions LP/2 and LP/3 shall be taken to have been validly conducted.**
- LP/5. The Conference, noting that the effect of the legal restrictions imposed by the Coronavirus Act 2020 and regulations made under that Act, together with guidance given to minimise the risks to public health arising from the coronavirus pandemic, has been to make unlawful, or a contravention of the guidance, physical meetings which are provided for by**

**Standing Orders, resolved that where strict compliance with Standing Orders has therefore not been possible, each such Standing Order shall be read and construed as if extended to permit as an alternative the taking of such reasonable steps to achieve the object of the relevant Standing Order as were considered practicable in all the circumstances: Provided that this resolution shall not affect adversely any rights which may have accrued to any person as a result of non-compliance with any Standing Order.**

## **SECTION G CONFERENCE PROCEDURE**

4. The Reports of the Business Committee have identified a number of procedural matters in relation to which it recommends the suspension of Standing Orders and the adoption of an alternative procedure. The relevant resolutions, which relate to the rules of debate, notices of motion and voting procedures, are set out below.

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

- LP/6. (Two thirds majority) The Conference suspended Standing Order 130 for the duration of the current meeting of the Conference.**
- LP/7. (Two thirds majority) The Conference further suspended for that period the rules of debate contained in clauses (1A), (3) to (5), (8), (11) to (16), (18) and (22) to (24) of Standing Order 131.**
- LP/8 The Conference further directed that:**
- (1) in place of clause (1A) the President shall at his or her discretion call upon members to speak after paying such regard as he or she thinks fit to applications to do so made at such time and in such form as may from time to time be notified in writing to the members of the Conference by the Business Committee (which shall include provision for applications in advance of the debate and for applications during its course). In exercising his or her discretion the President shall seek to ensure that a representative range of opinions is heard on the business under consideration by the Conference;**
  - (2) the President, having regard to the constraints upon debate imposed by the exigencies of operating electronically and the importance of securing full and informed participation, but having allowed a reasonable time for debate, may at any time in his or her discretion:
    - (a) put to the Conference a resolution that the business before the Conference be referred to the Conference of 2021, upon terms that the body responsible for the business may decide whether then to present it in the same form or in a different form or to withdraw it altogether, in the light of the debate which has occurred;**
    - (b) adjourn the debate to a time to be determined by the Business Committee;****
  - (3) where the President moves a resolution under paragraph (2)(a), the person moving the substantive resolution relating to the relevant business shall have the opportunity to speak before the vote is taken and the resolution moved by the President requires a two-thirds majority;**
  - (4) a resolution under paragraph (2)(a) may be put more than once in relation to the same business.**
  - (5) a member wishing to propose an amendment to a resolution otherwise than by a**

notice of motion circulated in advance of the debate does not require a seconder but may do so only if the attempt comes in a timely fashion to the attention of the President and the proposal may then be considered only by permission of the President, to be withheld or given, conditionally or unconditionally, at his or her absolute discretion;

- (6) the person moving a resolution, including a resolution proposing an amendment, shall have a right of reply to the debate on the resolution;
- (7) a member wishing to raise a point of order on the ground that the rules of debate or regulations of the Conference or these directions have been violated may do so only if the attempt comes in a timely fashion to the attention of the President. The President may at his or her absolute discretion permit the point to be raised, in which case that shall be done as soon as is reasonably possible. The President shall decide all questions of order.

**LP/9.** (Presbyteral Session D/R 1.4.2) The Conference, noting that the Representative Session will be considering a resolution for the suspension of Standing Order 132, resolved not to consider in its Presbyteral Session any notice of motion which does not, in the judgment of the President, relate to business which is before the Conference.

**LP/10.** (Two thirds majority) The Conference suspended Standing Order 132 for the duration of the present meeting of the Conference and directed instead that:

- (1) any two members may upon notice of motion complying with these directions bring before the Conference any lawful resolution to amend a resolution which is before the Conference or which in the judgment of the President after consultation with the Vice-President otherwise relates to business which is before the Conference;
- (2) every notice of motion shall be sent to the Secretary or the Conference Office in electronic form and signed by the following persons:
  - (a) where the proposal is to amend a resolution and those presenting that business to the Conference are prepared to accept it, the proposer and seconder;
  - (b) in any other case, by the proposer and seconder and four other persons;
- (3) subject to paragraph (4) below, a notice of motion in the Representative Session must be received by the Secretary or the Conference Office no later than 1 pm on Sunday 28 June 2020;
- (4) a notice of motion may be received later than the time specified in paragraph (3) above if:
  - (a) it is judged to be on a matter of urgency by the President after consultation with the Vice-President; or
  - (b) it proposes to amend a resolution circulated or materially altered on or after Saturday 27 June 2020 and it is received before 5 pm on the day before the resolution is to be dealt with.

**LP/11.** (Two thirds majority) The Conference suspended Standing Order 110A, clause (5), for the duration of the present meeting of the Conference and directs instead that nomination papers shall be provided to the Conference Office so that they are received no later than 5.30 pm on Monday 29 June 2020 and shall then be made available as soon as possible for consideration by members of the Conference by such means as are specified on the Order Paper until 6.00 pm on Tuesday 30 June 2020, by which time the members of the

Conference must have voted in accordance with the instructions given on the Order Paper. Before the vote is taken, the Secretary of the Conference shall seek from each nominee an assurance of willingness to serve, if elected, and shall report the outcome to the Conference.

## SECTION H OTHER MATTERS

5. It is clearly the case that while restrictions on physical meetings continue, there will be further business to be done for which electronic meetings are likely to be required and for which the constitutional basis is doubtful, as explained in Section F above. The Committee therefore offers a further resolution to address that situation.

### \*\*\*RESOLUTION

**LP/12. The Conference, noting further that the continuing effect of the legal restrictions imposed by the Coronavirus Act 2020 and regulations made under that Act, together with guidance given to minimise the risks to public health arising from the coronavirus pandemic, is at present, and is likely to continue to be, to make unlawful, or a contravention of the guidance, physical meetings which are provided for by Standing Orders for the general conduct of the business of the Methodist Church, resolved that where strict compliance with Standing Orders governing such business is therefore not possible, each such Standing Order shall be read and construed, while such legislation and guidance, or any further such legislation or guidance, comes into or remains in force, as if extended to permit as an alternative the taking of such reasonable steps to achieve the object of the relevant Standing Order as are considered practicable in all the circumstances: Provided that:**

- (1) this resolution does not of itself authorise the holding of an electronic meeting of an initial or appeal committee under Section 03, a consultative or pastoral committee under Section 04, an appeal panel under Standing Order 234 or a discipline or appeal committee under Part 11;**
  - (2) where a meeting under one of those provisions is required to be held, it may be held electronically with the agreement of the person who is the subject of the discontinuance, competence or safeguarding proceedings or the respondent under Part 11;**
  - (3) if the person mentioned in paragraph (2) above does not agree to an electronic meeting, the chair of the committee or panel may in his or her discretion decide that an electronic meeting should nevertheless be held if he or she is satisfied that in all the circumstances the meeting would be able to deal fairly with the proceedings.**
6. The Conference of 2019 passed provisional resolutions under Standing Order 122 in connection with the report *God in love unites us* and a deferred special resolution under Standing Order 126 amending Model Trust 14(2A) as to the power of managing trustees to permit the use of their premises by members of other Christian churches or congregations. Both SO 122 and SO 126 require consultation and consideration in the Connexion in the year (SO 122) or years (SO 126) following the year of the Conference in which the relevant resolutions were passed. The effect of the pandemic has been to make the consultation and consideration impossible or impractical. The following resolutions are proposed to address the situation.

**\*\*\*RESOLUTIONS**

**LP/13. (Two thirds majority) The Conference hereby suspended Standing Order 122, clause (3) until the close of the Conference of 2021 and directed that:**

- (1) any provisional resolutions adopted by the Conference of 2019 which would under that clause have been submitted to the Synods before this current meeting of the Conference, reported on by them and submitted for confirmation to this meeting of the Conference shall instead, except in any District in which they have already been submitted to and dealt with by the Synod, be submitted to the Synods before the Conference of 2021, and shall in every case be reported on by the Synods and by the Law and Polity Committee to that Conference and submitted to it for confirmation; but that**
- (2) any provisional resolutions adopted by the Conference of 2020 or by the Conference of 2021 (subject to any further resolution of that Conference) shall be dealt with as if Standing Order 122, clause (3), were still in force.**

**LP/14. (Two thirds majority) The Conference hereby suspended Standing Order 126, clause (4), until the opening of the Representative Session of the Conference of 2021 and directs that:**

- (1) any deferred special resolutions adopted by the Conference of 2019 which would under that clause have been considered by the Synods before this current meeting of the Conference shall (if not already so considered) instead be so considered at their first meetings in the next connexional year; but that**
- (2) any deferred special resolutions adopted by the Conference of 2020 shall be dealt with as if Standing Order 126, clause (4), were still in force.**

(Daily Record 1/4/1, 3/3, 3/16 and 4/16/3)