

# **THE BOOK OF FORMS**

THE PRESBYTERIAN CHURCH IN CANADA

2013

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by

The General Assembly of

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### DECLARATORY ACTS

## PREFACE

1933 Edition

When the several Presbyterian Churches in the Dominion were united in the year 1875, in The Presbyterian Church in Canada, a large committee was appointed to deal with all matters necessary for the complete organization of the church. In the following year a report was submitted to the General Assembly by this Committee regarding Ecclesiastical Procedure, and a special committee was appointed to put the matter that had been prepared into complete form for presentation to the next Assembly. The Rev. George Bell, L.L.D., was convener of that committee. After presenting two interim reports, the committee was slightly enlarged by the Assembly of 1878, with instructions "to avail themselves of the suggestions of presbyteries, for the purpose of making the Book of Forms as complete as possible and to publish the book, thus amended, as a useful guide to the office-bearers of the Church." Before the end of that year the book was published, and, upon being submitted to the Assembly of 1879, was accepted by it.

The first issue of the Book of Forms being exhausted, the General Assembly of 1883 appointed a committee with instructions to revise it. This committee, of which The Rev. John Laing, D.D., was convener, presented its work and reported to the Assembly from year to year. In 1887 the book, as revised, was sent down to presbyteries for their consideration, and additional changes were thereafter made in view of the criticisms and suggestions received. Finally the General Assembly of 1889 resolved "that the Book of Forms, as now submitted to the Assembly, be approved and adopted as a useful guide for the members, office bearers and the courts of the church in the transaction of ecclesiastical business."

Upon overture in 1900, the General Assembly appointed another Committee on Revision under the convenerhip of The Rev. Robert Campbell, D.D.. It was an express instruction to this committee "to introduce no changes that would imply a departure from the present constitutional practice of the church, so as to avoid the delay and expense that would be involved in sending down the book to presbyteries." The committee did, however, communicate with the clerks of synods and presbyteries, asking for suggestions and, upon presenting an interim report to the Assembly of 1902, was empowered to issue the book, "with the amendments which the progress of legislation and the practice of the church have made necessary."

This Third Edition, although several times reprinted with slight amendments, became exhausted in 1925, and the General Assembly of that year appointed still another Committee on Revision. Among the instructions given to the committee, it was directed to endeavour so to frame the book that "upon completion it may be issued with the authority of the Assembly and declared to set forth their interpretation of the law of the church." Under this instruction, the position of the committee was an extremely delicate one. At first it was inundated with suggested amendments, not of the book, but of the law itself. Most of these were inspired by memories of wrongs recently suffered. Many were of the most radical character and almost all involved some departure from the historic position or practice of the church. The committee was constrained to proceed with the greatest deliberation and caution, and, in spite of the urgent need of a new edition of the book, to allow ample time in its preparation for the calmest judgment to assert itself.

The draft of the committee was sent down to presbyteries for their consideration in 1928, and again in 1930. Many criticisms and suggestions were received and given careful consideration, and, in accordance with the opinion of the majority of the presbyteries, the committee finally recommended to the Assembly that there should be no change in the status of the book. The General Assembly of 1932 therefore

## Preface

instructed the committee to complete and publish the Book of Forms, “as a summary of the approved practice of Presbyterian Churches, supplemented by specific regulations enjoined by The Presbyterian Church in Canada from time to time, and as a guide to the office-bearers of the church in all ordinary matters,” to which was added, “and as setting forth the law and practice of the church.”

In the present edition of the Book of Forms, it is sought, by a more systematic groups of subjects, to increase its convenience, and at the same time to make clear the historical character and development of the law, as resting upon fundamental and unchangeable principles. It is hoped that the new arrangement, together with the Index, may render the book more useful to office-bearers and members who may require to consult it. To the Appendices have been added a number of specimen forms. These, especially the specimen minutes, have been drawn from old sources, and are given, not as models to be copied exactly, but as illustrations shedding light on the procedure embodied in the text.

The thanks of the convener are due to the vice-convener, Dr. Stuart C. Parker, and the other members of the committee, as also to many clerks of presbyteries without whose loyal co-operation the work would have been impossible.

The Book of Forms as now revised is issued with the earnest prayer that it may serve for the orderly administration of the business of the church as a member of the body of Christ.

T. WARDLAW TAYLOR  
Convener

GODERICH, ONT.  
February 1, 1933.

### 2006 Edition

Major revisions to the Book of Forms have taken place in 1981, 1993 and 2002. The 1981 edition attempted to use inclusive language throughout, and was the first edition to use a loose-leaf format, making future amendments easier. The 1993 edition consolidated many changes and corrected several inconsistencies in language and structure that had found their way into the Book of Forms over a number of years. A new larger size format was also introduced in that year. The 2002 edition incorporates a large number of changes that reflect the removal of uncommon Latin terms from the text. In addition, tabs separating major sections have been introduced to make the Book of Forms easier to use. The 2006 edition includes a complete revision to the sections on Judicial Process, formerly known as Church Discipline.



## **HISTORICAL AND CONFESSIONAL BASE**





## HISTORICAL AND CONFESSIONAL BASE

### THE PRESBYTERIAN CHURCH IN CANADA

1. The Presbyterian Church in Canada is in historical continuity with the Church of Scotland, reformed in 1560. The four churches re-united in 1875 had their origin in presbyteries and synods constituted under the appointment of that church, of one or other of the branches of the Secession Church in Scotland.

1.1 These were: the Presbytery of Truro, constituted by appointment of the Associate Synod (Burgher), 1786; the Presbytery of Pictou, constituted by appointment of the General Associate Synod (Anti-burgher), 1795; the Presbytery of the Canadas, constituted by appointment of the Associate Synod (Burgher), 1818; the Synod of the Presbyterian Church of Canada in connection with the Church of Scotland, 1831; the Synod of Nova Scotia in connection with the Church of Scotland, 1833; the Presbytery of New Brunswick in connection with the Church of Scotland, 1833; and the Missionary Presbytery of the Canadas in connection with the Associate Synod of the Secession Church in Scotland, 1834.

2. By the Basis of Union, 1875, The Presbyterian Church in Canada receives the Scriptures of the Old and New Testaments as the Word of God and the only infallible rule of faith and manners. It also receives as its principal subordinate standard, the Westminster Confession of Faith, approved by the General Assembly of the Church of Scotland of 1647. The government and worship of The Presbyterian Church in Canada are in accordance with the recognized principles and practice of Presbyterian Churches as laid down generally in “The Form of Presbyterian Church Government” and in “The Directory for the Public Worship of God.” (Declaratory Act: A&P 2001, p. 239, 41)

3. The “principles and practice of Presbyterian Churches” are set forth particularly in the Second Book of Discipline, 1578, and acknowledge: that Christ Jesus, our Lord, as the Head of his Church, has appointed its constitution, laws, ordinances and offices; that its government and discipline are to be administered according to his will as revealed in Holy Scripture, by officers chosen for their fitness, and duly set apart to their office; that these officers meet for deliberation and united action in sessions, presbyteries, synods, and General Assemblies, and in such order that the organic unity of the church is maintained in a hierarchy of courts (in contra-distinction to a hierarchy of persons); the authority of which courts is ministerial and declarative, announcing what Christ has revealed, and applying his law according to his direction.

### DECLARATION OF FAITH CONCERNING CHURCH AND NATION

For full text see Appendix E.

### LIVING FAITH (FOI VIVANTE)

Approved as a subordinate standard of The Presbyterian Church in Canada. Available at [www.presbyterian.ca](http://www.presbyterian.ca). (A&P 1998, p. 42).

### PARALLEL SECONDARY STANDARDS

For full text see Appendix F.



## **GENERAL RULES FOR CHURCH COURTS**



## GENERAL RULES FOR CHURCH COURTS

### BASIC PRINCIPLES

4. “To take away all occasion of tyranny,” our Lord wills that office-bearers in his Church “should rule with mutual consent of brethren (sic), and equality of power, every one according to his function.” (2 Bk. of Dis. II, 4)

4.1 It is a fundamental principle of Presbyterian polity that every member of a court has a right to take part in, and is responsible for, the whole business of the court.

4.2 For all emergent meetings, each member must receive notice of the business to be done.

4.3 It is unconstitutional for a court to divide its members or to distribute its functions in such manner that any member is deprived of his/her right in, or relieved of his/her responsibility for, any department of the work of the court, or the court itself restricted to an appellate jurisdiction in relation to such department.

4.4 However, it is competent for a court to remit, from time to time, particular business to “a delegated court”, or commission, with power to issue. Members of commissions shall normally be drawn from the appointing court and shall be ministers of The Presbyterian Church in Canada, members of the Order of Diaconal Ministries, or elders serving on a session.

### MEETINGS

5. Every court, except the session, must (and the session may), before its rising, determine the time and place of its next meeting, and intimate this publicly. (2 Bk. of Dis. VII, 3)

5.1 Special meetings called by the moderator when business arises needing immediate attention between ordinary meetings (henceforth called emergent meetings: see section 190) are exceptions to this rule.

6. A court can be convened only by its moderator.

6.1 The clerk may call a meeting “by order of the moderator”, but the circular letter must include these words.

7. A court can meet only within its own bounds, except with permission of a higher court, in craving which it states the reason. (For a meeting of presbytery immediately before or after synod, see Declaratory Act, A&P 1986, p. 292, 37.)

8. No court can sit when any higher court is sitting, without that court’s permission, with reasons for the request given.

8.1 A session has standing leave to meet during the sittings of the General Assembly provided always that in the event of such a meeting, any member who was a commissioner to the Assembly shall have liberty, on his/her return, or when the minutes are confirmed, to dissent or dissent and complain (see sections 381, 382) from any decision taken during his/her absence while attending the Assembly.

8.2 Committees may not meet or continue in session while the court is sitting, unless leave has been granted by the court.

9. Every meeting of a church court must be opened and closed with prayer, and such opening and closing must be minuted and the attendance recorded.

## General Rules for Church Courts

10. The courts of the church, except the session, are open courts; but on motion made any court may sit with closed doors.

10.1 This is commonly done when matters affecting character, that should not be made public, are under consideration.

11. Every court has the right to enforce the attendance of its members. (G.A. 1562, G.A. 1564)

11.1 Nothing relieves from the blame of absence except a sufficient preventing cause. A court may order the attendance of a delinquent member. Should he/she fail to appear, or to send a satisfactory explanation of his/her absence, he/she may be cited to show cause why he/she should not be found contumacious. Insufficient explanation may warrant the laying of a charge of contempt that could lead to the imposition of censure (see sections 345-355).

11.2 The following Declaratory Act was adopted by the 1989 General Assembly and ordered inserted in the Book of Forms (A&P 1981, p. 90; A&P 1989, p. 271, 65): By virtue of their ordination vows, all ministers and elders are obliged to exercise full ministry including, among other things, active participation in the ordination of candidates to the eldership and to the ministry of Word and Sacraments. Though presbyteries have no authority to grant permission to disobey church law and doctrine, yet they are enjoined to deal with cases of conscience on any question with pastoral care and understanding for the parties involved, with concern and sensitivity for the peace and unity of the whole church.

12. A member of the court ought not to withdraw from attendance without leave.

12.1 If he/she does so, he/she cannot dissent from any decision of the court arrived at in his/her absence.

### MODERATORS

13. In every court except the session, one of the members acts as moderator, “for avoiding confusion in reasoning”. (G.A. 1563)

13.1 All constituent members of presbyteries, synods and General Assemblies are eligible for election to the office of moderator of those courts.

13.2 In those cases where the moderator is not a minister of Word and Sacraments, he/she shall appoint an ordained minister, or ministers, to preside at those ordinances that require a minister of Word and Sacraments.

14. To every court above the session belongs the right of electing its own moderator “by common consent of the whole brethren (sic) convened”. (2 Bk. of Dis. VII, 4)

14.1 It is, therefore, incompetent for a court, whatever routine method may be followed, to adopt any resolution in restraint of free election.

15. A moderator is judge only of order, and it is his/her part “to announce matters, gather the votes, and cause good order to be kept”. (2 Bk. of Dis. VII, 4)

16. “No minister moderating in his (sic) session” may “usurp a negative voice over the members of his (sic) session” or hinder the “reasoning or voicing of anything whereunto a great part of the session inclineth, being agreeable to the acts and practices of the Kirk”. (G.A. 1638)

16.1 The rule is held to apply to all courts. A moderator is bound to put a motion to the meeting, if required by the court, and he/she may not close a meeting contrary to the wish of the members. If he/she deems a motion

## General Rules for Church Courts

incompetent his/her remedy is like that of other members, by dissent, or by dissent and complaint to a higher court (see sections 381, 382).

17. A moderator (or convener of a committee) has only a casting vote.

17.1 Except in a session, he/she may leave the chair in order to speak on a subject before the court; but in this case it is his/her duty immediately afterwards to resume the chair, and he/she cannot competently vote except in the chair.

### CLERKS

18. Every court must elect its own clerk.

18.1 The appointment is not for life, unless explicitly stated.

19. The office of clerk in presbytery, synod and Assembly, may be held by one who is not a member of the court.

20. The clerk is the custodian of the records of the court, and responsible for their safe keeping.

20.1 A session, if it sees fit, may authorize a minister to keep the baptismal and professing members rolls. All responsibility for these books will then pass from the clerk to the minister.

21. The clerk is the only legal extractor from the records of the court. (Declaratory Act: A&P 1991, p. 254, 37)

21.1 He/she should be cautious in giving extracts without the authority of the court.

21.2 If a clerk signing any letter or paper appends his/her official designation, this is understood as giving to the writing the authority of his/her court.

22. Deleted.

23. It is to the clerk that the higher court gives orders as to bringing up records for inspection, and it holds him/her answerable for neglect.

24. The clerk of a higher court, on receipt of papers from a lower court, endorses on them the date of reception, numbers the papers, and authenticates them by his/her signature or initials.

### RECORDS

25. Church courts shall take special care that their records are carefully and correctly kept. (A&P 1876)

26. The moderator is charged with seeing that the minutes record correctly the proceedings of the court.

27. It is required of minutes that:

27.1 The number of each page shall be written in full where it is not printed.

27.2 Every page shall be signed by the clerk, and the record of each sederunt by the moderator and clerk. In case of the death or removal of the moderator or clerk, the record shall, when the minutes are confirmed, explain this fact, and be signed by the then acting moderator or clerk, in the presence of the court.

## General Rules for Church Courts

- 27.3 The time and place of each meeting shall be fully stated in words, where they are not printed.
- 27.4 Every page shall have an index, either within a suitable margin or within the body of that page.
- 27.5 The place and date of meeting shall be shortly indicated on the margin at the top of each page.
- 27.6 All numbers shall be given in words where they are not printed, as well as in figures.
- 27.7 All erasures, cancellations, interlineations, or other changes shall be noted in the margin with the initials of the clerk's name.
- 27.8 No unnecessary vacant space shall be left between the minutes of sederunts of the court. (A&P 1876)
- 27.9 Pages commonly called loose-leaf (typewritten, mimeographed, printed or otherwise produced) are permissible. Minutes shall be on paper of such quality so as to prevent the ink showing on the opposite side, and shall be temporarily bound in a commercial-type binder of the rigid fastener form. The ring type of book is not acceptable. (Declaratory Act: A&P 1991, p. 254, 37)
- 27.10 Minutes of sessions shall not be reproduced, and the single copy shall be produced by the clerk of session. When agreed to by the session, a summary of minutes composed under the supervision of the moderator and clerk, and containing only material judged by the composers to be suitable for distribution to all members of session, may be prepared and thus distributed. (Declaratory Acts: A&P 1988, p. 288, 35 and 1991 p. 254, 37). Notwithstanding the foregoing, one copy of each set of minutes may be made and kept apart from the original minutes and stored in a vault or safety deposit box for microfilming after every five years, such microfilms to be deposited with the Archives of The Presbyterian Church in Canada, whereupon the collected additional copies of the minutes are to be destroyed in the presence of the session.
- 27.11 Any vacant spaces, except ordinary space between paragraphs, shall be stroked through and initialled by the clerk.
- 27.12 Ordinarily when the pages of the minutes total one hundred, they shall be bound commercially in book form, with the minutes of the last meeting recorded being complete in this commercial binding. Session minutes shall be bound under close scrutiny of the clerk to secure confidentiality of the minutes.
28. No court may erase or alter any part of its record after it has been confirmed, unless by order of a higher court.
29. A court is entitled to say what shall have a place in its records (subject to overruling by a higher court); and, if a motion is made that it is resolved not to record, no reference should be made to it.
30. Courts of the church are enjoined to keep full minutes and complete records of all judicial processes (see sections 313-443). In Disciplinary cases (sections 345-380) no entry need be made in the permanent record until the trial has been completed or the matter otherwise disposed of. At such time, whatever verdict is reached, the charges, the answer, the judgment and censure are recorded in the minutes of the court and all other records and minutes of the proceedings including: citations, certificates of service of citations, actions and orders of the court, and evidence gathered, are attached together, sealed and held separately by the clerk.



## General Rules for Church Courts

31. Minutes and other papers that are sealed and held separately by the clerk are listed in the presence of the court, and the seal may not be broken except by order of that court or any higher court.

32. By various acts, every book enjoined to be kept by any court is expressly ordered to be reviewed and attested yearly by the next higher court, save that a presbytery if it is desired may call for the session records once every two years for attestation. (Declaratory Act: A&P 1991, p. 254, 37)

### PROCEDURE AND RULES OF DEBATE

33. The moderator takes the chair at the hour appointed, calls the members to order and constitutes the court with prayer.

34. At the first assembling of the court, the roll is called and the attendance recorded. Members coming in afterwards have their names entered on reporting themselves to the clerk.

35. The minutes of the last ordinary meeting and of all special meetings held in the interval are then read, and on being sustained are signed by the moderator.

36. All reports and other papers intended to be brought before the court are called for and are received by the clerk. A docket of business is then prepared, consisting of business arising out of the minutes; of new business; and the order in which the several matters shall be taken up is determined. In the synods and the General Assembly, the papers must pass through the Committee on Bills and Overtures.

36.1 The term “minority report” should not be used. There can be only one report from a committee. If one or more members of the committee disagree with all or any part of the committee’s report, the member or members can write a section of the committee’s report entitled “views of the minority”. This section may include suggested amendments to a recommendation, or recommendations of the committee. Such suggested amendments will have no standing in the court unless they are duly moved and seconded as amendment(s) to the recommendation(s) at the time the committee’s report is under consideration. When the committee’s report is presented to the court, and after it has been received, the normal procedure of the court to invite specifically named non-commissioners to speak during debate would be in order. (Declaratory Act: A&P 1983, p. 250, 74)

37. The moderator nominates all committees of the court, unless they have been appointed by special rule or resolution of the court. If the convener is not named, the first named member of the committee is convener and, in his/her absence, the second named.

38. When any business has been introduced, and is before a court, it is desirable that no other business be taken up until that which is before the court has been issued.

39. No discussion is in order until a motion is before the court. Speakers should confine themselves to the matter referred to in the motion, and if they depart therefrom they may be called to order.

40. Every motion or amendment shall be given in to the clerk in writing as soon as it has been made, and it cannot be discussed until it has been duly seconded.

41. After a motion or amendment is in the clerk’s hand and discussion has commenced, it cannot be withdrawn or altered without leave of the court.

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42. When a question is under discussion, the motion before the court must be disposed of, and no other motion can be entertained unless to adjourn the court, to adjourn the debate, to lay on the table, to commit, to amend, or to take an immediate vote; and these several motions have precedence in the order in which they are herein arranged.

43. A motion to adjourn is always in order, and is voted on without debate.

44. A motion to lay on the table is voted on without debate. If carried in the affirmative, the subject to which it refers together with the motion and pending amendments, remains on the docket and may be taken up at a subsequent sederunt, but only by a resolution adopted by a majority of the members of the court present.

45. Any subject with the motion and pending amendments may be referred to a committee for consideration and report. (Declaratory Act 2001, p. 272-73, 21)

46. A motion is amended by adding certain words or clauses thereto; by striking out certain words or clauses; by substituting other words or clauses for those in the resolution; or by striking out all after the word “resolved” and substituting another motion disposing of the matter in hand.

47. It is in order to propose an amendment to the first amendment, but no other can be entertained until the amendment to the amendment has been disposed of; when this has been adopted or rejected, other amendments to the amendment may be considered and disposed of one by one; when these all have been disposed of, the first amendment is voted on in answer to the question, “Shall the motion be thus amended – yea or nay?” If this is decided in the affirmative, the main motion is amended accordingly, and the discussion proceeds. Other amendments to the motion are then in order. When all amendments have been disposed of, the motion, as then before the court, is put in answer to the question, “Shall this motion be adopted – yea or nay?”

48. A motion to take an immediate vote is put without debate. If carried in the affirmative, the amendment or amendments pending are put to the court without further discussion; then, if no further amendments are offered, the main motion is voted on, and the subject is disposed of. If the motion is lost, the debate continues, just as if no such motion had been made.

48.1 When the motion to take an immediate vote pertains to Declaratory Acts or to matters that must be dealt with under the Barrier Act, it requires a two-thirds majority vote to pass.

49. A motion to reconsider a decision of the court cannot be entertained at the sederunt in which the decision was given; nor at any subsequent time, unless notice of such motion has been given at a previous sederunt. A motion to reconsider can only be made and seconded by members who voted in the majority.

50. A motion under discussion that consists of two or more distinct parts, shall, on the call of any two members, at any time before the final vote is taken, be divided, and each part shall be voted on separately.

51. When a member rises to speak, the moderator announces his/her name. If two or more rise at the same time, the moderator decides who shall speak first.

52. Every speaker addresses the moderator, and may not address any other member directly.

53. A member when speaking should not be interrupted, unless upon a call to order, or when the time has come for a special order of the day, or for adjournment of the

## General Rules for Church Courts

court. When business is resumed, the speaker who was interrupted has possession of the floor.

54. Any member who is dissatisfied with the ruling of the moderator may appeal to the court. The question of sustaining the ruling of the chair is then put by the clerk, and decided without debate.

55. When a member in speaking utters language that another member regards as offensive or censurable, the latter may require that the words be taken down by the clerk. After this is done, the speaker is allowed to proceed. The words so taken down may afterwards be considered by the court and, if found censurable, the speaker is dealt with as the offence may require by means of a disciplinary case (see section 345ff). A party in a case, though not a member of the court, may claim this protection or incur this censure.

56. No member shall speak more than once to any motion or amendment, unless by permission of the court, and in explanation or to correct mistakes. The right of reply, however, belongs to the mover before the final vote is taken on the main motion.

57. The vote may be taken by any method determined by the court. It is ordinarily taken by a show of hands, but the moderator may ask members to vote by rising to their feet. Further, if so required by one-third of the members present, the vote shall be by ballot. At the final vote on the main motion, the roll may be called, if required by two members of the court. Ordinarily the state of the vote is not recorded, but this may be done in regard to any vote, if required by two members of the court.

58. Members should not, without good cause, decline to vote; and unless excused by the court from voting, all who do not vote are held as acquiescing in the decision of the majority.

59. When it is agreed that a vote be taken, the moderator may order the doors to be closed, and no further debate or remark is allowed, unless to correct a mistake. When it is discovered that a mistake has been made, the vote may be taken anew.

60. In order to allow greater freedom in discussion, the court, when considering any particular matter, may, on motion duly seconded, resolve itself into a Committee of the Whole. On motion duly made, a convener is appointed and the moderator leaves the chair.

61. While the court is in committee, the motions considered are not recorded in the minutes, and members are at liberty to speak more than once on any motion. A separate minute of the proceedings is taken. When the committee rises, its convener presents a report to the court embodying the result of the committee's deliberations, or he/she reports progress and asks leave to sit again.

62. Deleted 2006.

63. Deleted 2006.

64. Irregularities in procedure, committed unawares and in good faith, and not being such as to prejudice the result or infringe the right of a member, will not invalidate the proceedings of a court.

### PETITIONS, MEMORIALS AND OVERTURES

65. A petition is a formal written request, made to a court, by one or more individuals, by a body of church members, or by a lower court to a higher, and initiating business generally concerning the affairs of the petitioners. A petition may

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initiate, but may not replace judicial process (see non-disciplinary case, sections 324-344 and corrective case, sections 381-392).

66. A memorial is a written representation of facts made to a court, and may be the ground of, or embody, a petition.

67. An overture is a formal proposal made by a lower court, or by a member or members of the court overtured, and seeking the enactment of a law or rule, or some executive action, of a general kind, competent to the court overtured, and binding upon all within its jurisdiction.

67.1 In practice, nearly all overtures are addressed to the General Assembly.

68. When a petition is presented to a court, three steps become necessary. (1) It must be read, or held as read. (2) It must then be decided whether to receive it, or not to receive it. (3) If received, the court must determine what action is to be taken in answer to its prayer.

69. A petitioner, if his/her petition is received, has a right to be heard in its support.

69.1 He/She may be heard when the question of receiving is raised, and in general, it is only equitable that he/she should be heard before it is decided not to receive.

70. A petition must be presented to the court of first resort. It may be presented directly to a higher court only when the petitioner claims to have been obstructed in his/her proper remedy of commencing a corrective case. (Appendix A-63).

70.1 In such case, the higher court before receiving the petition, must cite the members of the lower court as parties to the case, and hear them in explanation or defence of their action.

71. Except in the case provided for in the preceding section, it is not competent to bring the proceedings of a lower court under the review of a higher court by petition.

72. When a petition affects the interests of others than the petitioner, and has been received, the court, if not satisfied that sufficient intimation has been made, must order the petitioner to provide a copy to them, and give opportunity for those affected to attend.

73. Every member of the church has the right of access to any church court by petition or memorial. He/She has direct access to the session of the congregation to which he/she belongs, but a petition or memorial to a higher court must, in the first place, be presented to the session, with a request for its transmission.

74. A lower court transmits a petition or memorial with or without approval or concurrence, as it sees fit. Before transmitting, the court should see that the petition or memorial is in proper form and expressed in respectful language. If transmission is refused, the petitioner or memorialist has the right to commence a corrective case (see section 381ff).

75. These rules apply alike to a petition or memorial from an individual, from any number of persons, from a congregation, or from a lower court.

76. Only matters of general interest can be sought by way of overture, and there can be no parties of the court overtured in respect thereof.

77. An overture is presented in writing, duly signed; if it is in proper form and in respectful language, it is transmitted in the same way as a petition. (see Appendix A-7)

## General Rules for Church Courts

78. If no one appears to introduce an overture in the court overtured, it falls without a motion to that effect.

79. An overture may be promoted before a court only by a member, or members, thereof; or by a lower court, in which case no member thereof can be heard unless he/she is also a member of the court overtured.

80. All petitions, memorials and overtures intended for the General Assembly are sent by the clerks of the lower courts, or by the commissioners signing them, to the Clerks of Assembly, and by him/her are handed to the Committee on Bills and Overtures.

80.1 It is an instruction to clerks of presbyteries to forward all overtures to the Clerks of Assembly prior to the date that shall be indicated yearly by a circular to the clerks of presbytery from the Clerks of Assembly, namely February 1st, except in the case of unreferred overtures, which shall be April 1st; but overtures in reference to names on the constituent roll of presbytery may be forwarded later if the need arises. (see section 297.5 and Appendix A-7)

80.2 The Clerks of Assembly and other agencies, committees and task forces of the Assembly are instructed to ensure that all study papers, referrals and questionnaires addressed to presbyteries and/or sessions are in the hands of the respective clerks three full months in advance of the deadline for response back to the agency, committee or task force of General Assembly. (see Appendix A-6)

### REMOVAL OF A CAUSE FROM A LOWER TO A HIGHER COURT

81. The decisions of all church courts under the General Assembly are subject to the review of the next higher court, and may be removed thereto in one of the four following ways, namely: General Review and Control; Reference; Appeal; or Complaint initiating a corrective case. When a matter is so removed, the lower court becomes a party in the case.

81.1 In cases of reference, however, the lower court is not considered a party, except with respect to the preliminary question whether or not the reference shall be sustained.

#### General Review and Control

82. The record of the presbytery and synod is reviewed by the next higher court at least once a year, and the session record is reviewed by the presbytery at least once every two years. The higher court may call for the records of a lower court at any time. If the lower court fails to send up its record, the higher court may order it to be produced immediately, or on a day named.

82.1 A court may also, at any time, require the courts under its jurisdiction to produce their registers, rolls, or other official documents.

82.2 The higher court, after inquiring into: the regularity of the proceedings minuted, the correctness of the record, whether the advices marked in former attestations have been observed, and whether the court has been diligent in executing all the acts and recommendations of the Assembly, orders the records to be attested, if necessary with a note regarding any irregularity. In connection with such review, the higher court may give special instruction or admonition to the lower and may order any part of the record that is irregular to be cancelled or deleted; but a judicial decision may not be reversed, nor in a matter affecting a private-party, may a question, the decision of which has become final, be revived.

## General Rules for Church Courts

82.3 Before attesting the record of a court, the moderator should inquire if any other has any complaint to make against its proceedings. (G.A., Act 9, 1700; also section 32) Any member of the examining court, who is not a member of the examined court, may complain against its actions as disclosed by its records to the examining court.

83. The lower court must be heard, if it desires, in explanation of its record or defence of its proceedings.

84. In dealing with any grave delinquency or gross irregularity, the lower court is cited to appear at a specified time and place to answer for its conduct.

85. Notwithstanding attestation of the record, if after such review it comes to the knowledge of the higher court that a lower court neglects its duty, or has committed grave irregularities, it may take such cognizance thereof as is deemed necessary.

### Reference

86. A reference is a representation made by a lower court to a higher, for advice or judgment.

87. Cases of particular difficulty or delicacy, the decision of which may establish an important precedent, or on which the members are much divided in opinion, or on which, for any reason, it is desirable that a larger body should first decide, are proper subjects of reference.

87.1 The General Assembly will not decide abstract questions by way of reference. (A&P 1895)

88. A reference is either for judgment on the whole case or for advice on some particular point where difficulty is felt. It is the duty of the lower court to exercise, as far as possible, its own judgment, before making the reference. The higher court must be satisfied that the reference is not an evasion of responsibility.

89. A reference as to form consists of an extract minute of the resolution to refer. This minute must be accompanied with extract minutes of all proceedings in the case and all the papers necessary for the proper consideration of the matter referred. The reference is stated by commissioners appointed for the purpose. A reference for judgment brings up all parties before the higher court, and they should therefore be duly cited that they may appear for their interests.

90. The higher court considers, first, if the reference is in proper form; and second, if there is ground for making it. If it is found to be not in proper form, or appears to be unnecessary, it is dismissed; if not, it is sustained. If the reference is sustained, if there are parties in the case, they are called and heard, after which the higher court considers (see sections 313-443) the whole case and decides it, or gives the advice and directions craved in the reference, and sends the matter back to the lower court that it may take such action as the case requires.

### Dissent, Complaint and Appeal

91. Any member of a court who has voted on a question and is not satisfied with the decision is entitled to have his/her dissent recorded. By so doing he/she relieves himself/herself from responsibility for the decision and saves himself/herself from censure on account of it. The dissent must be given in when the decision is announced. Reasons for dissent may be given in at that time or within ten days. If in proper language, they are entered in the minutes. When deemed necessary the court prepares answers that are disposed of by being entered in the appropriate minutes.

## General Rules for Church Courts

92. Members who voted in the minority may signify their adherence to a dissent, and have their adherence recorded, either at the time, or at the following sederunt when the minutes are confirmed, but not afterwards.

93. A member of a lower court may also initiate a corrective case by way of complaint to the higher court (see sections 381ff). A party in a cause, who has standing to appeal, may appeal against a decision (see sections 341, 376, 391 and 393ff).

94. Deleted 2006.

95. Deleted 2006.

96. The court may prepare answers to reasons of complaint or appeal, and appoint some of its members to defend its action before the higher court.

97. Deleted 2006.

98. Deleted 2006.

99. Deleted 2006.

100. If the reasons given for an appeal are deemed frivolous or vexatious, the court may resolve to disregard the complaint or appeal, and may proceed in the case; however, such action may be appealed against, and the court if it has acted improperly, is liable to censure by the higher court.

101. Complaints on points of form or regarding the manner in which a court conducts its business do not arrest proceedings, and the court, notwithstanding these, prosecutes the matter until it is ripe for judgment; but final judgment must not be given on the case until all such complaints have been disposed of by means of a corrective case (see section 381ff).

102. Deleted 2006.

103. Deleted 2006.

104. Deleted 2006.





## **THE SESSION**



## THE SESSION

### MEMBERSHIP

105. The session of a congregation (hereinafter designated “the session”) consists of its minister or ministers, its active members of the Order of Diaconal Ministries (as per section 105.2), and ruling elders.

105.1 A minister in charge sustains a dual relationship. In respect of his/her judicial functions, he/she is a constituent member of the session, and it is inaccurate to speak of “the minister and session”. In respect of his/her ministerial functions, he/she is the executive of the presbytery, and as such distinguishable from the session.

105.2 A member of the Order of Diaconal Ministries, called by a pastoral charge to serve in its ministry, is a constituent member of session during the period in which he/she actively serves that pastoral charge.

106. The eldership “is a spiritual function as is the ministry” and the qualifications for the office are those laid down in “the express Word of God, and namely the canons written by the Apostle Paul.” (2 Bk. of Dis. VI, 2, 3)

106.1 An elder must be a professing member of the congregation and must be “an example to the believers in speech, conduct, love, faith and purity” (I Timothy 4:12).

106.2 An ordained minister, who is without a pastoral charge and not prevented due to judicial censure, is eligible to be elected as a ruling elder in the congregation to which he/she belongs (see Appendix I, also Declaratory Interpretation: A&P 1978, p. 227, 78).

107. The number of elders in every congregation cannot well be limited, but should be according to the bounds and necessity of the people. (2 Bk. of Dis. VI, 2)

107.1 It belongs to the session to determine the number of elders required by the circumstances of the congregation, and when an addition should be made, but it is competent for members of the congregation to petition the session in regard to this.

108. Elders once lawfully called to the office, and having gifts of God meet to exercise the same, are ordained for life. They may serve in the office for life unless deposed or suspended in process of discipline. They may, however, at the call of a congregation in which the session has instituted term service for elders, fulfill the duties of the eldership on the session for periods of six years, but may stand for reelection at the end of each six year term.

108.1 Any session desiring to opt for term service for elders should consult with the congregation and must notify the presbytery of its intention and receive that court’s permission.

108.2 In congregations that have instituted term service for elders, one third of the session shall be elected every two years.

108.3 Elders may resign the active exercise of the office at any time during their term of service. (Declaratory Act 1985, p. 261, 52)

### DUTIES AND POWERS

#### Supervision and Oversight

109. It is the duty of those who are called to the eldership to meet regularly with the minister and active member(s) of the Order of Diaconal Ministries as per section

## The Session

105.2, who are also of their number, for the purpose of establishing good order and providing for the pastoral care of the congregation. All who are members are subject to the authority and discipline of the session.

109.1 The session is responsible for the supervision and oversight of all associations of members and adherents connected with the congregation. No such association may be established without first receiving the approval of the session.

109.2 The session is responsible for all policy and procedures with respect to the use of the church buildings and property subject to the provisions in sections 114.6 and 163.

109.3 The session is responsible for the election and admission of elders. It is the duty of the session to judge the qualifications of those nominated and/or elected by vote of the congregation to the office of elder and, by its own resolution, to admit them to eldership. (see section 132 ff)

109.4 The session shall assign the names of all members and adherents to the elders who shall keep a list of the names and addresses of those assigned to them, and shall cultivate a personal relationship with those persons through visiting, counselling and encouraging them in the Christian life.

109.5 The session shall keep a roll of the professing members, a register of baptisms, and a record containing the names and addresses of all members and adherents connected with the congregation. (see sections 114.4 and 125-125.6)

### Membership and Pastoral Care

110. The session is responsible for seeking out, preparing and admitting persons as professing members, and for the pastoral care of all persons within the fellowship of the congregation.

110.1 The session is responsible for the provision of instruction in the Christian faith of applicants for professing membership.

110.2 The session is responsible for the examination of candidates for membership. It should enquire as to their acceptance of God as Father, of Jesus Christ as Saviour and Lord, and of the Holy Spirit as Sanctifier. It should also enquire as to the desire of candidates to walk in God's ways and their willingness to seek the peace and welfare of the church. The session may not require assent to any doctrine or special qualifications beyond this profession of faith so described and further expressed in the Apostles' Creed.

110.3 The session, by resolution, is responsible for the admission of candidates to professing membership. Persons so admitted shall have their names added to the roll of professing members and are entitled to all the privileges of the church. New professing members shall normally make a public profession of faith.

110.4 The session is responsible for provision for the Sacrament of Baptism. This sacrament is normally to be celebrated in a service of public worship. It is to be administered to unbaptized candidates in conjunction with their profession of faith and admission as professing members, and to infants when at least one parent is a professing member of the Christian church, baptized, and is fulfilling the covenant engagement of baptism. (A&P 1957, p. 230-31, 79; A&P 1976, p. 396, 47; A&P 1987, p. 245-46, 70, A&P 1993, p. 231-32, 54)

110.4.1 Pastoral emergency baptisms administered outside of public worship should be reported to the session and registered in the congregational records.

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110.4.2 Ministers without pastoral charge should not administer the Sacrament of Baptism unless invited to do so by the session of the congregation in which the baptism will be registered.

110.5 The session is responsible for the reception into the fellowship of the congregation of members in good and regular standing with any branch of the Christian church. The names of applicants are added to the roll of professing members upon receipt of a certificate of transfer or other evidence of church membership, unless there is cause to believe that there is against them a pending matter of discipline, or a judicial censure sufficient to warrant the suspension of church privileges. Persons who are unable to provide a certificate of transfer from another congregation, or whose certificate bears a date five years prior to the date of application, may only be received by resolution of the session, and normally will be required to make a public re-affirmation of faith.

110.6 The session is responsible for the restoration of professing members, whose membership has lapsed, and who apply to be reinstated. Such persons can be restored only by special resolution of the session. Persons thus restored shall normally make a public re-affirmation of faith.

110.7 The session is responsible for the transfer of professing members and adherents to the care of another session when they move to reside elsewhere. The session shall make contact with a session or presbytery in the community to which a professing member has moved, giving the name and address and asking that the person be taken under pastoral care. On request of the professing member, a certificate of membership shall be forwarded to the receiving session, and upon notification that the professing member has been received into membership, the name shall be removed from the roll. If no request for certificate or no notification from a receiving session is received, the member's name shall remain on the roll until the time of its revision. (see sections 125-125.6)

110.8 The session is responsible for the exercise of discipline by counselling and encouraging professing members, by excluding them from membership for just cause (see sections 313-443), and by restoring them to membership, being satisfied as to their repentance and restored faith (see sections 434ff).

110.9 An elder may resign from the session by placing in writing before the session the reasons for such resignation. Such person may only be restored to membership on the session upon being re-elected by the congregation.

110.10 The term "elder emeritus" may be bestowed by a session upon an elder who, after a period of faithful service, retires or resigns from the session. It should only be applied to an elder who is no longer on the constituent roll of that session and will not be re-elected to that session.

## Worship

111. As the executive of the presbytery, the minister is responsible for the conduct and content of public worship and for the supply of the pulpit.

111.1 The session is responsible for regulating the hours and forms of public worship and for arranging special services. The session determines the appointed times and provides for the administration of the sacraments.

111.2 The session is responsible for the appointment of the organist and other leaders of the service of praise, whether voluntary or salaried. It should satisfy itself of their Christian character and behaviour, in as much as they are subject to its discipline. (see section 324.1)

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### Christian Education

112. The session is responsible for providing for the program of Christian education for persons of all ages in order that they may be confronted by the gospel, may grow in faith, participate in the life of the Christian community, and be active witnesses to Christ in the world.

112.1 The session is responsible for the administration, oversight, support and evaluation of the total Christian education program of the congregation within the confessed doctrine of the church as set forth in the preamble to the ordination questions. (see section 447)

112.2 The session is responsible for ensuring the education of the entire congregation in its witness to the local community and in its mission to the world and for encouraging members both individually and corporately to share the gospel with others.

112.3 The session is responsible for the recruitment, appointment, training and support of teachers and leaders, the selection and approval of resource materials and programs that will be used in Christian education.

112.4 The session is responsible for setting before the persons under its care the obligations implied in their having been baptized, the claim that the Saviour has upon them to make public profession of his name, and for providing opportunities for instruction in preparation for that public profession.

112.5 The session is responsible for providing instruction for persons requesting the Sacrament of Baptism for themselves, their children or their wards.

112.6 The session is responsible for the support of parents in the nurture of their children in the Christian faith by encouraging Christian family living and by providing organized opportunities for their children within the structure of the educational program.

112.7 When creating a full-time or part-time position for a professional church educator, sessions shall consult with the presbytery of the bounds and submit a position description.

112.7.1 At the time of moderating in the settlement of a church educator in a congregation, the presbytery shall be assured that the guarantee of stipend and benefits meets or exceeds the minimum set by the General Assembly.

112.7.2 If the proposed professional church educator is not a member of the Order of Diaconal Ministries, the presbytery shall determine that educator's qualifications and, when satisfied, shall grant authorization for the settlement within the congregation.

112.7.3 All professional church educators shall be under the care and subject to the authority of the presbytery within which their diaconal ministry is conducted and which is responsible for their conduct and due discharge of their diaconal ministry.

### Stewardship and Mission

113. The session is responsible for all aspects of stewardship and mission, both spiritual and material, within the congregation.

113.1 The session will keep before the congregation the life and work of the church around the world, encouraging participation in that work through prayer, service and gifts.

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113.2 The session is responsible for seeing that the congregation develops and maintains programs of mission and outreach both related to its immediate community and beyond.

113.3 The session will arrange for outreach to children, youth and adults in the community by encouraging them to participate in worship and programs of education and fellowship, and by inviting them to acknowledge Jesus Christ as Saviour and Lord.

113.4 The session will see that the congregation provides for persons in need of financial or material assistance both among its members and in the community. The session may ask the congregation to elect a deacons' court for this purpose.

113.5 The session will seek to ensure that the congregation in its commission to spread the gospel among all persons is contributing according to its ability, both for the maintenance of its own witness and ministry to the community and for the mission of the whole church.

113.6 The session is responsible for all decisions relating to stewardship, including how and when the financial needs of the church at all levels are to be presented to the congregation so that the programs of life and mission may be supported adequately.

113.6.1 The session will ensure that the congregation is made aware of the allocation for the General Assembly budget (known as *Presbyterians Sharing*) submitted by the presbytery, and report to the presbytery the response of the congregation to that allocation.

113.6.2 The session may approve and arrange for special offerings to be received for other religious and charitable purposes in addition to those appointed by the General Assembly or other courts of the church.

113.6.3 The session will ensure the efficient performance of the duties of those charged with responsibility for the financial affairs of the congregation.

113.6.4 If a board of managers is elected by the congregation, the session will work closely with it to ensure that all aspects of the financial affairs of the congregation are managed in keeping with directives of the courts of the church.

113.6.5 The session may establish a committee of finance and maintenance to be responsible for such affairs, thus dispensing with the need for a board of managers.

### RELATIONSHIP TO OTHER COURTS

114. The session is responsible for the carrying out of such duties as may be directed to it by a higher court of the church.

114.1 The session will consider and act upon all remits and referrals from higher courts, and report the action taken to the initiating court when requested to do so.

114.2 It is the duty of the session to receive petitions and complaints, competently to consider them, and transmit them to the presbytery, together with all appeals, references and related documents.

114.3 In the case of an appeal from or a corrective case related to an order of the presbytery the session is required to obey the order until final judgment is given.

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114.4 The session is required to submit its records (minutes, baptismal register, professing members roll and marriage register) to the presbytery for examination when so ordered (see sections 25-32 and 82-86.3).

114.5 The session is required to see that the annual statistical and other reports are completed and returned to the presbytery clerk by the date specified.

114.6 The session is responsible to the presbytery for the use made of all church buildings, property and air rights above them controlled by the congregation (see sections 109.2 and 163).

114.7 The session will appoint one of its number as representative elder to the presbytery (in the case of multiple point charges, only one of the sessions at a time will appoint a representative elder, unless an additional “equalizing elder” is requested by presbytery). The representative elder is responsible for:

114.7.1 Attending meetings of the presbytery, participation in its deliberations, and reporting to the session the decisions, remits and referrals of the presbytery.

114.8 When a charge suddenly becomes vacant, or the minister becomes incapacitated for any reason, it is the duty of the representative elder, where no commissioners are specially appointed for that purpose, to present the facts to the presbytery, and apply for the supply of ordinances.

### ORGANIZATION AND PROCEDURE

115. The minister is *ex officio* (by virtue of office held) moderator of the session. Where there are two ministers they preside alternately, or as may be agreed between them.

115.1 Where there are two ministers, the minister not presiding sits and votes as an ordinary member, unless it is otherwise authoritatively regulated.

115.2 The moderator of session is *ex officio* (by virtue of office held) a member of all session and congregational committees, with voice but no vote. As an *ex officio* member, his/her attendance is permitted, but not required.

116. In the absence of the moderator, or when, for prudential reasons, he/she deems it better not to preside, another minister of the church, having authority from him/her may act as moderator. When the minister has been removed by death or otherwise, or is under suspension, an interim moderator is appointed by the presbytery.

117. The duty of the moderator is to preside; to preserve order; to take the vote; to announce the decisions of the court and to pronounce censures. The moderator may introduce any competent business, and may express his/her views upon any matter under consideration (see sections 13-17.1).

118. The session appoints a clerk, whose duty it is to take regular minutes of the session’s procedures and hold the same in a permanent record, to take charge of all session documents and to prepare and issue all extracts of minutes and papers authorized by the session (see sections 18-24).

118.1 Failing the appointment of a clerk, it devolves on the moderator to perform the duties, and he/she signs as “moderator and clerk”.

119. The session may also appoint a treasurer to take charge of any funds at its disposal.

120. The session, as far as practicable, holds stated meetings for the transaction of business; it may also hold meetings for devotion and religious conference. Meetings



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of session are not open to the congregation; but the session may hold open meetings when deemed advisable.

120.1 In dealing with matters affecting the good name of members of the congregation, the session, and all members thereof, must observe strict privacy.

121. The moderator has power to convene the session when he/she sees fit; and he/she is bound to do so when enjoined by a higher court or requested by one-third of the elders. Meetings are called on the authority of the moderator, either by notice from the pulpit or by personal notice to the members.

121.1 The notice must be reasonable. It is held to be so if sufficient time be allowed by it for the attendance of all members. A meeting called from the pulpit to meet at the close of service should deal only with minor matters requiring immediate attention.

121.2 An assessor (elder appointed to assist a church court) appointed by the presbytery must receive personal notice.

121.3 When a session adjourns to complete business at a time appointed upon a later day, notice must be given to all members not present, in one or other of the prescribed ways of calling a meeting.

122. The moderator and twenty-five percent of ruling elders on the session, or two, whichever is greater, constitute a quorum. When from any cause, the number of elders is not sufficient to form a quorum, application is made to the presbytery for assessors (elders appointed to assist a church court) to act with the other members until new elders have been elected. Such assessors must be elders and members in good standing, but need not be currently serving on a session.

122.1 An assessor appointed by presbytery to a session that is complete cannot act as a member of it. Where there is a quorum present and qualified to sit, he/she acts in an advisory capacity.

123. When the session has been constituted (see section 9), the names of the members present are recorded. The minutes of the last stated meeting, and of any other meetings that have intervened, are then read, and when sustained, are signed by the moderator and the clerk.

124. Every session is instructed to keep as accurately as possible: (1) a roll containing the names of all persons connected with the congregation; (2) a register of baptisms; (3) a roll of the professing members.

125. The Act regulating the keeping of the professing members' roll is as follows:

125.1 There shall be a roll in each pastoral charge, made up and kept by the session of the charge, containing the names and addresses of the professing members, and the dates of enrollment and of removal clearly noted together with the manner of enrollment or removal (i.e., in the case of enrollment, whether by profession of faith, by certificate, or by special resolution of session and in the case of removal, whether by death, transference, or special resolution of session). In all cases of enrollment or removal by special resolution of session, the reasons for such action shall be inscribed in the roll opposite the name of the person enrolled or removed. The session alone shall have authority to add or remove names.

125.2 A professing member's name shall be removed from the roll of one charge to the roll of another only by a certificate of transfer. Such a certificate shall entitle the person named in it to be enrolled by the session to which it is presented and to enjoy all the privileges of the church and congregation. Such a certificate shall not in itself entitle to enrollment after the expiry of five years from the date that it bears. In such a case admission, if granted, shall be by special resolution. Nor shall a certificate of transfer entitle the holder of it to

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enrollment if the session to which it is presented can show good cause for withholding church privileges from the person.

125.3 In the case of persons presenting certificates, the date of enrollment shall be held to be the date of lodging the certificate with the minister or the session clerk of the charge; and in other cases it shall be the date of the resolution of session appointing the name to be added to the roll. The date of removal shall be the date of death, or of the issue of a transference certificate, or of a resolution of the session to remove the name. A professing member shall be deemed to be on the roll until removed by the session. The use of an "appendix", or other expedient for classifying professing members shall have no effect on the standing of those whose names appear therein.

125.4 The session shall revise, correct and attest the roll once each year, and at the same meeting shall make entry in the minutes to the effect that they have done so. Before application is made for moderation in a call to a minister or when requesting the appointment of an ordained missionary, the session shall inform the presbytery of the date of the last revision of the roll. Should that date not be within one year, the session shall proceed with a revision in accordance with section 125.5.

125.5 During the annual revision of the roll, sessions are encouraged to use criteria such as attendance at services of worship, especially the Sacrament of Holy Communion, and participation in the life and work of the congregation. Members who have not been faithful in their attendance at worship services and have ceased to participate actively in the life and work of the congregation shall be contacted, visited where possible, and encouraged to renew their commitment to Christ and his church. Those so contacted are to be informed that if after a year they have failed to renew their commitment, the session may decide to remove their names from the roll, as members no longer in good standing. In this event the session shall note the reason for this action opposite the names in the roll. Where possible, such persons should continue to receive pastoral care, but their names shall be restored to the roll only by special resolution of the session to that effect, duly recorded in the minutes.

125.6 The professing members roll shall be submitted at least once every two years to the presbytery of the bounds for attestation, and presbyteries are enjoined to see that this and all other requirements of this Act are carefully observed. (A&P 1927)

126. A member desiring to leave one congregation and to connect with another is entitled, on application, to a certificate of transfer from the session, unless such member is prevented due to judicial censure, or there are matters of conduct that seem to the session to call for an inquiry.

126.1 Where a certificate of transfer is withheld for cause, the member has a right to demand that inquiry be immediately entered upon, and brought to a conclusion without unnecessary delay.

126.2 Between meetings of session, the moderator may grant certificates of transfer to members in good standing, which action he/she reports to the session.

127. The session cannot entertain a complaint against its moderator.

127.1 All processes against any minister or member of the Order of Diaconal Ministries are to begin before the presbytery to which he/she belongs, and not before the session of his/her own congregation (see sections 324ff).

127.2 Deleted 2006.

127.3 In all matters within the jurisdiction of the session, its decisions are binding upon the minister and member of the Order of Diaconal Ministries as

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upon others; but he/she is accountable only to his/her presbytery. The elders, or any number of them, signing as individuals, may bring his/her conduct or teaching before the presbytery by means of a non-disciplinary case (see section 324ff) or by presenting an allegation of wrongdoing. (see sections 350, 351 and Appendix A-48)

128. It is the duty of the session to watch over all the interests of the congregation (2 Bk. of Dis. VI, 4), and it is its constitutional right to interpose, whenever, in its opinion, the welfare of the congregation calls on it to do so, by convening meetings for any purpose connected with congregational affairs, or in any other competent manner.

128.1 In the discharge of this duty, the session may from time to time require any board, committee or society in connection with the congregation to report its proceedings.

129. The session is subject in all its proceedings to the review and direction of the presbytery and higher courts of the church.

129.1 The session must submit its records and rolls for examination when called for by presbytery, synod or Assembly; furnish to them such information as they may require, and carry out the decisions of these higher courts in matters within its province. The session has direct access to the presbytery by memorial, petition, complaint and reference, and through the presbytery to the higher courts. (For petitions and complaints lodged with it, and appeals against its own decisions, see section 114.2.)

130. One session may not interfere with or review the proceedings of another, but sessions in multiple point charges may meet together to conduct common business as long as each session maintains its own record of the proceedings.

130.1 When a session feels aggrieved by the proceedings of another session, it may remonstrate or ask for explanation; if not satisfied, it may bring the matter before its presbytery. This must be done by written statement, a copy of which must first be furnished to the session whose proceedings are called in question.

131. It is the right and duty of every session, whether of a settled or vacant congregation, to appoint one of its elders to represent it in presbytery and synod.

131.1 The appointment is made annually and takes effect on a date ordered by the presbytery.

131.2 When a charge consists of two or more congregations having separate sessions, such sessions shall be regarded as one for the purpose of representation in the church courts.

131.3 An extract minute of the appointment of the representative elder by the session is presented to the presbytery, and his/her name is then put on the roll; and the roll of presbytery, certified by its clerk, is sufficient evidence of the elder's right to sit in the synod.

131.4 A session may appoint additional elders to serve as alternates, as indicated by extract of minutes from the session, and the name of such alternate in the extract minute is sufficient evidence of right to sit in presbytery and synod in the absence of his or her principal, the alternates being taken by the presbytery in the order indicated in the extract.

131.5 The elder appointed should be punctual in his/her attendance at these courts, and his/her expenses, as well as those of the minister(s) and member(s) of the Order of Diaconal Ministries, ought to be defrayed by the congregation.

131.6 In the event of death, resignation or removal of a representative elder, a new election must be made without delay.

## The Session

### ELECTION, ORDINATION AND ADMISSION OF ELDERS

132. Election to the eldership is the call of God, through the congregation, for service in Christ's Church. Since the eldership is a spiritual office concerned with the rule and pastoral oversight of the congregation, only suitable men and women should be considered. They should be committed Christians, in regular attendance at public worship, persons of sound judgment and upright character, and either knowledgeable or prepared to learn of the government of the church. (see sections 106-106.2 and 449-449.4)

132.1 The right of electing elders is vested in the professing members of the congregation.

132.2 When the session has resolved to add to the number of elders, it gives notice to the congregation. A ballot is prepared using one of two procedures:

132.2.1 Ballot of nominees

- a) The session, or a nominating committee of the session, as well as professing members of the congregation, nominate members. Nominations from members must be in writing and made by at least two persons, either separately or together.
- b) The nominating period must be spread over at least three successive Sundays.
- c) The session approves the nominees as to their suitability for eldership (see section 132) and their willingness to serve as an elder if elected.
- d) The names of all those deemed suitable and willing to serve are placed on the ballot.

132.2.2 Ballot of members

The session prepares a ballot that consists of the names of all professing members of the congregation including elders whose term of service is complete and are eligible for re-election. (see section 108)

132.3 Ballots are distributed to all professing members for voting or a congregational meeting is called, with at least two Sundays notice, for the distribution of ballots and the election of elders. A ballot must be given to any member who is unable to attend this meeting but who requests a ballot from a member of session. Such ballots are to be returned and counted with those distributed at the congregational meeting called for the election of elders.

132.4 Members shall vote for the names of those they believe should be called to the eldership. The ballot is then enclosed in a sealed envelope and the envelope is signed by the member.

132.5 Ballots shall be returned within a period determined by the session.

132.6 The session, or a committee of elders appointed by the session, shall open the envelopes and set aside the unexamined ballots. They shall destroy the envelopes and examine and count the ballots.

132.7 When a ballot of nominees is used, the session shall determine the candidates who have been elected based on the strength of congregational support demonstrated by the number of votes each one receives and the number of additional elders required.

132.8 When a ballot of members is used, the session shall determine which candidates to approach about their willingness to serve as an elder based on their suitability for the eldership (see section 132), the number of votes each one receives and the number of additional elders required. The session will cease

## The Session

approaching candidates once the required number of elders is reached or the list of approved candidates to be approached is exhausted.

132.9 After the election the session appoints the edict of ordination and/or admission to be read before the congregation at least ten days prior to the ordination. (see Appendix A-11)

132.10 On the day appointed for ordination, the session is constituted. If no valid objection has been made, the moderator, after the sermon, calls forward the elders-elect and puts to them the prescribed questions (see section 449). On receiving satisfactory answers, the moderator proceeds by prayer to ordain the candidates to the office of ruling elder, commending them to the grace of God for comfort, aid and countenance in the exercise of their office. The right hand of fellowship is then given to them by the minister(s), member(s) of the Order of Diaconal Ministries, and elders in token of their taking part with their brothers and sisters in the oversight of the congregation. The newly-ordained elders and the people are suitably addressed by the moderator, and the names of the elders are added to the roll of session.

132.11 Elders previously ordained are not re-ordained but are admitted to the session. They shall reaffirm their commitment by answering the prescribed questions. (see section 449)

132.12 Elders must be ordained and/or admitted in presence of the congregation and preferably during Sunday worship.

133. When an elder applies for and receives a certificate of transfer, he/she thereby ceases to exercise his/her office in that congregation.

133.1 Even if the certificate be returned to the session that issued it, he/she can only be restored to their number by election and induction in the established order.

133.2 An elder who moves to another congregation must be elected by that congregation and, as with an elder re-elected for another term, be inducted before becoming a member of session.

### REMOVAL FROM OFFICE

134. In the case of an elder who has ceased to be helpful to the congregation and whose removal would seem desirable and even necessary, even though no charge could be preferred against him/her in the way of a disciplinary case, and whether such an elder is serving in the office for life or for a term, the General Assembly has directed that, upon representation made in proper form to the presbytery by the session, the presbytery has power, if it sees cause, to declare the elder in question should cease to be an acting elder in that congregation, the right of initiating a corrective case (see sections 381ff) on the matter being reserved to all parties concerned.

### THE DEACONS' COURT

135. The office of deacon is an ordinary and perpetual function in the church (2 Bk. of Dis. VIII, 2), to which office it belongs "to take special care in distributing to the necessities of the poor." (Form of Presbyterian Church Government)

135.1 In practice, The Presbyterian Church in Canada adheres to the doctrine that the higher office scripturally includes the lower and that ministers, members of the Order of Diaconal Ministries and elders are also deacons.

136. The qualification, election and admission of deacons are the same as for elders. (2 Bk. of Dis. VIII, 2)

## The Session

137. In congregations where deacons other than elders are appointed, the collection and distribution of the alms of the people are committed to a meeting of the minister, or ministers, active members of the Order of Diaconal Ministries, elders and deacons, commonly called the deacons' court. To this meeting may be entrusted also the management of the temporal affairs of the congregation where deemed advisable.

138. In the administration of their office, the deacons "ought to do according to the judgment and appointment ... of the eldership (of which the deacons are not)." (2 Bk. of Dis. VIII, 3)

138.1 Under the Book of Discipline, deacons meet with the session for consultation, but have no vote even as to matters of their own office. There is no enactment of later date in force in The Presbyterian Church in Canada. In 1846, the General Assembly of the Free Church passed an Act in reference to the duties of elders and deacons. A committee of The Presbyterian Church of Canada recommended congregations to conform to the requirements of that act, but an overture to that effect, in 1856, was rejected by a majority of the presbyteries, and the proposal dropped. The regulations for deacons' courts, that have appeared in former editions of the Book of Forms, were those recommended by the committee, but rejected by the presbyteries.

## **THE CONGREGATION AND ITS MANAGEMENT**





## THE CONGREGATION AND ITS MANAGEMENT

### THE CONGREGATION

139. A congregation is a company of persons, together with their children, associated in a particular locality for Christian worship, instruction, fellowship and work, with the sanction of a presbytery. (For organization see section 200.)

140. The “professing members” of a congregation, who are entitled to all church privileges, are those who have been admitted into the fellowship of the Lord’s Table and who, on profession of their faith in Christ and obedience to him, have been received by the session.

140.1 Baptized children, being within the covenant, are “covenant members” of the church and may be admitted to the Lord’s Table at the discretion of the session and with their parent(s) consent. Baptized persons, whether admitted to the Lord’s Table or not, shall be deemed “covenant members”. It is their responsibility and privilege, when they reach an appropriate age, to profess their faith publicly and be received by the session as “professing members”.

141. It is the duty of members to give faithful attendance on gospel ordinances; to give their ministers and members of the Order of Diaconal Ministries all dutiful respect, encouragement and obedience in the Lord; to submit to the session as over them in the Lord; to cherish a caring spirit among themselves; and to promote the peace and prosperity of the congregation. It is also their duty to take a lively interest in all that concerns the welfare of the whole church; to contribute heartily, as the Lord shall enable them for the maintenance of the Christian ministry, and the furtherance of the gospel at home and abroad; and to manifest a Christian spirit in all the relationships of life.

142. Members of the church are under the care and subject to the authority of the session until they are disjoined by receiving a certificate, or having their names removed in consequence of voluntary withdrawal from the fellowship of the congregation, or as a result of a judicial process.

143. Members of the church have access to the session in reference to any matter affecting themselves, their fellow members, the congregation, or the church; but matters touching the conduct of the minister or member of the Order of Diaconal Ministries must be dealt with by the presbytery (see sections 324ff). The session may be approached by petition, memorial, or complaint, made either in writing or by oral statement reduced to writing by the session and approved by the complainant. Such an approach will normally initiate a judicial process (see sections 313-434).

144. Members of the church have access to the higher courts only through the session, which transmits petitions, complaints, memorials or overtures to the presbytery. If the session refuses to transmit any such paper, there is the right of initiating a corrective case by means of a complaint to the presbytery, as provided for in sections 156-156.1 and 381-392.

145. Professing members, whose names are on the roll, on applying for a certificate of transfer, are entitled to receive the same without unnecessary delay, unless a judicial process against them has been commenced before the session. It is also recommended that members of the church who are not professing members receive commendatory letters when removing to a distance.

146. A member who has withdrawn irregularly from the church may, on applying for a certificate of transfer, receive it from the session; but the certificate shall contain

## The Congregation and its Management

such statement of the facts in the case as the session may deem for edification, it being understood, prior to such action, that parties be conferred with by the session.

147. When a member withdraws from the fellowship of the church and absents him/herself from public ordinances, or declines the jurisdiction of the session, or leaves the bounds of the congregation while under judicial censure, his/her name may be removed from the professing members roll, with a note indicating the reason(s).

148. A member of the church who has not a certificate of good standing, or whose name has been removed from the professing members roll of another congregation, is not received as a professing member by any session without correspondence with the session under whose jurisdiction such applicant formerly was. If the latter session consents, the former may deal with the applicant with a view to restoration to full church privileges. If that consent is refused, the case is referred to the presbytery.

149. The property of the congregation is held by trustees appointed by the congregation, in the manner provided for in the trust deed. Trustees must be professing members of the church. Great care should be taken to define clearly the purpose of the trust and the powers, duties, obligations and mode of appointment of the trustees and their successors, and the perpetuation of the trust, this last point being specially important. (Declaratory Act: A&P 1991, p. 250, 37)

150. Before proceeding to erect a place of worship, a congregation must obtain the presbytery's approval of the site (see sections 200.1 and 200.7).

151. No debt shall be contracted with security on church property and no loan for capital purposes be negotiated by any congregation, unless the presbytery at the instance of the congregation, shall have given its sanction, and only after minute inquiry into the circumstances of the case, the presbytery realizing its grave responsibility in the matter (see sections 162.1 and 200.8).

152. Meetings of the congregation are called by the authority of the session on its own motion or on requisition in writing of the deacons' court or board of managers, or of a number of professing members, or by mandate of a higher court. Meetings are called by public notice, read before the congregation on the Lord's Day; such notice specifies the object of the meeting and is given on at least one Sunday before the time of meeting, unless otherwise and specially provided for. Congregational meetings are opened and closed with prayer.

153. Every congregation should hold an annual meeting for receiving the report of the board of managers or the deacons' court, and transacting any other business regularly brought before it. It is recommended that the annual report be printed and circulated among the members of the congregation.

153.1 Notice of the annual meeting must be given on two Sundays before the time of meeting. (A&P 1914)

154. At congregational meetings the minister of the congregation, or the minister appointed by the presbytery, presides. But if the minister is absent or declines to preside, the meeting appoints one of its number to take the chair. It also appoints its secretary. The minutes of the proceedings of a meeting held for spiritual purposes are reported to the session by the secretary, and are entered in the session records; the minutes of meetings held for purposes not properly spiritual are reported to the deacons' court or board of managers and are entered in their records.

154.1 This does not imply that the administration by the board of managers is an unspiritual work in contrast to that of the session, but only that the particular responsibilities of the session and of the board of managers relate to two distinct areas of responsibility within the whole work of the church.

## The Congregation and its Management

155. All professing members have the right to vote at all congregational meetings, and to them exclusively belongs the right of choosing ministers, members of the Order of Diaconal Ministries, elders and deacons (see Appendix I re minister-in-association). At any meeting of the congregation when matters relating to the temporal affairs of the congregation, and not affecting the order of worship, the discipline of the church, or the disposal of property, are under consideration, adherents who contribute regularly for the support of the church and its ordinances may vote.

156. Any person who has voted at a congregational meeting and is dissatisfied with resolutions that have been adopted has the right of dissenting from the decision (in a manner similar to section 91) or initiating a corrective case with the presbytery (see sections 381ff). The initiating complaint and reasons are transmitted through the session.

156.1 The dissent must be made at the time of the decision and should be reported in the minutes of the meeting.

157. Congregations make returns regarding their statistics and finances in such manner as the higher courts may from time to time require.

157.1 For such returns responsibility rests primarily upon the session.

### BOARD OF MANAGERS

158. In congregations where there is not a deacons' court, the management of the financial affairs of the congregation is entrusted to a board of managers.

159. The managers shall be chosen by the congregation at the annual meeting of the congregation, or a meeting duly called for this purpose.

160. One-third of the board shall retire each year by rotation, and their places, as also the places of any who vacate their office during the year, shall be filled at the annual meeting. The retiring managers may be re-elected.

161. Upon the death or retirement of a manager, or where any manager is cut off from church privileges by process of discipline or leaves the congregation, another shall, as soon as convenient, be appointed in his/her place.

162. The duties of the board of managers have special regard to the temporal and financial affairs of the congregation. It is their duty to co-operate closely with the session, which is responsible for all aspects of stewardship, in encouraging the liberality of the people in support of the congregation's total ministry, and to disburse all moneys received for this purpose, subject to the approval of the congregation; to provide for the payment of the minister's stipend and other salaries; and generally to administer all matters committed to their charge as the congregation may from time to time direct.

162.1 All decisions regarding major capital expenditures by a congregation require a two-thirds majority of those present and voting at congregational meetings, "major capital expenditures" being defined as any amount in estimated costs equal to or exceeding the total normal expenditures as reported in the Acts and Proceedings of the preceding year for that congregation (see sections 151 and 200.8).

162.2 It is required that all offerings, whether for general revenue or missions, be counted and recorded before being removed from the church.

## **The Congregation and its Management**

163. It is the duty of the board of managers to care for the place of worship and other ecclesiastical buildings, and to see that they are kept in good condition and repair. (For the use of ecclesiastical buildings see sections 109.2 and 114.6.)

164. It is the duty of the board of managers to pay the expenses in connection with the service of praise as determined by the congregation. (For appointment and control, see sections 111.1-2)

165. It is the duty of the board of managers to appoint and dismiss the church officer.

166. The board of managers has no jurisdiction over public worship in any of its parts.

167. The convener, secretary and treasurer are appointed by the congregation at its annual meeting from among the members of the board. If this is not done, the board appoints them at its first meeting held after the annual meeting.

168. It is the duty of the convener to have each meeting opened and closed with prayer; to see that the business is properly ordered and recorded; to take the vote; and to announce the decisions. He/she may introduce any business to the board, and may speak regarding it, but he/she has only a casting vote. As the executive of the board, he/she also has power to perform any functions explicitly assigned to him/her. In the absence of the convener from any meeting of the board, one of the other managers may be chosen to preside.

169. It is the duty of the secretary to keep a faithful record of the proceedings of the board in a book provided for the purpose; to engross therein the record of any congregational meeting held for temporal purposes (see section 154); and to take charge of all papers belonging to the board that are not entrusted to the custody of the treasurer. The minute book shall be available to the board at all times, and shall be signed by the convener and secretary.

170. It is the duty of the treasurer to keep the accounts of the congregation, together with all vouchers; to receive and disburse all moneys subject to the direction and control of the board; and to produce his/her accounts, properly audited, to the annual meeting of the congregation. Where there is a chartered bank convenient to the congregation, it is the duty of the treasurer to deposit therein, without delay, all money received by him/her, and in a separate account identifying it as belonging to the congregation. (Declaratory Act: A&P 2008, p. 253, 17)

171. Meetings of the board shall be held at stated times, at least once in three months, for the transaction of business; but a meeting may be held at any time on the call of the convener, by notice given from the pulpit or addressed personally to the members of the board. The convener is bound to convene a meeting whenever required to do so by one-third of the managers.

172. Three members present constitute a quorum.

173. The congregation may adopt such further rules and regulations for the administration of the temporal affairs of the congregation as may be deemed advisable, but such rules and regulations shall be of no effect until submitted to, and approved by, the presbytery of the bounds as in harmony with the general procedure of the church.

## **ORDER OF DIACONAL MINISTRIES**



## ORDER OF DIACONAL MINISTRIES

### 174. Membership in the Order of Diaconal Ministries

#### ELIGIBILITY

174.1 Persons who have successfully completed the course of studies for diaconal ministry at a college recognized by the General Assembly for this purpose and who have been designated by a presbytery of this church, as well as persons with similar training who have been received and designated by a presbytery with the permission of the General Assembly (see section 174.5) are members of the Order of Diaconal Ministries and shall be referred to as diaconal ministers. All such persons may take their functional titles from the specific position which they hold.

#### THE COUNCIL

174.2 Within the Order there will be a Council of the Order of Diaconal Ministries that shall meet regularly.

#### TRAINING

174.3 A person who desires to become a candidate for the Order of Diaconal Ministries in The Presbyterian Church in Canada shall apply for certification through the session of the congregation wherein membership is held to the presbytery of the bounds which, after examination, makes a recommendation to the governing board of a college that offers the approved course of study and where the candidate proposes to attend.

174.3.1 The presbytery of first certification shall examine students annually and if satisfied certify them to the college's governing board. Exceptions may be made in cases where the presbytery is far removed from the college, in which case the certification procedure may be undertaken by the presbytery within whose bounds the college is located, or wherein the candidate resides.

#### DESIGNATION

174.4 A person shall be designated as a member of the Order of Diaconal Ministries in The Presbyterian Church in Canada:

174.4.1 On completion of the prescribed course to the satisfaction of the governing board of the college, and

174.4.2 Having received certification from the governing board of the college as to suitable character and conduct and the possession of the necessary gifts and skills, and

174.4.3 Upon accepting an appointment for at least one year by a court, agency or society of The Presbyterian Church in Canada. (Declaratory Act: A&P 1989, p. 269-70, 73)

174.5 Persons who have received similar education for the office of member of the Order of Diaconal Ministries may be admitted to the Order of Diaconal Ministries of this church upon acceptance by the General Assembly on application of a presbytery through the Life and Mission Agency's Committee on Education and Reception in consultation with the executive of the Order of Diaconal Ministries.

## Order of Diaconal Ministries

174.6 After an appropriate examination by a presbytery, the presbytery shall then proceed to designate the candidate as a member of the Order of Diaconal Ministries. If the candidate is not designated within a three year period, the standing of the candidate should be reviewed by presbytery. This examination should consider the candidate's present educational qualifications.

### APPOINTMENT AND INSTALLATION

174.7 Authority to make and terminate appointments of members of the Order of Diaconal Ministries resides in the presbytery and in higher courts or their agencies.

174.7.1 Presbytery shall conduct a service of installation for every appointment.

### COURTS OF THE CHURCH

#### 175. Relationship to the Courts of the Church

175.1 The member shall be under the jurisdiction of the presbytery wherein the member works and/or lives.

175.2 The roll of active and other members shall be maintained by presbytery and submitted annually to the Clerks of Assembly as part of the roll of presbytery (see sections 176.5 and 176.5.1).

175.3 When a member moves to another presbytery, a certificate of transfer shall be sent to the other presbytery and the change of status or employment reported to Ministry and Church Vocations, Life and Mission Agency. (Declaratory Act: A&P 1994, p. 279, 82)

175.4 This Assembly interprets the action of the 1992 Assembly in adopting Remit G, 1991 re making members of the Order of Diaconal Ministries members of the courts, as being applicable to both active and inactive members of the Order. Therefore, in respect to the roll of presbytery, the name of each member of the Order within the bounds may be placed either on the constituent roll or the appendix to the roll, as applicable, and provided the court agrees to do so. Further, as applicable, all other regulations relating to the placing of the names of ministers on the roll of presbytery or a higher court, or the removal therefrom, apply to members of the Order (see sections 176.5 and 176.5.1, Declaratory Act, 1993, p. 230, 54).



## **THE PRESBYTERY**



## THE PRESBYTERY

### MEMBERSHIP

176. The presbytery consists of: (see especially sections 176.1, 176.2 and 176.5, also 176.3 and 176.5.1)

176.1 Ordained ministers within the bounds, whose ministry is carried out on a minimum of a half-time basis and not as a complement to some other vocational pursuit and:

176.1.1 who are pastors, associate or assistant pastors, directors of Christian Education, interim ministers, stated-supply (whether in congregations or mission fields), chaplains to the armed forces when stationed within the bounds; (see section 213.2) (Declaratory Act: A&P 1979, p. 239, 88)

176.1.2 who are appointed by the Life and Mission Agency to an overseas mission field and are within the bounds because of furlough or special assignment;

176.1.3 who have been appointed to mission work in Canada within the bounds for not less than one year by the Life and Mission Agency or who, as per section 201.2, are serving part-time in a congregation and have been appointed by the presbytery at the request of the minister and session of the congregation or on presbytery's own initiative;

176.1.4 who are ordained ministers serving within the bounds of the presbytery under appointment by the Life and Mission Agency, and who have been sent by their overseas church, and received by the Life and Mission Agency, as missionaries to The Presbyterian Church in Canada; (see A&P 1979, p. 408-10 and 85; A&P 1980, p. 100)

176.1.5 who serve on our college faculties or are employed on the staff of the courts or agencies of this church; (Declaratory Act: A&P 1966, p. 399-401, 93; A&P 1980, p. 111, 217; A&P 1989, p. 268, 65)

176.1.6 who make request and are serving in agencies not directly responsible to The Presbyterian Church in Canada as Bible Society secretaries, teachers in Bible or theological colleges, or university departments of religion; workers in inner-city, national, or overseas missions (the last when residing within the bounds); (Declaratory Act: A&P 1989, p. 268, 65)

176.1.7 who are institutional chaplains, appointed for not less than one year with the approval of the responsible committee of the General Assembly; (Declaratory Acts: A&P 1988, p. 283, 34; A&P 1988, p. 394, 21; A&P 1992, p. 383, 63; and A&P 1995, p. 229, 38)

176.1.8 who are not included above, and who, at presbytery's request and by authorization of the Assembly, have been placed upon the roll. Such presbytery applications shall not be made for retired ministers, except those who are rendering active service; (Declaratory Act: non-theological teachers or professors, psychologists, social workers, or other ministers in secular employment; A&P 1989, p. 267, 65)

176.1.9 when there has been a significant change in the status or abilities of the minister whose name has been ordered placed on the constituent roll, the name, as the presbytery may judge, shall be placed

## The Presbytery

on the appendix to the roll by proper motion of the court. Should the new status, in the judgment of the presbytery, merit a placing of the name on the constituent roll, the presbytery may overture the General Assembly in conformity to section 176.1.8.

### 176.2 Ordained elders:

176.2.1 one from each pastoral charge or mission field in which is an organized session (see section 114.7) and

176.2.2 sufficient elders to make their number on the roll equal to the number of ministers and members of the Order of Diaconal Ministries. Sessions in rotation shall be given the privilege of choosing such equalizing elders, one per session, to be chosen annually. These may be re-appointed but not for more than three years in succession. This shall be done in rotation except that preference may be given to congregations in multi-point charges with no current representative.

176.3 All other ministers within the bounds, and ministers ordained by the presbytery for work overseas under the Life and Mission Agency, shall be placed upon an appendix to the roll on proper motion (a privilege not a right, A&P 1993, p. 234, 55, and 1964, p. 333-36) and have the right to sit and correspond at all meetings of presbytery. (Declaratory Act: A&P 1989, p. 268, 65)

176.4 The names of ministers, whether in self-sustaining, augmented or ordained mission charges, are to be arranged on the roll of presbytery in the order of their induction or appointment in the presbytery, and the mission fields supplied by unordained missionaries are to be reported on the roll in alphabetical order, and where the name of the missionary is not reported, the post office address of the representative elder is to be given. (A&P 1907)

176.5 A member of the Order of Diaconal Ministries is a constituent member of the presbytery within which he/she serves, on a minimum of a half-time basis and not as a complement to some other vocational pursuit, throughout the period of active service. Constituent membership includes the right to speak, make motions, vote and be eligible for commissions to General Assemblies. Equalizing elders shall be appointed as necessary for members of the Order. (For clarification re the full extent of this action see A&P 1993, Clerks of Assembly Rec. No. 6, p. 230)

176.5.1 All other members of the Order of Diaconal Ministries within the bounds, and members of the Order whose certificate of standing is lodged with the presbytery and are serving overseas under appointment of the Life and Mission Agency, may be placed upon an appendix to the roll on proper motion and have the right to sit and correspond at all meetings of the presbytery. (Declaratory Act 1993, p. 230, 54; a privilege, not a right, A&P 1993, p. 234, 55)

### 176.6 Historical Certificate (Appendix A-16)

176.6.1 A person whose name has been removed from the appendix to the roll of presbytery without recourse to judicial process ceases to be a minister under supervision by The Presbyterian Church in Canada. He/She must be given an historical certificate noting he/she was ordained to the ministry of Word and Sacraments and is at the date of issuance a minister of The Presbyterian Church in Canada in good and regular standing, the certificate to indicate the reasons for his/her removal from the appendix to the roll, and noting that the individual thereby ceases to be a minister under the supervision of The Presbyterian Church in Canada.

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176.6.2 A person whose name has been removed from the appendix to the roll without recourse to judicial process, although ceasing to be a minister under supervision by The Presbyterian Church in Canada is thereby not deprived of his/her ordination to the ministry of Word and Sacraments in the Church Catholic. He/She may make application through a presbytery to be re-instated by that presbytery to membership on the appendix to the roll, the presbytery to make the appropriate inquiries.

176.6.3 A member of the Order of Diaconal Ministries whose name has been removed from the appendix to the roll of presbytery without recourse to judicial process may remain a member of the Order of Diaconal Ministries but her/his ministry will no longer be regarded as being under the supervision of The Presbyterian Church in Canada. She/He must be given an historical certificate that she/he was designated as a member of the Order of Diaconal Ministries, the certificate to indicate the reasons for her/his removal from the appendix to the roll, and noting that the individual thereby ceases to be a diaconal minister under the supervision of The Presbyterian Church in Canada.

176.6.4 A member of the Order of Diaconal Ministries whose name has been removed from the appendix to the roll without recourse to judicial process, remains a member of that Order at the Order's discretion and can only be placed on the appendix to the roll of presbytery upon application to a presbytery, the presbytery to make the appropriate inquiries.

### ORGANIZATION AND PROCEDURE

177. It belongs to the General Assembly to erect a presbytery, determine its bounds, fix its name, appoint the time and place of its first meeting, and name its first moderator. After being constituted by the moderator thus appointed, the presbytery elects its own moderator.

177.1 The Assembly may erect presbyteries with certain wide geographic bounds and with secondary bounds of ethnicity, and language or culture. Such presbyteries will have the duties, powers and authority of a presbytery extending only to congregations, members and candidates for ministry of the prescribed secondary bounds, and excluding jurisdiction over any other congregations in the same geographic area.

177.2 A presbytery cannot lawfully be prevented from choosing its own moderator. (G.A. 1638)

178. The moderator is generally appointed for six or twelve months. (G.A. 1582)

179. The duty of the moderator is to constitute the court and preside, to open and close the meetings with prayer, to preserve order, to take the vote, to announce decisions, to pronounce censures, to sign the minutes when sustained, to instruct parties to judicial process, to call meetings for emergent business and generally to direct the business of the court (see sections 13-17).

180. In the absence of the moderator, his/her predecessor in office or any other constituent member chosen by the court may preside. Should the moderator appear at any stage of the proceedings, he/she must take the chair, and the fact is recorded. Also, when the moderator is a party concerned in any case before the court, the presbytery appoints another to take his/her place, who, for the time being, has all the rights and functions of moderator, but signs documents as "Acting Moderator".

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180.1 Should the moderator's incumbency cease, by death or otherwise during his/her term of office, his/her rights and duties immediately devolve on the previous moderator, or failing him/her, upon the clerk, until the next ordinary meeting.

181. The presbytery appoints a clerk whose duty is to keep the record of proceedings and to transmit the same annually to the synod for review; to keep an accurate roll of the members; to preserve all papers belonging to the court; and to give certified extracts from the minutes, when instructed or when they are applied for, or when the nature of the business requires that they be given (see sections 18-24).

182. The presbytery also appoints a treasurer to receive and disburse any moneys belonging to the court, subject to instruction given by it.

182.1 The presbytery has the power to appoint special collections for particular objects, or to call for subscriptions for its own expenses, to be made of all the congregations under its jurisdiction (see A&P 1985, p. 56).

183. Three members, the moderator (or acting moderator) and two others, one of whom is a minister, form a quorum.

184. After the presbytery has been constituted, the roll is marked, and any alterations that may be necessary are made in it. The names of representative elders are put on the roll, on presentation of extract minutes of their appointment. It is competent for the presbytery at any meeting, ordinary, special or emergent, to put the names of elders on the roll.

184.1 The name of an elected or appointed member of any court of the church shall not be removed from the roll of the court except by death, without the specific action of the court, duly moved, seconded, and carried by the majority vote of the court.

185. The presbytery should conduct its business according to the rules of order laid down for the supreme court, so far as these may be applicable (see sections 296-312). Such time should be set apart for devotions as circumstances call for or admit.

186. The presbytery meets at stated intervals, and at other times as frequently as its business demands. It is the duty of every member to attend the meetings, and absentees may be called to account. The time and place of next meeting are fixed and recorded before adjournment. No meeting of presbytery can be held while the General Assembly is in session except by order of the Assembly.

187. At a stated or ordinary meeting, it is competent for a presbytery to transact any business that may be brought before it; and it is the duty of the moderator to see that every member has opportunity to bring to the attention of the presbytery any matter for which he/she may claim that privilege.

188. If a presbytery has neglected to appoint its next ordinary meeting, or if no meeting has been held on the day appointed, it shall be the duty of the moderator to convene a meeting for the resumption of business, by letter addressed to every member on the roll of the presbytery at the time of last meeting, and dispatched at least ten days before the time fixed for the meeting. If a quorum of members is present on the day named, it shall be competent for them to proceed to business as at any ordinary meeting.

188.1 The circular letter must state that the meeting is called for "the resumption of business".

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189. The presbytery, besides the ordinary meetings, may, at any ordinary meeting, appoint special meetings for transacting particular business. No business other than that for which they were appointed can be entered upon at such meetings.

189.1 The resolution to hold a special meeting for one purpose only must specify the time and place of meeting, together with the business to be done.

190. If, during the interval between stated meetings of presbytery, business should arise requiring immediate attention, the moderator has power to appoint an emergent meeting, either on his/her own motion or upon requisition by three or more members of the court. Such meeting is called by letter addressed to all the members of the court, issued either by the moderator or by the clerk on his/her authority. In these letters, the time and place of meeting and the business to be taken up are specified. They should be dispatched at least ten days before the time fixed for the meeting. When the presbytery meets, it first considers the conduct of the moderator in appointing the meeting, and, if that is approved, proceeds to business, and the moderator's circular letter is entered in the minutes. No business other than that specified in the letter can be taken up. If the moderator, when a requisition has been presented to him/her, declines to call a meeting, his/her conduct may be considered at the next ordinary meeting.

190.1 When, at the next ordinary meeting, the minutes of an emergent meeting are read, a member, who was on the roll at the time of meeting and absent, may call in question the propriety of calling the meeting, or the manner of calling it, and may complain to a higher court and thus initiate a corrective case (see sections 381ff), but such complaint does not bring up the business itself for review, if it has been competently discharged.

191. Special and emergent meetings may be adjourned if necessary to complete the business for which they have been called; but it is not competent to adjourn to a date beyond that of the next ordinary meeting of the court.

192. A meeting of presbytery may be held during the meeting of the synod, with leave of that court, when any competent business may be transacted; provided that notice of the meeting has been given in open synod specifying the time and place of meeting by authority of the moderator of presbytery.

193. At the stated meeting next preceding the meeting of the synod, the roll of presbytery is prepared, and a certified copy of it is sent to the clerk of synod at least eight days before the meeting of that court; also a minister or member of the Order of Diaconal Ministries and elder may be appointed to serve on the Synod's Committee on Bills and Overtures.

194. Members of other presbyteries when present should be called to sit with the presbytery, and may be invited to take part in the deliberations of the court, but they have not the right of voting.

194.1 All the ministers present at the ordination of a minister are to join in the imposition of hands. Only members of presbytery shall be listed in the minutes, but where others were present, the record should show that they were invited to participate.

195. The Assembly or synod may appoint assessors (elders appointed to assist a church court) to sit with a presbytery for general or specific business, and with or without a vote, according to the terms of the resolution of appointment.

196. At each ordinary meeting, after the roll is called, and before the presbytery enters upon any other business, the minutes of the previous ordinary meeting, and of any intervening special or emergent meeting, must be submitted. The presbytery must then

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either approve of these minutes as submitted, or correct them and approve of them as corrected. They cannot be altered at any subsequent stage except by the authority of a higher court.

196.1 The only question is the accuracy of the minutes as a true record of what was done. The actual business of the meeting may not be altered.

196.2 The presbytery must sit alone when the minutes of a meeting held alone are submitted.

196.3 If, from any cause, the minutes are not presented at the proper time, the fact should be recorded, together with the reasons.

197. One presbytery may not interfere with or review the proceedings of another presbytery. If a presbytery considers itself aggrieved by the proceedings of another, it may remonstrate or ask explanation. If not satisfied, it may bring the matter before the synod to which the presbytery complained of belongs by means of a corrective case (see sections 381ff). This must be done by written complaint (see section 382), a copy being first furnished to the presbytery whose proceedings are called in question. In the event of not obtaining satisfaction, the presbytery that deems itself aggrieved may similarly complain to its own synod, but the complaint must be in writing (see also section 82).

### DUTIES AND POWERS

#### In Relation to Congregations

198. It pertains to the presbytery to take heed that the Word of God is purely preached within its bounds, the sacraments rightly administered, the discipline rightly maintained, and the ecclesiastical goods uncorruptly distributed. (2 Bk. of Dis. VII, 12)

198.1 It belongs to the presbytery to regulate matters concerning the performance of public worship and the administration of the sacraments, within its bounds. It must take cognizance of practices inconsistent with the laws and settled usage of the church. It should enjoin the discontinuance of novel practices calculated to cause division or strife in any congregation.

198.2 In matters of worship the minister is not in the same relation to presbytery as in other matters. He/she is the executive of the presbytery, which is the party directly responsible to the church.

199. The presbytery, in common with all the higher courts of the church, has power to send forth visitors to see how all things are administered within its bounds. (2 Bk. of Dis. VII, 5)

199.1 The presbytery should visit the congregations under its care; call the session and the office-bearers before it; inquire into the state of the congregation and its affairs generally and deal with all parties as may be deemed for edification.

199.2 There is no law as to the manner of conducting a visitation. The presbytery must use its discretion in the inquiry, determine its own mode of procedure, and frame its own questions. (For a list of suggested questions see Appendix A-71.)

199.3 In the case of a complaint against a minister or member of the Order of Diaconal Ministries, brought because of a multitude of smaller things laid together, as several acts of negligence or other unsuitable actions, a non-disciplinary case may be initiated (see sections 324ff).



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200. To the presbytery belongs the care and good order of the churches within the bounds. (2 Bk. of Dis. VII, 11)

200.1 Congregations may be organized and places of worship erected only with the sanction of the presbytery, which should be satisfied that such places of worship are of a suitable character (see sections 150 and 200.7).

200.2 A congregation is formed by a presbytery either of its own motion or on an application made by persons residing within the bounds who declare their adherence to the principles of the church.

200.3 If the petitioners are not persons already in communion with the church, the presbytery appoints a committee of its number to meet with them, to explain to them the principles and constitution of the church, to receive attestations of their Christian deportment, to examine them individually as to their Christian attainments; and, on obtaining satisfaction on these points, to admit them into the fellowship of the church.

200.4 Before proceeding to organize a congregation the presbytery must give notice to the session of any congregation that may be affected by the proposed action, so that they may have opportunity of being heard in the matter. The presbytery also appoints one or more of its number to meet with the persons applying, so as to obtain all necessary information, and to report. After the report of these delegates has been considered, and all parties interested have been heard, presbytery, if it sees fit, resolves to form a congregation. Supply is then granted, and a minister of the presbytery is appointed to take the necessary steps for organization by making up a professing members roll and constituting a session.

200.5 Where the congregation is prepared to proceed, the minister appointed presides at the election of elders, and reports to the presbytery, which itself judges of the qualifications of the members chosen. If satisfied, the presbytery directs an edict to be served and returned to the presbytery, and thereafter appoints a minister to admit the elders elect, provided no objection be made. If objections be offered, the matter is referred to the presbytery, and action stayed until the matter is resolved by the presbytery.

200.6 When a session cannot be at once formed, an interim session is appointed unless because of distance or other reasons this seems impracticable.

200.7 Before a new congregation may erect a place of worship, or an existing congregation remove to a site other than that already approved, they must first obtain the sanction of presbytery for the site chosen (see sections 150 and 200.1).

200.8 No congregation may sell, mortgage, or otherwise contract debt upon the security of church property or negotiate a loan for capital purposes, without first obtaining the sanction of the presbytery. The presbytery is enjoined to make minute inquiry into the circumstances of each case, the presbytery realizing its grave responsibility in the matter (see sections 151 and 162.1).

200.9 It belongs to the presbytery, subject to a corrective case to synod and General Assembly, to sanction the name of congregations, unite or disjoin congregations in pastoral charges, raise or reduce the status of charges as self-supporting or mission fields, and to dissolve congregations and to discontinue preaching stations (see section 200.11 and Appendix B-6).

200.10 When changes are made in the names of congregations or of mission stations, or in the groups forming the pastoral charge or mission field, the presbytery clerk shall immediately notify the treasurers of the church, and thus enable them to report correctly contributions to the schemes. (A&P 1914)

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200.11 In the matter of amalgamation of congregations, the presbytery, prior to final decision, in consultation with the Assembly Council and the congregation(s) involved, will prepare a plan regarding the utilization of all remaining assets, showing how they may be used to further Christ's work in the local community and/or beyond.

200.11.1 Prior to any church buildings being listed for public sale as a result of an amalgamation of congregations it should be determined if another Christian community can use them in the furtherance of the gospel ministry.

200.11.2 The first charge upon the proceeds of the sale of any properties shall be any indebtedness on the property itself, the second charge being any prior and other indebtedness incurred by the congregation whose assets are being sold.

200.11.3 Any capital grants that a congregation whose assets are being sold has received from The Presbyterian Church in Canada, shall be returned to the capital funds for the continuing mission work of The Presbyterian Church in Canada.

200.12 Under the title, congregation, in this section, an organized mission is included. (A&P 1893)

200.13 A presbytery desiring to enter into an Ecumenical Shared Ministry Agreement with another denomination represented in the Ecumenical Shared Ministries Handbook (maintained by the Life and Mission Agency, Canadian Ministries/The Vine), namely, The United Church of Canada, the Evangelical Lutheran Church in Canada and the Anglican Church of Canada, shall jointly, with the other denomination, prepare and approve a Shared Ministry Agreement according to the Ecumenical Shared Ministries Handbook, present a copy of the agreement to the Life and Mission Agency (Canadian Ministries/The Vine) and report the establishment of the Ecumenical Shared Ministry to the General Assembly Office.

200.13.1 Ministers of The Presbyterian Church in Canada serving in Ecumenical Shared Ministries shall, in all instances, remain accountable for their work to the presbytery of jurisdiction, notwithstanding any additional accountability expectations present in the Ecumenical Shared Ministry Agreement.

200.13.2 Clergy of the other participating denominations (see section 200.13) who are engaged in an Ecumenical Shared Ministry Agreement with a Presbyterian Church in Canada congregation may administer sacraments within the Presbyterian church provided the agreement has been approved by the appropriate judicatories of any involved denomination. Such clergy may be invited to sit and correspond at meetings of presbytery, without vote.

200.13.3 Deleted

200.14 The authority over property of all churches within their bounds is part of the jurisdiction of presbyteries.

### In Relation to the Ministry

201. The power of election (or settlement) of those who bear ecclesiastical charges within its own bounds pertains to the presbytery. (2 Bk. of Dis. VII, 15)

201.1 The settlement of ministers in congregations shall always be by call and induction, shall be at a minimum of half-time service, and may be to the position of minister, lead minister (A&P 2008, p. 371), associate minister or

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assistant minister, but not assistant to the minister. Exceptions to this are stated supply, interim ministers, retired ministers and ministers serving under the Life and Mission Agency, who are not called, but appointed to congregational ministry and may be installed in a service of recognition. (see 213.2 and 213.3) All called and inducted ministers serve without term except assistant ministers who shall be called to a specific term of years (see 235.2, 241.1).

201.2 Appointment of retired ministers or of part-time ministers in congregations shall be made and terminated only by presbyteries, at the request of minister and session or on the presbytery's own initiative. Such persons may be called assistants to the minister, and may be installed in a service of recognition.

201.3 Presbyteries are required to report to the Ministry and Church Vocations Office of the Life and Mission Agency decisions of presbyteries that have resulted in judicial censure that places any restriction on the minister, noting the nature of the restriction.

201.4. Where a presbytery discerns that there is no minister of Word and Sacraments available to administer the Sacrament of Holy Communion in a pastoral charge, it may commission a ruling elder or a member of the Order of Diaconal Ministries to do so on the following terms:

- a. The candidate shall be interviewed by the presbytery to ascertain his/her personal and spiritual qualifications to lead worship.
- b. Those commissioned shall be trained in the theology and practice of the Sacrament of Holy Communion.
- c. The commission shall be limited to a specific pastoral charge and shall be for a period not exceeding two years. The commission is renewable following a presbytery review.
- d. Those commissioned shall be accountable to the presbytery, through the interim moderator, for the duration of the commission.

### CANDIDATES FOR THE MINISTRY

202. Sessions and presbyteries are enjoined to make diligent and careful inquiry whether any individuals are to be found within their bounds whose attention should be specially directed to the claims of Christ upon them with respect to the ministry of his church, to aid and encourage in all proper ways suitable young men and women who may declare their purpose to consecrate themselves to this sacred vocation, and watchfully to keep their eyes upon any who are prosecuting a liberal education and whose piety and abilities make it desirable that their thoughts should be turned towards the ministerial office.

202.1 Presbyteries should exercise a kind and faithful supervision over students and intending students resident within their bounds, should endeavour to impress upon them worthy views of the office to which they aspire, and should encourage them in the course of study by which the church has wisely determined that the ministry shall be reached.

202.2 Presbyteries are enjoined to see that every student takes the prescribed course, specially to enquire into the age and fitness of candidates, and where acquirements and ability are not specially marked, that they seek to prevent applications from being made to the Assembly for special courses. (A&P 1895)

203. It is the duty of presbyteries to examine all who present themselves as wishing to enter on the study of theology respecting their moral and religious character, their motives, and their general fitness to study for the ministry. If satisfied, the presbytery certifies them to the governing board of the college they propose to attend.

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203.1 In case of refusal by a presbytery to grant to any student under its care a certificate of standing, or in case of refusal on moral grounds to receive any student as a student for the ministry, the presbytery is instructed to intimate the fact of such refusal to other presbyteries and to the colleges' governing board by circular letter. (A&P 1901) (see Appendix A-66)

204. A candidate for the ministry shall remain under the care of the presbytery of first certification for the whole period of preparation. Exceptions may be made in cases where the presbytery is far removed from the college and must be made in cases where the candidate is appointed to a charge for more than a summer's duration. The presbytery within whose bounds a candidate may labour during a summer only may require a written exercise to be read to the presbytery. The presbytery shall send a written report on the candidate to the presbytery of first certification. That report shall refer to the person's deportment and suitability as a candidate for the office of ministry. The presbytery of first certification shall determine the certification of the candidate only after consideration of this report.

### CERTIFICATION AS A CANDIDATE FOR ORDINATION

205. Any student in theology and candidate for the ministry of this church studying in one of the church's theological colleges and who is completing the required course of study may, on application in writing to the clerk of the presbytery of most recent certification, request examination for certification as a candidate for ordination. The candidate may request for good and sufficient reason the permission of the presbytery for the examination to be conducted by: (1) the presbytery in which the college is situated; or (2) the presbytery of first certification if it be different from the presbytery of most recent certification. Such application should normally be made by the end of the first term of the graduating year. It is the responsibility of the applicant to ensure that the application or request is initiated in accordance with the above regulation.

205.1 Upon reception of such application or request, the presbytery of most recent certification shall determine to conduct the examination for certification as a candidate for ordination or grant the request if it deems it expedient and good cause is shown, and all relevant documents shall be transferred to the competent presbytery named in the request. The candidate at the time of application will, among other things, provide the presbytery with such documentation as is laid down from time to time by the Assembly.

205.2 If the applicant has studied wholly in a theological college other than one of this church's theological colleges or is currently in the final year in such a college, application shall be made by the presbytery through the Life and Mission Agency's Committee on Education and Reception to the General Assembly for permission to conduct the examination for certification as a candidate for ordination. The applicant will submit official transcripts of courses taken with the application and the committee will satisfy itself through reference of these to the governing board of one of this church's theological colleges that the course of studies meets the theological prescription and perspective of this church. In cases of such applicants, when the secretary of the committee has in hand the application and all required documentation, the presbyteries will be circularized and given three full months from the sending out of the circular letters to lodge with the secretary of the committee any competent objection.

206. The presbytery may begin examination of applicants at any time after application is received. In the examination, the presbytery shall make careful enquiry as to the candidate's suitability to minister in this church, seeking to determine spiritual and personal resources sufficient for the task; ability to express his/her faith in a way that is real, articulate and integrated; continued growth and personal development; theological stance in respect to Reformed tradition; sensitivity to the process of group decision-making; skills in interpersonal relationships; recognition of the diversities of opinion

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and practice within this church. It may, with the applicant's permission, avail itself of such evaluative statements as are forthcoming from other agencies and bodies of the church. Presbyteries may conduct the examination for certification as a candidate for ordination, if desired, through a committee, but members of the court may state their views at any stage before the vote to sustain the examination is taken.

206.1 The examination for certification as a candidate for ordination shall embrace the elected biblical language and the core subjects outlined in the report of the Committee on the Structure of Theological Education (A&P 1969, p. 352, 44), as well as the applicant's practical skills. But the presbytery may accept the testamur of the college as proof of proficiency in these matters and dispense with examination in any or all of these subjects. It may assign primary responsibility for examination in each area to particular members of the court.

206.1.1 The candidate shall be present at the meeting of presbytery when the report of the examination is considered. If this takes place while the candidate is still in course and the presbytery sustains the examination conditional on graduation, the moderator will inform the candidate that permission is granted to be presented to a congregation by an interim moderator in accordance with section 215.1. If this takes place after certification from the governing board of one of the church's colleges has been received (see section 206.2) and the presbytery's examination is sustained, the moderator shall declare to the candidate that he/she is now a certified candidate for ordination and, therefore, eligible to receive a call or an appointment.

206.2 Certification as a candidate for ordination shall take place only after certification from the governing board of one of this church's theological colleges that: (1) the applicant has completed the course prescribed or assigned or approved by this church; (2) the applicant has given satisfactory evidence of the requisite practical gifts and skills of the ministry; and (3) the applicant's character and conduct are suitable to the position of a candidate for the ministry. An applicant having completed studies in a college other than one of this church shall present an equivalent certificate from that theological college.

207. If the examination is not sustained, presbytery may prescribe a new examination and initiate it after a period of not less than three months has elapsed, or otherwise dispose of the case as it sees fit. The applicant remains under the care of the presbytery unless transferred to another presbytery for examination.

208. The clerk will issue an extract of certification to the candidate.

208.1 The presbytery will inform the Ministry and Church Vocations Office of the Life and Mission Agency of the names of all certified candidates for ordination, with the date of certification.

208.2 The Life and Mission Agency shall report annually to Assembly the names of all certified candidates for ordination who have not yet been ordained, for inclusion in the Acts and Proceedings.

209. Certified candidates for ordination are under the jurisdiction of the presbytery that certified them, as long as they live, work and/or study within the bounds, or are working or studying abroad with permission of the said presbytery, and may receive notice of meetings of presbytery.

209.1 Certified candidates who leave the bounds of their presbytery to live, work and/or study elsewhere in Canada, must request a transfer to the jurisdiction of the appropriate presbytery.

210. In the event of an appointment under the Life and Mission Agency having been received and accepted, the applicant may, on being certified as a candidate for

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ordination, also be ordained as a minister of The Presbyterian Church in Canada by the presbytery to which the applicant is appointed, or the certifying presbytery or another presbytery may ordain the candidate provided permission is granted by the presbytery of primary jurisdiction. (Declaratory Act: A&P 1995, p. 229, 38)

211. The standing of certified candidates for ordination, who have not been ordained, should be reviewed by presbytery at the end of a three year period.
212. Certified candidates for ordination may request to have their standing removed.

### THE CALL

213. When a congregation becomes vacant, the presbytery of the bounds appoints one of its ministers interim moderator of the session of said congregation. The presbytery usually empowers the interim moderator to proceed to moderation in a call to a minister to fill the vacancy, as soon as he/she has satisfactory evidence that the congregation is ready to make a choice. Due notice of the moderation is given from the pulpit and, wherever it is practicable, such notice is served on the congregation on two Sundays preceding the meeting. (see Appendix A-26)

213.1 In as much as the interim moderator must conserve the interests of both presbytery and congregation, great care should be taken in appointing such as shall be acceptable to both.

213.2 When it is deemed inexpedient to proceed to call, presbytery may appoint a minister of the church as stated supply for a fixed period not exceeding one year. (Declaratory Act: A&P 1979, p. 239, 88)

213.3 When the presbytery considers the situation in a pulpit vacancy to require interim ministry, or when the minister has been placed on an extended leave of absence, presbytery may appoint an interim minister for a period not exceeding two years.

213.4 The presbytery may appoint any minister of the church, who is subject to the jurisdiction of the presbytery, as interim moderator of a charge. An appointment as ordained missionary does not automatically constitute him/her interim moderator. Neither does it debar him/her. It is within the discretion of the presbytery as to the minister appointed interim moderator, and he/she may be either the missionary in charge or some other minister as the presbytery may deem wise.

213.5 Presbytery may grant permission to an aid-receiving congregation within its bounds to engage in the call process. Before such permission is given, presbytery shall establish the total current stipend. The motion shall clearly state the portion to be paid by the congregation and the shortfall guaranteed by the presbytery. The extract minute of the dual guarantee of stipend shall accompany the call.

214. On the day appointed for moderating in the call, immediately after public service, the presiding minister states the purpose of the meeting. Having ascertained that due notice has been given, he/she asks the congregation if it is now prepared to proceed with the call. If the congregation is not prepared, procedure is suspended, and report is made of the facts to the presbytery. If the majority decides to proceed, the call and guarantee for stipend is produced and read (see Appendix A-29). The congregation then, by regular nomination and voting, determines what name shall be inserted in the call. The minister or certified candidate for ordination, who has a clear majority of the votes recorded, is declared elected and his/her name is inserted in the call that is then read again. Thereafter it is signed and attested by the moderator (see Appendix A-35).

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214.1 “All possible diligence and tenderness must be used to bring all persons to an harmonious agreement.” (G.A. 1649)

215. No one is eligible for a call but a minister or a candidate certified for ordination of this church in good standing; or a settled pastor of another church that holds the same doctrine, government and discipline as this church. (This is understood to apply to persons approved for reception under section 248.1, Declaratory Act: A&P 1986, p. 357, 31)

215.1 Presbyteries and moderators are enjoined to take care that none others are permitted to appear as candidates. However, certified students of this church’s theological colleges, or a theological college associated with this church, in the semester in which they expect to graduate, may, with the permission of their certifying presbytery after the examination for certification as a candidate for ordination is sustained conditional on graduation, and with the permission of the governing board of their college, be presented by an interim moderator or by the Life and Mission Agency, through the interim moderator, to a vacancy. In the event of the charge deciding to call, or receive the appointment, of the graduating student, procedures shall be suspended immediately prior to the call being placed in the hands of the graduating student. Procedures resume after the candidate has graduated and is certified as a candidate for ordination.

215.2 Presbyteries are required to include in their standing orders that interim moderators are required to consult the Ministry and Church Vocations Office of the Life and Mission Agency regarding the files of candidates for calls or appointments.

216. Professing members in good standing, whose names are on the congregation’s roll of professing members, alone have the right to vote and to sign the call, but adherents of the congregation, being of the age of discretion, may concur in the call. (see Appendices A-29, A-35, A-36 and A-39)

217. The call and concurrence may be entrusted to the elders, that other members and adherents who have not subscribed may add their signatures, which must be attested by at least one elder. (see Appendices A-37, A-38, A-40 and A-41)

218. If the call is addressed to a minister in a charge, reasons for translation are prepared by the congregation, to be presented to the presbytery.

219. The congregation then appoints commissioners to appear before the presbytery when the call is to be considered.

220. At the first meeting of presbytery after moderation, at which it is competent to take up the matter, the minister who presided at the moderation reports fulfillment of his/her appointment, and he/she presents the call, guarantee of stipend and other relevant documents, and the presbytery proceeds to consider the conduct of the interim moderator and deal with the call.

220.1 The presbytery may decline to sustain a call, on the ground of the numbers dissenting therefrom, on the ground of the weight due to objections adduced, or because the stipend promised is less than the minimum required.

221. If the court is satisfied, the call is sustained. In the case of a certified candidate for ordination, it is presented through the presbytery of care, after due consideration, and the candidate is required to give decision to presbytery within seven days. When the call is not sustained, or is declined, the congregation is permitted again to take steps toward settlement (see A&P 1980, p. 218-221).

222. If the person called is present and under the care of said presbytery, and, when the call is put in his/her hand, accepts it, then, in the case of a certified candidate for ordination the presbytery, if it deems it expedient, may prescribe a lecture, a popular

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sermon, and a Greek or Hebrew critical exercise. At a subsequent meeting these discourses are heard, and the candidate is examined in Biblical Greek or Hebrew, theology and church history. If these examinations are sustained, the presbytery fixes the time for ordination and induction, appoints the edict to be served (see Appendix A-17), and arranges for the ordination and induction service.

223. The edict is read before the congregation on two Sundays before the ordination or induction takes place. In special cases, the presbytery may require the edict to be read only on one Sunday before ordination.

224. Deleted

225. When the minister called is the pastor of another congregation, all the steps for calling are taken, as prescribed in the foregoing sections, except that the production of documents mentioned in section 222 is unnecessary.

226. When the congregation calling is in the presbytery to which the minister called belongs, as soon as the call has been sustained the minister, if present is cited orally, or if he/she is not present, by letter, to appear at the meeting of presbytery, to be held not less than fifteen days thereafter, and the reasons for translation, together with a copy of the guarantee of stipend, are handed or sent to him/her. A member of presbytery is at the same time appointed to preach to his/her congregation and give notice of the call, lodging with them a copy of the reasons for translation, and citing them to appear for their interest at the next meeting of the presbytery, with certification that if they fail to do so they will be held as consenting to the translation of their minister.

227. When the minister called belongs to another presbytery, the call is transmitted to the presbytery of which he/she is a member, with extract minutes of the proceedings, reasons for translation, and a certified copy of the guarantee for the payment of stipend. Commissioners for prosecuting the call are appointed both by the presbytery and the congregation. Intimation is given by the clerk to the minister to whom the call is addressed, and a copy of the reasons for translation is sent to him/her.

228. Unless the minister called intimates to his/her presbytery his/her intention not to accept the call and procedure is thereupon suspended, the presbytery, at least ten days before it adjudicates thereon, cites his/her congregation to appear in their own interests and show cause if so advised against the translation. (Appendix A-21)

229. If more than two Sundays intervene between the time when the clerk receives a call addressed to a minister belonging to his/her presbytery and the next meeting of the court, the clerk shall send notice that he/she has received the call, to the minister and the clerk of session of the congregation, and take steps to see that a meeting of the congregation be held to deal with the matter, and furnish them with the reasons for translation. If the time intervening be long and the case urgent, an emergent meeting, may be called by the moderator.

230. At the meeting of presbytery at which the call is dealt with, all parties duly cited are expected to appear. They are heard in the following order: first the commissioners from the presbytery, if there be such, and the commissioners from the congregation calling; secondly, the commissioners from the congregation of the minister who is called; thirdly, the commissioners prosecuting the call in reply. The minister is then asked to state his/her mind on the subject; and the presbytery, if it sees fit, puts the call into the hand of the minister, who then declares his/her acceptance of the call, or declines it, or asks time to consider.

230.1 If time is taken, normally seven days is allowed.

231. A presbytery may for good cause refuse to put the call into the hand of the minister. Against such refusal, a corrective case may be initiated with the higher court. If the minister leaves it with the presbytery to decide, and it declines to grant translation, the presbytery notifies the commissioners and furnishes extracts of minutes



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in the case. From such decision a corrective case may be initiated with the higher court.

232. If the presbytery grants the translation, it dissolves the connection between the minister and his/her congregation, to take effect at a date determined by the presbytery (Appendix A-23a). It instructs the minister called to await the orders of the other presbytery; and transmits to it extracts of procedure. Also with all convenient speed the presbytery causes the congregation, whose minister has been so translated, to be declared vacant (Appendix A-25) and appoints an interim moderator of session. (Declaratory Act: A&P 1988, p. 285, 34)

232.1 Presbytery, when setting the date for the dissolving of the pastoral tie by call, appointment, resignation, retirement, etc. shall ascertain whether there are outstanding financial matters needing to be cared for as between the minister on the one hand and the congregation, presbytery or agencies of the church on the other hand, and if there are such matters presbytery shall take proper action in reference to the same. When due to an oversight, a claim has not been dealt with at that time, it should be lodged with the presbytery within ninety days of the dissolving of the pastoral tie.

### ORDINATION AND SETTLEMENT

233. The right of ordination belongs to the presbytery issuing the call or confirming the appointment (see section 210) unless it waives such right at the request of another presbytery. On the day appointed, the congregation having assembled, and the presbytery having been constituted, the edict is returned with attestation that it was duly served. The presbytery then causes public intimation to be made to the assembled congregation that it is met to receive and deal with objections.

233.1 Any objections at this last stage must be substantiated immediately to the satisfaction of the presbytery, and substantiated objections arrest procedure until resolved by the presbytery.

233.2 It is the duty of clerk of presbytery to find out whether a minister-elect is a member of the Pension Fund in good time before his/her service of induction.

234. When no objections are given in, or when they cannot be substantiated immediately, it is the duty of the presbytery to proceed with the ordination and induction, or with the induction alone, according to appointment. The presbytery thereupon repairs to the place of worship where the minister appointed to that duty conducts public worship and preaches a suitable sermon. The moderator for the time being then causes the principal steps taken towards filling the vacancy to be narrated, and calls on the minister-elect to answer the questions appointed to be put to candidates for ordination (see section 447).

235. When satisfactory answers have been given the candidate for ordination kneels, and the presiding minister offers prayer, during which, by the laying on of the hands of the ministers of Word and Sacraments, the candidate is solemnly set apart to the Office of the Holy Ministry, and commended for guidance and success therein to the grace of God. The presiding minister then gives him/her the right hand of fellowship, saying: "In the name of the Lord Jesus Christ, the only King and Head of the Church, and by the authority of the Presbytery of {name of court}, I invite you to take part of this ministry with us, induct you to the pastoral charge of this congregation and admit you to all the rights and privileges thereto pertaining, subject to the regulations concerning retirement." The other members of presbytery also give the right hand of fellowship.

235.1 Ordination is with prayer and the laying on of hands, in which "all the ministers present," and they alone join. Induction is, after prayer, with solemn invitation and the right hand of fellowship, in which all the members of

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presbytery present, and they alone, join. (For regulation re intention of term of induction see A&P 1979, p. 470.)

235.2 When the person being ordained and inducted is to be an assistant minister, section 235 shall be used except that after naming the presbytery, the presiding minister shall say, "I invite you to take part in this ministry with us, induct you to the pastoral charge of this congregation as assistant minister for the term of {number} years, and admit you to all the rights and privileges thereto pertaining."

236. The minister and the people are then exhorted as to their respective duties by one or more persons appointed to that service, and the congregation is dismissed with the blessing.

237. The minister ordained is required to subscribe the formula of adherence to the Confession of Faith (section 446), after which his/her name is added to the roll of presbytery.

238. The presbytery then confers with the office-bearers respecting the affairs of the congregation, and gives such advice and direction as may be called for. (Declaratory Act: A&P 1988, p. 279, 34)

239. It is desirable that the managers (or deacons) be prepared to make the first payment of the stipulated stipend on the day of induction.

240. It is the duty of the presbytery to call the attention of the newly inducted minister to the regulations of the Assembly regarding the Pension Fund and membership in the Group Insurance Plan as currently required. (Declaratory Act: A&P 1987, p. 364, 31)

241. When the person called is an ordained minister, trials (section 222) are not prescribed (G.A. 1642), nor is the act of ordination repeated. In other respects the procedure is the same as in the case of a certified candidate for ordination; and the minister is inducted, after prayer, by the moderator giving him/her the right hand of fellowship and saying: "In the name of the Lord Jesus Christ, the only King and Head of the Church, and by the authority of the Presbytery of {name of court}, I induct you to the pastoral charge of this congregation, and admit you to all the rights and privileges thereto pertaining."

241.1 When the person being inducted is to be an assistant minister, section 241 shall be used except that after naming the presbytery, the presiding minister shall say, "I induct you to the pastoral charge of this congregation as assistant minister for the term of {number} years, and admit you to all the rights and privileges thereto pertaining."

242. Ministers ordained as missionaries, but without reference to the exercise of their office in a particular charge, are set apart in the manner above stated with the necessary alterations in the questions addressed to the candidates (see section 448).

### LEAVE AND RESIGNATION

243. Any minister or member of the Order of Diaconal Ministries desiring to be absent from his/her charge longer than two months, must obtain leave from his/her presbytery.

244. When a minister tenders the resignation of his/her charge, the presbytery, unless when special circumstances render it unnecessary, cites the congregation (see Appendix A-23) as in the case of a translation, and thereafter proceeds to accept or refuse the resignation, as it sees cause. If the resignation is accepted, the presbytery takes steps for declaring the charge vacant. (Appendix A-25; also Declaratory Act: A&P 1988, p. 285, 34)

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245. When a minister under the regulations concerning retirement or infirmity proposes to retire from the active duties of the ministry, he/she makes application in writing to the presbytery, furnishing whatever information may be necessary, and, in the case of infirmity, a satisfactory medical certificate. The presbytery thereupon visits his/her congregation and summons it to appear by commissioners at a subsequent meeting, that it may be heard for its interests and that the presbytery may confer with it in reference to a retiring allowance to the minister, to take effect on the acceptance of his/her resignation, and any other matters affected by his/her proposed retirement. It then considers the whole matter, records its judgment, and if it is deemed proper, sends up the minister's application, its own judgment thereon, and all relevant documents to the General Assembly, through the Assembly's standing committee on the Pension Fund, which shall carefully consider the same and transmit them, with its opinion in reference to the case, to the Assembly for final determination (see A&P 1987, p. 256, paragraph 2 re pastoral concern; also Declaratory Act: A&P 1988, p. 285, 34).

245.1 Where it is desired, following retirement, to continue the services in the present or another pastoral charge, the presbytery, under the authority of section 213.2, may make arrangements mutually acceptable to the presbytery concerned, after consultation with the pastoral charge and the minister.

246. When a minister in a charge has been removed by death, the members of the presbytery attending the funeral meet together and record such particulars regarding him/her as they may deem important, leaving it to the presbytery at its next meeting to adopt a suitable minute. They may also arrange for supplying the pulpit until the next meeting of the presbytery, at which they report these proceedings.

246.1 "It is an instruction to clerks of presbyteries in the case of the decease of each minister to send an obituary notice to the Clerk of the General Assembly, for its use." (A&P 1897)

247. The Assembly finds: (1) that the term "minister emeritus" is a convenient one; (2) that its proper application is to a minister who, having resigned his/her charge on account of the infirmities of advanced years, is precluded by age from resumption of the work of the pastorate; (3) that it should not be applied to a minister so long as his/her connection with his/her congregation is such that, in virtue of it, he/she retains his/her right to discharge ministerial and judicial functions as one of its members (A&P 1883); and (4) that the presbytery of the bounds should approve the granting of this term.

247.1 All ministers, whether they be on the constituent roll or the appendix to the roll, before agreeing to undertake pastoral services (i.e., baptisms, weddings, funerals) in a congregation other than the one where they are the current incumbent, are required to consult with and receive permission in writing from the session of the local congregation.

### ADMISSION OF MINISTERS, CERTIFIED CANDIDATES FOR ORDINATION OF OTHER CHURCHES

248. The Act in reference to the reception of ministers and certified candidates for ordination of other churches (A&P 1983) is as follows:

248.1 The right to receive ministers and certified candidates for ordination from other churches rests primarily with presbytery. The presbytery, however, cannot exercise this right until permission to receive has been granted by the General Assembly or, in specific cases, as in sections 248.5 and 248.6 below, the Life and Mission Agency's Committee on Education and Reception (see section 302).

248.2 The Committee on Education and Reception, on behalf of the General Assembly, receives, and considers, all applications with regard to ministers and

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certified candidates for ordination of other churches who desire to enter the ministry of this church.

248.2.1 Normally, applications for reception from ministers and certified candidates for ordination of other churches are received first by a presbytery that exercises the primary pastoral responsibility.

248.2.2 If satisfied as to the applicant's suitability, the presbytery shall record its judgment and transmit the application, with extracts of its proceedings thereon, and relevant documents to the Committee on Education and Reception.

248.2.3 When a presbytery decides from the knowledge it possesses that an applicant is not a suitable candidate for the ministry of this church, it shall circularize the other presbyteries, and the Committee on Education and Reception, of its decision not to forward the application.

248.2.4 Only in such exceptional cases as when an applicant is a resident of a country other than Canada, and has no sponsoring presbytery in this church, the application may be submitted directly to the Committee on Education and Reception. In such cases, the committee shall proceed with due caution. Should permission to receive be granted, caution shall also be exercised by the presbytery that decides to receive the applicant.

248.3 When the secretary of the Committee on Education and Reception has in hand the application and all required documentation, the presbyteries will be circularized and given two full months from the sending out of the circular letters to lodge, with the secretary, any competent objection.

248.4 When the church of the applicant does not hold the same doctrine, government and discipline as this church, permission to receive can be granted only by the General Assembly.

248.5 A minister who is a settled pastor, or a professor of theology, or who is employed by special appointment in some department of the work of the church, in a church that holds the same doctrine, government and discipline as this church, who may want to accept a call from a congregation of this church, or who may desire to come to Canada in hope of such a call, or to accept an appointment by one of the agencies of this church, may be declared eligible for admission as a minister, without reference to the General Assembly, providing the application comes to the Committee on Education and Reception before the minister resigns.

248.5.1 At its first meeting following receipt of the application referred to in section 248.5, the committee will examine the application. The committee may immediately issue, provided two full months have elapsed since presbyteries were circularized. If two full months have not elapsed the decision will be subject to no competent objection being raised by a presbytery within two full months of being circularized.

248.5.2 If any objection, deemed a competent one by the committee, is raised by a presbytery, the applicant cannot be received without permission of the General Assembly. If the committee deems an objection to be non-competent, the presbytery concerned shall be notified immediately.

248.5.3 If, upon examination of the application, the committee is not entirely satisfied, or if it is uncertain as to the applicant's home

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church holding the same doctrine, government and discipline as this church, they may delay issuing on the applicant pending additional information, or if it is considered proper, refer to the General Assembly for decision.

248.5.4 The committee will notify all presbyteries concerned of the action taken.

248.6 When the applicant for admission is a minister or a certified candidate for ordination in good and regular standing in a church that holds the same doctrine, government and discipline as this church, but who at the time of application is not a settled pastor, or a professor of theology or employed by special appointment in some department of the work of that church, he/she may be declared eligible for admission, without reference to the General Assembly, provided the presbytery within whose bounds the applicant last served and, if different, the presbytery on whose roll the applicant's name now appears, submit a favourable letter of reference. The committee shall investigate the application carefully. In such cases sections 248.5.1 through 248.5.4 apply.

248.7 All applicants must be interviewed in person. In the case of those applying through presbytery, presbytery must arrange the interview and the Committee on Education and Reception may, if it deem necessary, arrange its own interview as well. Under special circumstances the committee may arrange for a third party to conduct the interview on its behalf.

248.8 In examining applicants the committee will, among other things, examine the applicant's doctrine, understanding of church government and discipline, educational achievement, personal history and reasons for applying for reception. Based on its findings, the committee will make recommendation to the General Assembly, except in those specific cases mentioned in sections 248.5 and 248.6 where the committee has power to issue.

248.9 The presbytery receiving the minister or certified candidate for ordination shall determine his/her suitability to minister within the bounds of the presbytery and ensure that he/she passes satisfactorily an examination on the history and polity of this church.

248.10 When permission to receive has been granted and notification of same received in writing, the presbytery may, on his/her satisfactorily answering the questions appointed to be put to ministers or certified candidates for ordination and on his/her signing the formula, receive him/her as a minister or certified candidate for ordination of this church.

248.11 A duly certified extract of the Assembly's deliverance in the matters is sent to the presbytery, which thereupon may take such further action as is deemed appropriate.

248.12 Presbyteries that have applied for the reception of ministers, and whose applications for reception have been approved by the General Assembly or, as specified in sections 248.5 and 248.6, by the Life and Mission Agency's Committee on Education and Reception, "subject to satisfying presbytery by examination of their knowledge of the history of The Presbyterian Church in Canada and its rules and forms of procedure", are authorized to:

248.12.1 receive the minister as a minister of The Presbyterian Church in Canada and place the name of the minister on the appendix to the roll when presbytery received the report from the General Assembly;

248.12.2 permit the minister to celebrate the sacraments and perform marriages within the bounds of the presbytery;

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248.12.3 take due process, within twelve months, to ensure the minister's knowledge of the history of The Presbyterian Church in Canada and the rules and forms of procedure, including an examination on the subjects;

248.12.4 hold the minister's presbyterial certificate until the required examinations are satisfactorily completed;

248.12.5 request an extension of time, if the examinations have not been satisfactorily completed prior to the following General Assembly.

248.12.6 Upon satisfactory completion of examinations in the history and polity of this church, presbytery shall resolve that the condition placed on reception has been satisfied, that the restriction holding the minister's presbyterial certificate be removed, and that the Committee on Education and Reception be advised accordingly. Where applicable, the presbytery may then proceed to induct, or recognize the appointment of, the minister and place his/her name on the constituent roll.

248.13 As part of its report to the General Assembly, the Life and Mission Agency's Committee on Education and Reception shall submit a list detailing all applications received since last Assembly for reception under sections 248.5 and 248.6 and action taken on same.

### TRANSFERENCE AND DISMISSAL

249. Every minister of the church is under the care and subject to the authority of the presbytery with which is lodged his/her certificate of ordination and of presbyterial standing, and that is responsible for his/her conduct and due discharge of his/her ministry (see Appendix I re a minister in association with a congregation).

249.1 Candidates for the ministry are under the primary jurisdiction of the session of the congregation to which they belong; but as in training for the gospel ministry, they are under the care of the presbytery, and in certain aspects become immediately responsible to it.

250. A minister or certified candidate for ordination, who has removed from one presbytery to reside within the bounds of another presbytery, is required to take a certificate of transfer from the presbytery that he/she leaves and to lodge it with the presbytery within whose bounds he/she is domiciled. (Declaratory Act: A&P 1989, p. 268, 65)

250.1 Notwithstanding the above, when a minister has been appointed by a presbytery to a ministry within its bounds (e.g., stated supply, interim minister, part-time minister), and the appointing presbytery is other than the one where the minister is domiciled, his/her certificate of ordination and presbyterial standing should be lodged with the appointing presbytery for the duration of the appointment even though he/she continues to be domiciled in another presbytery. (Declaratory Acts: A&P 1988, p. 394, 21 and 1989, p. 268, 65)

250.2 A certificate of transfer (see Appendix A-12) is addressed to a particular presbytery of the church, and must be lodged with that presbytery without delay.

251. Upon his/her own application, a presbytery may grant to a minister or certified candidate for ordination, against whom are pending no matters in the way of judicial process, a letter of standing (see Appendix A-15) setting forth the facts of his/her ordination or certification and certifying to his/her presbyterial standing at the date of issue.

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251.1 Upon the receipt of a letter of standing, the applicant ceases to be a minister or certified candidate for ordination of The Presbyterian Church in Canada; and the letter of standing can only be received by a presbytery with the permission of the General Assembly. (A&P 1894)

### DEPOSITION

252. It belongs to the presbytery to depose from the ministry those who teach corrupt doctrine, are of scandalous life, or are given to schism, together with those who are altogether insufficient to execute their charges (see sections 345-380 on disciplinary cases, section 441, Appendices A-64 and A-65, and the 2 Bk. of Dis. VII, 16).

### THE PRESBYTERY IN RELATION TO OTHER CHURCH COURTS

253. The presbytery is charged with putting in execution within its bounds all ordinances made by the synod and General Assembly. (2 Bk. of Dis. VII, 13)

254. It is the duty of the presbytery to receive all petitions, appeals, complaints and such references as are deemed sufficient, transmitted by sessions; “competently to consider them”, and to transmit them where required, together with appeals and complaints against its own decisions, with all related documents, to the higher courts (see sections 313ff and G.A. 1643).

255. It is the duty of the presbytery to revise and attest at least once every two years the record and rolls of all sessions within the bounds (see section 32).

255.1 The presbytery pronounces judgment as to the correctness and accuracy with which each record is kept, requires serious errors to be rectified, and points out deficiencies of a lesser character in order that they may be avoided in future.

255.2 For sufficient reason, the presbytery may review and recall any deliverance appearing on a session record. If it be too late for a simple reversal to redress an injustice, the presbytery may give instructions to the session for affording such redress as the laws of the church still render practicable.

255.3 The presbytery may also order passages in a session record to be deleted. The minute of presbytery ordering the deletion must be inserted in the record.

255.4 Before pronouncing any judgment with respect to any deliverance of a session, or ordering the minutes of a session to be altered, the presbytery must summon the session and hear it as a party.

256. It is the duty of the presbytery yearly to transmit to synod an attested copy of its roll (see section 176), and to submit its records for examination.

257. It is the right and duty of every presbytery to take its part in the legislation of the church, by approving or disapproving of overtures transmitted by the General Assembly, in terms of the Barrier Act, 1876.

257.1 The answer of a presbytery to a remit under the Barrier Act must be in the form of an extract minute. (see Appendix A-5)

257.2 The answer must be simply “approve” or “disapprove”. A qualified approval or an approval accompanied by any proposed amendment, must be taken as equivalent to rejection.

258. It is the right and duty of every presbytery to elect, in terms of the “Act in reference to the Assembly as a representative body”, 1876, and amendments, a number from amongst its ministers and members of the Order of Diaconal Ministries, together

## **The Presbytery**

with an equal number of elders as its commissioners to the General Assembly. (Declaratory Act: A&P 1992, p. 275, 31)

258.1 A minister, or a member of the Order of Diaconal Ministries, on the constituent roll of a presbytery can sit in the Assembly only as a minister/diaconal commissioner from the presbytery to which he/she belongs. (A&P 1887)

258.2 Ministers qualifying as elders under Book of Forms section 106.2 shall not be eligible to hold commissions as elders except from their own presbyteries.

258.3 A presbytery may elect as an elder commissioner any elder of The Presbyterian Church in Canada, provided that he/she is an acting elder in some session. Any elder may be appointed and not merely a representative elder. (A&P 1887 and 1897)

258.4 A minister, or a member of the Order of Diaconal Ministries, on the constituent roll of a presbytery is not eligible to hold a commission as an elder from his/her own or any other presbytery. (A&P 1893)

258.5 When a minister, or a member of the Order of Diaconal Ministries, who has been appointed a commissioner by a presbytery, is translated to a congregation in another presbytery before the Assembly meets, such translation renders his/her commission void. (A&P 1914)

258.6 A minister who is an elder in a congregation as per section 106.2 can sit in the Assembly only as an elder commissioner from the presbytery to which he/she belongs.



## **THE SYNOD**



## THE SYNOD

### ORGANIZATION AND PROCEDURE

259. It pertains to the General Assembly to fix the name, bounds and constituent presbyteries of each synod.

259.1 The General Assembly may fix among the constituent presbyteries of a synod, a synod with certain wide geographic bounds and with secondary bounds of ethnicity, and language or culture. Such synods will have the usual duties, powers and authority of a synod with respect to such presbyteries as they have with all other constituent presbyteries of the synod.

260. The synod is composed of all ministers, members of the Order of Diaconal Ministries and elders on the roll of the presbyteries within the bounds. However, at its own initiative, the synod may decide to function through commissioners appointed by its several presbyteries. The ratio for determining the number of commissioners is to be decided by the synod as circumstances and numbers may dictate provided that seventy-five percent of the members of synod agree. The regulations attendant to those affecting the General Assembly in the naming of commissioners will prevail (see sections 278.3-278.7 and 278.9). (Declaratory Act: A&P 1998, p. 248-49, 25)

260.1 The clerk of each presbytery shall send to the clerk of synod, at least eight days before each ordinary meeting, the certified roll of his/her presbytery; and such certified roll shall be sufficient evidence of the right of the ministers, members of the Order of Diaconal Ministries and elders named to sit in synod.

260.1.1 If the synod has chosen the option of using presbytery commissioners, the clerk of each presbytery shall send to the clerk of synod, at least eight days before each ordinary meeting, the list of commissioners from his/her presbytery; and such certified roll shall be sufficient evidence of the right of the ministers, members of the Order of Diaconal Ministries and elders to sit in the synod.

260.2 A representative elder, whose name does not appear on the certified roll of presbytery, can be allowed to take his/her seat in synod only on presenting a commission from the session to which he/she belongs, which commission must state that he/she is elected to represent the session in the synod as well as in the presbytery.

260.3 Commissions of representative elders may be received at any meeting of synod: ordinary, special or emergent.

261. The synod meets ordinarily at least once each year and, unless otherwise directed by the General Assembly, at a time and place of its own appointment that must be fixed and publicly intimated before its adjournment.

261.1 If the synod has chosen the option of using presbytery commissioners, on agreement of a majority of the commissioners voting at any meeting, or on written request of one-third of all ministers, members of the Order of Diaconal Ministries and elders on the roll of the several presbyteries, the moderator must call a meeting of the full synod.

262. The moderator is chosen at each ordinary meeting. He/She holds office until his/her successor is appointed. Presbyteries may nominate for the office.

262.1 In the event of the death of the moderator, or of his/her removal from the synod, his/her duties and responsibilities devolve upon the clerk.

## The Synod

263. It is the duty of the moderator to preside at the meetings; to open and close them with prayer; to preserve order; to take the vote; to announce decisions and to pronounce censures. (see sections 13-17, 365ff)

264. The synod appoints a clerk, whose duty it is to keep the record of proceedings, which record is transmitted annually to the General Assembly for review; to preserve its papers; and to give certified extracts from the minutes when instructed by the court, or when the nature of the business requires that they be given (see sections 18-24).

265. Any ordinary meeting of synod may be adjourned, if necessary, to some other time or place; or the synod may appoint a special meeting for the transaction of some particular business.

265.1 The regulations for special meetings held for one purpose only are the same as in the case of presbyteries (see sections 189 and 191).

266. An emergent meeting may be called by the moderator, on his/her own motion, or by requisition, and such requisition shall be deemed sufficient when signed by fifteen, or one-fourth of the members on the roll, whichever may be the smaller number.

266.1 The regulations for such meetings are the same as in the case of presbyteries (see sections 190 and 191).

267. One-fourth of the members on the certified rolls of presbyteries or fifteen, whichever may be the smaller number, shall constitute a quorum for synod competent to transact business, provided there are in the said quorum members of at least two presbyteries, one of whom is a minister but not the moderator. (A&P 1928 and 1935)

267.1 If the synod has chosen the option of using presbytery commissioners, the moderator (or acting moderator) and twenty-five percent of presbytery commissioners representing at least two of the several presbyteries, form a quorum.

268. It is competent for a synod to act by commission.

269. The General Assembly may appoint ministers, members of the Order of Diaconal Ministries and elders from other synods assessors (elders appointed to assist a church court) to sit with a synod for general or specific business, and with or without a vote, according to the terms of the resolution of appointment.

269.1 A synod may invite any ordained minister of the church or member of the Order of Diaconal Ministries who is present to join in the deliberations of the court, but he/she cannot vote upon any question before the court.

270. At every ordinary meeting, the first act of a synod after being constituted is to adjust its roll.

271. A synod has full power to fix its own standing orders, and to arrange its business from time to time as it may deem best.

272. A synod may call for subscriptions for its own expenses to be made by all the congregations under its jurisdiction; and may appoint a treasurer and define his/her duties.

### POWERS AND DUTIES

273. A synod has power “to handle, order, or redress all things omitted or done amiss” by presbyteries and sessions within its bounds. (2 Bk. of Dis. VII, 20)

## The Synod

273.1 It pertains to the synod to adjust the bounds of presbyteries within its own limits; to take the oversight of presbyteries and to review their records; to consider references and to give advice and instruction when deemed necessary; to judge and dispose of complaints and appeals (see sections 313ff); and to dispose of overtures.

273.2 The rules to be observed by synods in the supervision of presbytery records are the same as for presbyteries in dealing with the records of session (see section 255).

273.3 In its examination of the records of a presbytery, the synod, while it is entitled to censure them, may not revive a question affecting a private party, the decision of which has become final.

274. A synod is instituted “for weighty matters, to be intreated by mutual consent and assistance of the brethren (sic) within the bounds, as need requires.” (2 Bk. of Dis. VII, 19)

274.1 It pertains to the synod to take general supervision of the interests of the church within its bounds, and to promote the life of the church, by annual conferences or otherwise, as it may deem best.

274.2 The synod is entitled to receive from presbyteries, as it may require, reports upon all aspects of the work of the church; to consider all matters connected therewith; and to appoint its own committees.

274.3 The synod is entitled to transmit to the Assembly overtures originating within the synod itself, and upon any matter of general interest.

275. In general, the synod possesses the whole power of the particular presbyteries and sessions within its bounds. (2 Bk. of Dis. VII, 20)

275.1 The synod must attend to all matters assigned to it by the General Assembly.

275.2 It has power, subject to judicial process (see sections 313-443) to appoint visitors to the presbyteries; to promote the schemes of the church; to inquire into religion or morals; or to examine into the manner in which business is conducted, or the laws and regulations of the church observed.

276. All proceedings of the synod are subject to review by the General Assembly.

276.1 It is the duty of the synod clerk annually to transmit the record of its proceedings to the General Assembly for inspection.

276.2 Any decision of the synod may be removed to the General Assembly by complaint initiating a corrective case or appeal as permitted in judicial process (see sections 313-443).

276.3 The synod shall require the clerk of each presbytery to report to the synod, through its clerk and at least eight days before its meeting, all particulars respecting the certification of candidates for ordination, the ordination and induction of ministers, the designation and installation of members of the Order of Diaconal Ministries, the reception, translation, demission, suspension, deposition and death of ministers and members of the Order, and the changes made in congregations and mission stations during the year; and all such particulars shall be reported by the synod to the General Assembly.



## **THE GENERAL ASSEMBLY**





## THE GENERAL ASSEMBLY

### COMMISSIONERS

277. The General Assembly is the highest court of the church, and bears the title of “The General Assembly of The Presbyterian Church in Canada”.

277.1 The General Assembly differs from the lower courts of the church in that it has, as a body, no permanent existence. The Assembly meets to perform specific duties assigned to it by the constitution of the church, and devolving on its particular members by virtue of their commissions from their respective presbyteries. When those specific duties have been performed, its members have no further powers, and the General Assembly, after fixing the time and place for the calling of another Assembly, dissolves itself. All the powers and functions of the General Assembly belong to it solely as a representative and temporary body.

278. The Act constituting the General Assembly, and regulating the appointment of commissioners by presbyteries, (as adopted under the Barrier Act, 1877, and subsequently amended) is as follows.

278.1 The General Assembly shall consist of one-sixth of the total number of ministers and members of the Order of Diaconal Ministries whose names are on the constituent rolls of the presbyteries of the church, and an equal number of elders. (Declaratory Act: A&P 1992, p. 275, 31; see sections 258ff)

278.2 When the number of names on the roll of the presbytery is not divisible by six, the sixth shall be reckoned from the next higher multiple of six.

278.3 Each presbytery shall elect its representatives at an ordinary meeting, held at least twenty-one days before the meeting of the General Assembly. If any one thus elected resigns his/her commission, the presbytery may, at any subsequent meeting, held not less than eight days before the meeting of the General Assembly, appoint another in his/her stead. This is not to be understood as interfering with the presbytery’s right, if it see cause, to appoint a list of alternate commissioners and to empower its clerk to fill up from this list any vacancies that may occur. The presbytery clerk is enjoined to report the corrected list of commissioners to the Clerks of Assembly not less than eight days before the meeting of the Assembly.

278.4 The Clerks of Assembly are instructed to communicate each year, soon after Assembly is dissolved, with the presbytery from whose membership the moderator of Assembly has been chosen, advising that it is desirable he/she be elected a commissioner to the following Assembly.

278.5 A presbytery may appoint as its commissioner to the General Assembly an elder belonging to any other presbytery of the church, provided always that the person so appointed is at the time an active member of some session (see sections 258.1 and 258.5).

278.6 Ministers and members of the Order of Diaconal Ministries, whose names are on the constituent roll of a presbytery as ministers or members of the Order, shall not be eligible to hold commissions as elders from their own or any other presbytery. Nor shall persons under appointment by the Life and Mission Agency be eligible for eldership in the congregation they have been thus appointed to serve. (This rule automatically excludes such persons from eligibility as elder commissioners to the General Assembly.)

278.7 Each presbytery shall, through its clerk, transmit to the Clerks of Assembly, at least ten days before the Assembly meets, a certified roll of the commissioners appointed at its ordinary meeting. A separate report of any

## The General Assembly

commissions afterwards given to ministers or elders in place of such as may have resigned their commissions, shall be presented to the General Assembly by the presbyteries as soon as convenient after the Assembly has been constituted.

278.8 Clerks of presbytery are required to certify to the Clerks of Assembly that they have clearly explained to the commissioners from the presbytery that the General Assembly is normally in session for a period of one week and that leave to withdraw prior to the closing of Assembly must be accompanied by adequate reasons.

278.9 The roll to be called at the opening of the Assembly shall be made up from the rolls of the several presbyteries, as transmitted to the Clerks of Assembly, containing the names of the commissioners appointed at least twenty-one days before. At its first session the Assembly shall appoint a committee to which shall be referred the reports of presbyteries regarding commissions issued at a later date and all matters affecting the roll. On the report of this committee the Assembly shall order such changes to be made in the roll as may be required. The roll thus amended shall be the permanent roll of the General Assembly.

278.10 Forty-one commissioners, of whom one is the moderator (or acting moderator), another twenty are ministers ordained to Word and Sacraments or members of the Order of Diaconal Ministries and another twenty are ruling elders, shall constitute a quorum for the transaction of business. But twenty commissioners who were appointed twenty-one days before, being met at the place and time appointed, may constitute the court, and adjourn from time to time until a full quorum is present.

279. The commission in favour of ministers, members of the Order of Diaconal Ministries and elders elected as representatives under the said Act shall be as follows:

279.1 At {place}, the {date} day of {month}, two thousand and {year}. The which day, the Presbytery of {name of court} being convened and constituted, pursuant to a resolution entered into its minutes, did, and hereby do nominate and appoint {number} ministers, {number} members of the Order of Diaconal Ministries, and {number} elders, its commissioners to the next General Assembly of this church, indicted to meet at {place}, the {date} day of {month}, or when or where it shall happen to sit; willing them to travel thereto, and to attend all the diets of the same, and there to consult, vote and determine in all matters that come before them, to the glory of God, and the good of his church, according to the word of God, the Confession of Faith, and agreeable to the constitution of this church, as they will be answerable; and that they report their diligence therein on their return.

280. In the case of a composite presbytery in the overseas mission field, which comprises members of this and other Presbyterian Churches, the General Assembly has declared that any representative to the Assembly "must be connected with this church, and the presbytery shall not be entitled to representation in the General Assembly beyond what is due to the number of its members who are professing members in this church." (A&P 1890)

### ORGANIZATION AND PROCEDURE

281. The General Assembly ordinarily meets once a year; and each Assembly fixes the date and place of the next before it dissolves; notwithstanding, any Assembly may determine the location of future Assemblies for the ensuing five years.

281.1 The General Assembly ceases to exist as soon as it is closed and, apart from the powers entrusted to the Commission re Matters Left Uncared for or Omitted, no provision has been made for summoning a special Assembly in the course of the year.

## The General Assembly

282. At the time appointed for meeting, a diet of public worship is held when a sermon is preached by the moderator of the last Assembly, or, in his/her absence, by a former moderator. Immediately thereafter the Assembly is constituted with prayer, and a provisional roll, consisting of the names of commissioners appointed at least twenty-one days before, is submitted in printed form by the clerk. The General Assembly elects its moderator on nominations made immediately after the Assembly has been constituted, who then takes the chair.

283. The moderator's duties are: to constitute the Assembly; to open and close each sederunt with prayer; to preserve order; to see that the business is properly conducted and the minutes are correctly taken; to take the vote; to announce decisions; to sign all documents having the authority of the Assembly; and to exercise any other functions assigned to him/her by the court.

284. The moderator may express his/her views on any subject under discussion; but if he/she wishes to take part in debate or to submit a motion, he/she leaves the chair and calls another member of the court to take his/her place. Also, if he/she is a party in a judicial process, or if the presbytery or synod to which he/she belongs is a party, he/she leaves the chair and, with the approval of the Assembly, names another commissioner who takes his/her place, and for the time being has all the powers and responsibilities of the office as acting moderator (see sections 13-17).

285. The moderator of each General Assembly is, until the next Assembly sits, *ex officio* (by virtue of office held) a member of all agencies, boards or committees with the exception of those boards, the number of whose members is prescribed by the Acts of Parliament incorporating them. (A&P 1876)

286. The Assembly appoints two or more clerks, to take minutes of the proceedings, keep the records, preserve all papers, give certified extracts of decisions, and conduct the correspondence of the court (see sections 18-24).

286.1 The Clerks of Assembly are: Principal Clerk and Deputy Clerk or Clerks.

286.2 The Principal Clerk shall divide the work of the clerks, and each clerk, by his/her signature on any document, assumes the responsibility therefor.

286.3 The minutes are authenticated by the signatures of the moderator and one of the clerks.

286.4 Extracts of the decisions of the Assembly, signed by one of the clerks, are sent to the parties who are entitled to receive them as soon as convenient after the close of the Assembly.

287. After the Assembly has been constituted and the new moderator has been appointed, the first business is the receiving of the synod rolls, with the accompanying reports of changes during the year. Such time is spent in devotional exercises as may be determined by the court.

288. The Assembly appoints its Committee on Bills and Overtures, a Committee on Business, and other committees to consider matters specially referred to them. The Assembly, if it sees cause, may appoint a judicial committee to which may be referred appeals and complaints, subject to the procedures given in sections 313-443. The Assembly also appoints standing committees that are entrusted with conducting the business of the church in its several departments during the year and report annually to the General Assembly.

288.1 A Committee to Nominate Standing Committees, consisting of nine members of The Presbyterian Church in Canada, shall be appointed by the General Assembly with members being nominated by synods from within their

## The General Assembly

bounds, with one synod, every three years in rotation, nominating two members. Each synod nomination will alternate between clergy and non-clergy each time its term comes in the rotation. The convener and secretary are to be named from among the membership. Each member shall serve a three-year non-renewable term with one third of the members retiring each year.

289. The Assembly may appoint a commission, which powers are defined by the terms of the appointment.

289.1 The commission chooses its own convener, who is commonly the moderator of the preceding Assembly if present. The Clerks of the Assembly act as its clerks.

289.2 The commission is appointed for the transaction of judicial and administrative business. It has no legislative function.

289.3 If it appears that a commission has exceeded its powers, or has acted in any way contrary to the acts or constitution of the church, the next Assembly may set aside or reverse its procedure.

290. The General Assembly may remit any cause before it to a special commission, with such powers as the Assembly shall see fit, whose decision and sentence shall be final, and shall be reported to the next General Assembly.

290.1 The special commission may, if it see cause, refrain from deciding or pronouncing sentence, and may report the matter to the next Assembly, so that the latter may itself issue.

290.2 A special commission is not subject to the authority of the commission of Assembly (section 289), and reports only to the next General Assembly.

290.3 What is determined in a judicial cause at one diet of any commission, general or special, cannot be altered at another diet, but continues in force, unless disapproved of by the next General Assembly.

290.4 The sentence of a commission of the General Assembly is final, and must be obeyed. Complaint may be taken against such sentence, on the ground of its being beyond the legal authority of the court, and the matter may be brought up to the next Assembly. But no such process will justify disobedience in the meantime.

291. When the business of the Assembly is finished, the minutes of the last sederunt are read and sustained. The moderator then addresses the court, and, after praise and prayer, declares, in the name of the Lord Jesus Christ, the King and Head of his Church, that the Assembly is dissolved; indicts another General Assembly to meet at a time and place previously appointed by the court. The Moderator, if a minister of Word and Sacraments, or the minister of Word and Sacraments appointed by a non-clergy Moderator, closes the meeting with the Apostolic Benediction.

### POWERS AND DUTIES

292. The General Assembly receives and disposes of petitions, overtures, references, complaints and appeals from lower courts, and all other matters regularly brought before it; reviews the records of synods; deals with matters respecting doctrine, worship, discipline and government of the church; prescribes and regulates the course of study of students having the ministry in view; admits ministers and certified candidates for ordination from other churches; forms new synods and presbyteries; corresponds with other churches; conducts the missionary operations of the church; receives and disposes of reports in respect to the colleges and from the committees charged with the care of the different departments of the work of the church; and in general adopts such measures as may tend to promote true godliness, to repress error

## The General Assembly

and immorality, to preserve the unity of the church, and to advance the kingdom of Christ throughout the world.

293. The Assembly may pass a Declaratory Act affirming what it understands to be the law of the church regarding any particular matter; and such act may be passed without submission to presbyteries. But any action contemplating a change in the law of the church must be dealt with according to the provisions of the Barrier Act (A&P 1877) that are as follows:

293.1 No prepared law or rule relative to matters of doctrine, discipline, government or worship, shall become a permanent enactment until the same has been submitted to presbyteries for consideration. Such consideration shall be given by each presbytery, at an ordinary meeting, or a special meeting held for the purpose; and an extract minute of the presbytery's judgment shall be sent to the clerk of the General Assembly, before the next meeting of that court.

293.2 The Assembly, if it sees cause, may by a majority of two-thirds of those present, pass such proposed law or rule into an Interim Act, which shall possess the force of law, until the presbyteries have, as herein required, reported their judgment upon it to the next General Assembly.

293.3 If a majority of the presbyteries of the church express their approval, the Assembly may pass such proposed law or rule into a standing law of the church. If a majority of the presbyteries express disapproval, the Assembly shall reject such proposed law or rule, or again remit it to the presbyteries.

293.4 If a majority of the presbyteries of the church replying to a remit sent down under the Barrier Act, as specified in section 293.1, express their approval and this majority of presbyteries constitute an actual majority of ministers, members of the Order of Diaconal Ministries, and elders on the constituent rolls of all presbyteries, the Assembly may pass such proposed law or rule into a standing law of the church. (The original Barrier Act is from the Church of Scotland, 1697.) (Declaratory Act: A&P 1946, p. 121, 67)

294. As the supreme court of the church, the General Assembly possesses the authority to determine and order such things as are necessary to be done in a pending case and for which there is no legal provision. It cannot overrule law, but only supply the want of it when necessary.

295. The General Assembly being the supreme court of the church, its decisions are final. But any commissioner, who voted with the minority, may dissent from its decisions for reasons assigned (see sections 91-92).

### COMMITTEES

296. The Assembly, on the nomination of the Committee to Nominate Standing Committees, shall appoint a Committee on Business. It shall be composed of a minimum of four persons including: a convener (normally a person from the presbytery where the Assembly meets), the previous convener, a person from the presbytery where the next Assembly will meet and the Principal Clerk or his/her appointee.

Regulations governing the function of this Committee on Business shall be as follows:

296.1 This committee shall be empowered to receive through the Clerks of Assembly all overtures, etc., intended for the Assembly, to determine the propriety of their form and transmission. Those judged proper in form and transmission, including referred overtures received prior to February 1st, the committee shall direct, subject to the conditions following, and prior to Assembly, to an appropriate existing body, agency, board or committee of the

## The General Assembly

church for consideration and report to the first Assembly following the February 1st deadline.

296.1.1 An existing body, agency, board or committee of the church considering such a referred overture shall request of the Assembly permission to report at a later date, if unable to report to the first Assembly following the February 1st deadline.

296.2 The court, board, or individual overturning, etc., shall have the privilege of suggesting the direction of the referral of their documents to a board or standing committee of Assembly, the final determination of the direction being under the authority of the Committee on Business, or asking the Committee on Business to determine the direction of the referral.

296.3 Transmissions received prior to April 1st and judged not proper in form, or not accompanied by a suggestion of direction or accompanied by a suggestion not within the competence of the Committee on Business, shall be referred to the Committee on Bills and Overtures. If the agency, board or committee to which an overture has been referred by a presbytery has no upcoming meeting in which to consider the overture before the Assembly meets, then the Committee on Business has the right under section 296.3 to refer the overture to the Committee on Bills and Overtures for disposition.

296.3.1 Transmissions received after April 1st will be held by the Clerks of Assembly for presentation to the Assembly in the following year, with the provision that the originator of the transmission be given an opportunity to request to which committee or agency it shall be referred for consideration in the meantime.

296.4 The Committee on Business shall fix an order of business and print the docket to be available for all commissioners before the opening sederunt. Overtures received and directed in accordance with section 296.1 shall be printed in the material forwarded to commissioners.

296.5 The Committee on Business shall note its findings for the benefit of the Committee on Bills and Overtures on documents referred under section 296.3.

296.6 Undertakings for which new or increased expenditure is required shall not receive final approval of the General Assembly until a report from the Assembly Council has been received.

297. All papers intended for the General Assembly must be sent to the Clerks of Assembly, so as to be in his/her hands at least sixteen days before the Assembly meets. These transmissions include:

297.1 Reports transmitted from synods of ordinations and inductions of ministers, designations and installations of members of the Order of Diaconal Ministries, certifications of candidates for ordination, deaths, demissions, suspensions, and depositions of ministers and members of the Order, and of the erection, dissolution, or changes in congregations and mission stations within its bounds.

297.2 References and appeals transmitted by presbyteries or synods and any papers sent on by the preceding Assembly (see A&P 1986, p. 283-84).

297.3 Clerks of presbytery are to send the returns on remits to the Clerks of Assembly not later than the first of April in each year, so that the returns may be tabulated for the Assembly.

## The General Assembly

297.4 Clerks of presbytery in forwarding the names of commissioners to the General Assembly, are to append the academic distinctions to which such commissioners are entitled.

297.5 Clerks of presbytery are to forward two printed copies of all overtures, petitions, and memorials intended for presentation to the General Assembly prior to the date that shall be indicated yearly by a circular to the clerks of presbytery from the Clerks of Assembly, namely February 1st in the case of referred materials and April 1st otherwise, that the said overtures, petitions and memorials may be printed and included in the volume of reports for the use of the General Assembly; but overtures in reference to names on the constituent roll may be forwarded later if the need arises. (see Appendix A-7)

297.6 Reports and recommendations relating to French work and French-English relations are to be printed in both official languages, and translation services provided for commissioners (see A&P 1969, p. 58).

298. The reports of standing committees should be forwarded to the Clerks of Assembly before the date indicated yearly by a circular to the standing committees from the Clerks of Assembly in advance of the meeting of Assembly, in order that they may be presented in bound form to the commissioners at the opening of the Assembly.

299. Parties who have causes coming before the Assembly are required to have copies of all the papers printed for the use of members, and in a shape suitable for binding with the minutes of Assembly.

300. Deleted 1988.

301. The Assembly appoints, as soon as possible, the following committees: (1) a Committee on Bills and Overtures that consists of the Clerks of Assembly, commissioners who are clerks of synods and presbyteries, and such other ministers, members of the Order of Diaconal Ministries, and elders as the Assembly may see fit to appoint and to which presbyteries may nominate one person each for membership; (2) a Committee on Business (see section 296); (3) a Committee on Records of Synods, Assembly and Assembly Council; (4) a Committee on classifying returns to Remits and (5) a committee on commissions.

302. The Committee on Education and Reception is a standing committee of the Life and Mission Agency and as such reports to the Assembly through that Agency. However, in respect to applications for the reception of ministers or certified candidates for ordination, and for reception into the Order of Diaconal Ministries, or special applications on behalf of students and prospective students, the committee receives and reports directly to the Assembly on all such applications.

302.1 Any proposed amendment to recommendations by the Committee on Education and Reception re applicants for special courses, reception, etc., shall be referred back to the committee for further consideration before final decision by the Assembly.

302.2 An amendment to the recommendation of the Committee on Education and Reception touching special ordination or length of course shall be effective only when (1) it receives a two-thirds majority of those present and voting; and (2) it comes to the next General Assembly after reconsideration by the Committee on Education and Reception and receives the majority vote of Assembly.

303. The Assembly shall appoint a committee to confer with the moderator in the selections of names for special committees. (A&P 1920)

## The General Assembly

304. The Assembly directs that ordinarily, in submitting reports of agencies, there be not more than two addresses, and that those appointed for the purpose be invited to conserve the time of the Assembly. (A&P 1920)

305. Committees of Assembly may tender their reports from time to time at any sederunt, immediately after the minutes have been sustained, but their final report must be given in before the Assembly closes.

306. Every committee, if the Assembly has not done so, appoints its own convener and secretary. Minutes of proceedings should be made, and the report should always be presented in writing.

307. The Assembly orders that, in all matters wherein there is overlapping or conflicting interests in the work of various agencies, or overtures or recommendations relating thereto, that intimation be made by the agency taking action to the other agency interested, and that notice of this be handed to the clerks prior to the introduction of the matter upon the floor of the Assembly. (A&P 1927)

308. The Committee on Bills and Overtures, subject to the provisions of section 296, receives all papers intended for the Assembly, considers whether they are in proper form, expressed in proper language, and regularly transmitted; also whether they are part of the legitimate business of the Assembly; and transmits them or refuses to do so. Objections to the decisions of the committee may be brought directly before the Assembly to be disposed of by the court. It appoints its own convener and secretary.

308.1 The Assembly requests the Committee on Bills and Overtures, when reporting, to suggest suitable committees to which the various overtures may be referred.

### AGENDA AND MINUTES

309. The Committee on Business shall arrange the order in which matters transmitted by the Committee on Bills and Overtures shall be brought before the Assembly, reporting every sederunt the business of the day, which shall remain the order of business, unless the Committee on Business shall recommend a change, with the consent of the Assembly.

310. Such portions of each sederunt as the moderator may deem proper are spent in devotional exercises.

310.1 Any proposal for a pause in the Assembly's proceedings, with a view to engage in special devotional exercises, may be made to the Assembly only through the moderator.

311. Arrangements shall be made to print daily and to place in the hands of commissioners copies of the minutes, to be confirmed at the opening of each morning sederunt. (A&P 1920)

312. One copy of the minutes shall be sent by mail, when issued, to each minister and member of the Order of Diaconal Ministries, and to each retired minister, also to each session in all congregations that have contributed to the Assembly fund during the year then preceding.



## **JUDICIAL PROCESS**



# JUDICIAL PROCESS

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## GENERAL

### Principles

313. Judicial process is the means by which courts of the church come to decisions on matters requiring authoritative resolution. It is used to prevent and correct offences by persons within the church and also to correct irregularities and errors committed by courts of the church.

## Judicial Process

314. Not all conflict in the church needs to result in judicial process. Members and office-bearers must attempt to resolve differences prior to resorting to judicial process (Matthew 18:15-17).

314.1 If such action fails to resolve the matter and after the matter has been solemnly committed to prayer with the health of the body of Christ in mind, it is permissible to consider initiating a judicial process.

315. Judicial process is not intended to interfere with matters that are purely civil and do not need to be dealt with in the church.

316. All professing members of the church, all office-bearers, ministers and members of the Order of Diaconal Ministries are subject to discipline and pastoral oversight through judicial process.

### Definitions

317. The following definitions shall apply in interpreting the sections on Judicial Process:

**Accuser:** An individual bringing an allegation of an offence by another individual to the attention of a court to which the accused is subject.

**Allegation:** A written summary of alleged offences prepared by an accuser as the grounds for initiating a disciplinary case.

**Charge:** A written statement of an offense to be adjudicated by a court in a disciplinary case that, if proved, is grounds for censure.

**church:** The Presbyterian Church in Canada.

**Citation:** A summons to a party or a witness who is a member of the church or an office-bearer within the church to appear before a church court.

**Complainant:** An individual or a group of individuals bringing a complaint to the attention of a court to which the one complained against is subject with the intention of commencing a non-disciplinary or corrective case.

**Complaint:** A written summary outlining the grounds for initiating a non-disciplinary case or a corrective case. In the matter of a non-disciplinary case, it specifies the ways in which an individual has failed or is failing to carry out the responsibilities of an office but which does not amount to an offense. In the matter of a corrective case, it specifies the ways in which a court is alleged either to have acted or failed to act.

**Member:** A professing member (see section 140, 140.1).

**Minister:** Minister of Word and Sacraments or member of the Order of Diaconal Ministries.

**Offence:** Any doctrine held, act or omission, contrary to the Scriptures or the Standards and Subscriptions (sections 444-451) of The Presbyterian Church in Canada.

**Office-bearer:** One who holds a position of trust or responsibility in a congregation or court, often by way of election or appointment. An office-bearer may in some cases be an adherent.

**Party:** An individual, a group of individuals, or a court having standing in a judicial process.

**Policy for the Dissolution of the Pastoral Tie:** (A&P 1998, p. 355-69, 27 and as revised from time to time by the General Assembly).

## Judicial Process

SASH Policy: The Policy for Dealing with Sexual Abuse and Sexual Harassment: (A&P 1993, p. 314-26 and as revised from time to time by the General Assembly).

### Overview of Processes

318. There are four judicial processes: non-disciplinary cases, disciplinary cases, corrective cases and appeals.

318.1 Non-disciplinary cases result when a complaint is brought against a minister, member or office-bearer, that is not likely to result in censure, but that raises questions about the good order of ministry or the viability of the pastoral relationship.

318.2 Disciplinary cases result when an allegation is brought against an individual that, if processed as a charge against that individual, could result in censure. It involves actions or doctrine contrary to scripture or to the established regulations and standards of the church.

318.3 Corrective cases result when a complaint is brought against a court regarding an alleged irregularity or error committed by that court.

318.4 Appeals result when a party to a judicial process is dissatisfied with the decision made and, having valid grounds, requests a higher court to review the process and decision.

### Jurisdiction

319. Judicial process must commence with the court of primary jurisdiction, but the higher court, having given notice to the lower court, may instigate judicial process when the court of primary jurisdiction has been directed to do so and has refused or neglected to do so.

319.1 The session has primary jurisdiction over members including elders.

319.2 The presbytery has primary jurisdiction over ministers whether on the constituent roll or the appendix to the roll, or on the roll of a congregation, and certified candidates for ordination.

320. A member who is accused in a disciplinary case may not be granted a certificate of transfer, even if the member moves from the bounds, until the case is decided; similarly a minister who is accused in a disciplinary case, and has moved from the bounds, may not obtain a transfer of his/her presbyterial certificate to another presbytery where he/she is now residing, until the case is decided. (Declaratory Act: 1994, p. 279, 82)

321. When a disciplinary case is commenced against a member between his/her obtaining a certificate of transfer from one session and lodging it with another, the jurisdiction belongs to the session of the congregation with which he/she seeks to unite.

322. In the case of a minister, if an offence is alleged to have been committed outside the bounds of the presbytery to which he/she belongs, it is the duty of the presbytery within whose bounds the alleged offence has been committed, to send notice to the presbytery of which the alleged offender is a member, stating the grounds of a charge. The presbytery thus notified proceeds as in the case of an allegation presented within its bounds.

323. A minister, who has moved from a presbytery in which he/she had a pastoral charge or other ministry to reside within the bounds of another presbytery, is required to have his/her membership transferred from the presbytery that he/she leaves, to the

## Judicial Process

presbytery within whose bounds he/she is living. Should an offence be alleged before the transfer of membership is completed, the presbytery within which the minister resides shall, after notifying the presbytery from which he/she came, have power to deal with the case.

### NON-DISCIPLINARY CASES

#### General

324. There may be times when relationships are strained within the congregation or between the congregation and/or session and the minister. This may result in complaints being made that are non-disciplinary in nature. Such complaints may include several minor acts of negligence, unsuitable actions, differences of opinion and personal misunderstandings or disputes that, when taken together, undermine effective ministry.

324.1 Complaints against congregational members, elders or congregational office-bearers are dealt with by the session; complaints against the minister are dealt with by the presbytery.

#### Complaints against members and office-bearers of the church

325. Before bringing a complaint to the session it is the duty of the complainant to meet with the alleged offender to seek resolution of the issue (Matthew 18:15-17). It is only after such efforts have failed that a complaint may be brought to the session. The complainant must inform the alleged offender of the intention to lay a complaint with the session, and of the nature of the complaint.

325.1 A complaint must be put in writing and filed with the clerk of session, with a copy given to the one complained against. It must be in respectful language, and must include a clear description of the complaint and the reasons for bringing it forward. (see Appendices A-47 and A-48)

326. The session, upon receiving a complaint, appoints an investigating committee, with clear terms of reference, to ascertain for themselves the validity of the complaint, and to provide an opportunity for resolution. The investigating committee may meet with the complainant and the one against whom the complaint is brought separately but must meet jointly with them prior to preparing a report for consideration by the session. The report to the session shall arrive at one of three conclusions:

- a. That the matter has been satisfactorily resolved.
- b. That specific recommendations should be adopted to effect resolution.
- c. That a disciplinary case needs to be initiated.

(see Appendices A-42 and A-43)

327. Decisions regarding a complaint against a congregational member or office-bearer may be brought under review by means of a corrective case (see sections 381-392).

#### Complaint against a minister

328. The call to a minister of a congregation forms the basis of a covenantal relationship between the minister, congregation and presbytery. Regular presbytery visitations should, among other things, seek to ascertain and nurture the health and good order of this relationship.

328.1 Most issues between persons in the congregation and the minister will be dealt with prayerfully and face to face, without recourse to lodging a complaint. Before bringing a complaint against a minister it is the duty of the complainant to meet with the minister to seek resolution of the issue (Matthew 18:15-17). It is only after such efforts have failed that a complaint may be brought to the court of primary jurisdiction. The complainant must inform the minister of the intention to lay a complaint, and of the nature of the complaint.

## Judicial Process

328.2 A complaint may be lodged by a committee of presbytery following a regular or special visitation to the congregation. Before bringing a complaint against a minister it is the duty of the committee to meet with the minister to seek resolution of the issue (Matthew 18:15-17).

### Complaint

329. A complaint against a minister must be put in writing and filed with the clerk of session with a copy given to the minister. It must be in respectful language, and must include a clear description of the grievance and the reasons for bringing the complaint forward.

330. The session, upon receiving a complaint against a minister cannot adjudicate the complaint, but shall forward the complaint, subject to section 332, within 15 days to the clerk of presbytery. (see Appendix A-44)

331. It is permissible for the minister and session to seek a pastoral resolution of the matter locally, thus providing the complainant the opportunity to withdraw the complaint at any time prior to the presbytery resolving to establish an investigating committee.

332. The session may decline to transmit the complaint to the presbytery if:

- a. The complainant has failed to demonstrate an attempt to resolve the matter privately.
- b. The complainant has failed to provide a copy of the complaint to the minister and any affected parties.
- c. The complaint is not presented in proper and respectful form.

(see Appendix A-45)

333. The action of a session in declining to transmit a complaint may be the basis of a corrective case on the part of the complainant. (see Appendix A-46)

### Investigation

334. The presbytery, upon receiving the complaint, transmitted through the session or prepared and presented by a committee of presbytery following a regular or special visitation to the congregation, examines the complaint to determine if it is in proper order and if so, resolves to appoint an investigating committee, with clear terms of reference, to ascertain for itself the validity of the complaint, and provide an opportunity for resolution. The investigating committee, preferably comprised of presbyters who were not members of the visitation committee, may meet with the complainant, the session and the minister separately but must meet jointly with them prior to preparing a report to the presbytery.

334.1 The minister, who has the dual responsibility of being a member of the session and a member of presbytery that oversees his or her ministry, must cooperate with any procedures or investigations that seek to resolve the matter.

335. The investigating committee must conduct its investigation with sufficient thoroughness to prepare a report for consideration by the presbytery and in its report, arrive at one of four conclusions:

- a. That the matter needs no further action and is considered resolved.
- b. That the matter is settled and the terms of the resolution are reported to presbytery.
- c. That a non-disciplinary review of ministry, as provided in sections 336 to 338 below is recommended.
- d. That there is warrant to lay charges against the minister, in which case a disciplinary case is initiated.

## Judicial Process

### Review of ministry

336. If the presbytery agrees to commence a non-disciplinary review of ministry, it shall notify the minister and session of this action and prepare clear terms of review.

337. The purpose of the review of ministry is to provide the opportunity for changes or actions to take place within the ministry that will help to rectify or improve the pastoral relationship, or to determine fairly that the pastoral relationship is no longer viable.

338. The terms of review shall bear in mind the nature of the minister's call to this particular ministry and the importance of not sacrificing the minister to the unreasonable feelings of his/her session, or of a party in his/her congregation. The review itself may be structured as the presbytery deems fit but must be of at least four months' duration. The investigating committee, or another committee appointed for this purpose, shall be empowered by the presbytery to conduct the review.

339. At the conclusion of the review, the committee empowered to conduct the review shall prepare an evaluation of the ministry and report to presbytery, having given notice to the minister and session. The presbytery shall make one of three decisions:

- a. That the pastoral relationship is affirmed.
- b. That a limited extension of the review is warranted under the same or revised Terms of Review.
- c. That the pastoral relationship is deemed not viable.

340. If the presbytery determines that the pastoral relationship is not viable, the minister and session shall be cited in consequence of the proposed dissolution of the pastoral tie and the presbytery (Appendix A-23a), taking care to hear from the review committee, the session and the minister, may proceed to a decision regarding dissolution. If the tie is dissolved, the provisions of the "Policy for the Dissolution of Pastoral Ties" shall be used.

### Appeal

341. The only decision in a non-disciplinary case that may be appealed to a higher court is the decision to dissolve the pastoral tie, and this can only be appealed by the minister. The session may be a party to such an appeal only if the minister files an appeal.

342. Other matters in the conduct of this process and concerns held by the session may be remedied by means of a corrective case (see sections 381-392). Such a case may deal with alleged errors made by the court but not the decision to dissolve the pastoral tie.

343. The decision to dissolve the pastoral tie shall take effect within a time period fixed by the presbytery. If the decision to dissolve the pastoral tie is appealed, the minister remains in his/her position during the time of appeal unless the appeal is deemed frivolous or vexatious (see section 100) or the presbytery can show that serious harm will likely result if the minister remains in his/her position during the time of appeal.

343.1 In order to receive the full transition allowance available under the terms of the "Policy for the Dissolution of Pastoral Ties" a minister is required to release the congregation and the church from any further claims or appeals.

344. If the presbytery decides not to grant a suspension of the decision during the time of appeal, such action may be brought to the attention of the higher court by the minister and may be the cause for censure of the court and other remedy, if the decision is shown to be unjustified.



## Judicial Process

### DISCIPLINARY CASES

#### General

345. Discipline is an exercise of the spiritual authority that the Lord Jesus Christ has appointed in his Church.

346. The purposes of discipline are the maintenance of the truth, the vindication of the authority of Christ, the removal of offences, the promotion of the purity and edification of the Church, and the spiritual good of offenders.

347. An offence is anything in the doctrine or practice of anyone subject to discipline that is contrary to the Scriptures or the Standards and Subscriptions of The Presbyterian Church in Canada (sections 444-451).

348. The standards by which faith and conduct are tested are the Scriptures and the Standards and Subscriptions of The Presbyterian Church in Canada (sections 444-451).

349. If an alleged offence has not been addressed within three years it should not be revived with a judicial process, unless it is of a serious nature. Complaints falling within the “The Policy for Dealing with Sexual Abuse and Sexual Harassment (the SASH Policy)” shall be considered to be of a serious nature and dealt with according to that policy regardless of when the alleged offence occurred.

349.1 Sections 350, 351, 352 and 353 do not apply to a complaint made under the SASH Policy.

#### Allegation

350. Before initiating a disciplinary case, it is the duty of the accuser to meet with the alleged offender to seek resolution of the issue (Matthew 18:15-17). It is only after such efforts have failed that an allegation may be brought to the court. The accuser must inform the alleged offender of the intention to file an allegation, and of the nature of the allegation.

351. A disciplinary case is initiated when an allegation of an offence is prepared in writing by one or more accusers, signed by the accuser or accusers, and filed with the clerk of the court to whose jurisdiction the accused is subject, with a copy given to the alleged offender. The allegation must be presented in respectful language and must contain a clear summary of alleged offences that, if proved, would likely be the subject of censure.

#### Investigation

352. The court of jurisdiction, upon receiving the allegation examines it to determine if it is in proper order and if so, resolves to appoint an investigating committee with clear terms of reference, to determine if the evidence available supports the laying of a charge or charges, and provide an opportunity for resolution. (see Appendix A-49)

353. The investigating committee shall be composed of a minimum of two persons, and shall investigate thoroughly the allegation(s). The investigating committee shall interview the accuser, the accused, and any witnesses advanced by either party, and shall gather all available evidence relevant to the allegations. The investigating committee may meet with the parties separately or together, as it deems best. The committee shall report to the court the results of its investigation, and shall arrive at one of five conclusions (see Appendix A-50):

- a. The allegation is withdrawn due to lack of evidence discovered, or an agreement by both parties that the matter does not require further process.
- b. The allegation is withdrawn due to achieving a resolution of the matter satisfactory to both parties and to the committee, in a manner not involving the laying of any charges. In this case the committee shall

## Judicial Process

lodge with the court in writing, signed by the accuser, the accused, and the committee, the terms of the resolution.

- c. After careful investigation and consideration of the evidence available, the investigating committee determines that there is not sufficient evidence to proceed and recommends to the court that the case be dismissed.
- d. The accused has made a voluntary confession satisfactory to the accuser. In this case the committee shall report such to the court and the accused shall be given an opportunity to be heard by the court. The investigating committee may bring a recommendation for judgment in the matter that shall be decided by the court. Thereafter, the court may meet to consider possible censure, but must give opportunity to the investigation committee and the accused to be heard prior to a decision.
- e. The allegations are sufficiently serious and the evidence available is sufficiently compelling to warrant the laying of one or more charges to be adjudicated by the court.

353.1 Where a church court trial is required under the SASH Policy, the complaint will be framed as a charge under section 354.1. Sections 354 to 375 and sections 393 to 443 shall apply to such a charge.

### Charge

354. If the conclusion of the investigating committee is that a charge or charges shall be laid against the accused, it, or another committee appointed for the purpose, shall frame the charges and the court shall consider laying the charge(s). (see Appendix A-51)

354.1 A charge must be prepared in writing and consists of a clear description of an alleged offence, and will be accompanied by a summary of evidence and a list of witnesses to be called in support of the charge.

355. Having resolved to lay one or more charges, the court shall notify in writing the accused of the charge(s), set a date and time for a trial. The court shall appoint one or more of its members, normally from the investigating committee, as the prosecution. The accuser may not be appointed as the prosecution. (see Appendices A-54 and A-55)

### Trial

356. The court, or a commission appointed by the court with full powers to conclude the case, shall conduct the trial. The parties in the trial are the prosecution, acting on behalf of the court, and the accused. Persons who have investigated the case may present evidence, or assist in the prosecution of the case, but may not deliberate, vote or otherwise act as a member of the court as the case is being decided.

356.1 Where a session or presbytery, acting under the SASH Policy, determines that a church trial is required after hearing the report of the standing committee under the SASH Policy, the trial, in the case of a session, shall be held before the session, and in the case of a presbytery, shall be held before the presbytery.

356.2 Where a person against whom a complaint is made under the SASH Policy is dissatisfied with the decision of the session or the presbytery and demands a trial, the trial, in the case of a session's decision, will be held before the presbytery and in the case of a presbytery's decision, shall be held before the synod or the General Assembly.

356.3 Where a complainant under the SASH Policy is dissatisfied with a decision of the session or a presbytery and is entitled to and demands a trial, the trial, in the case of a session's decision will be held before the presbytery, and in the case of a presbytery, shall be held before the synod or the General Assembly.

## Judicial Process

357. It is the duty of the court to explain the procedures fully and clearly to parties concerned, and to show them when and how an appeal to a higher court may be initiated.

358. The court shall cite the party or parties to appear for the trial, the date for which shall be fixed by the court allowing for at least ten clear days following the service of the citation.

358.1 The citation must specify:

- a. The court before which the accused is to appear.
- b. The time and place of appearance.
- c. The name of the accused.
- d. The name of the accuser.
- e. A declaration of the offence charged.

358.2 A certified copy of the charge to be laid, and a list of witnesses and documents to be produced in evidence must accompany a first citation.

358.3 A witness may be cited to attend to give evidence at a church court trial in accordance with sections 406 to 408.

359. If the accused refuses to obey the first citation, he/she is again cited to appear, with a minimum of ten days' notice to be given, with notice that if he/she does not appear, the court, besides dealing with him/her for contempt of the court, may proceed with the case as if he/she were present.

359.1 If the accused purposely absents or secretes himself/herself so that the citation cannot be served, the court may suspend him/her from office and/or membership until he/she appears and answers to the citation.

359.2 Contemptuous resistance by the accused of the authority of any church court may warrant the laying of a charge of contempt against such accused that could lead to the imposition of censure.

360. In any court, a minister, or member of the church may, by permission of the court, act as advisor to a party and assist in representing the accused before the court. The accused reserves the right to be so represented.

360.1 An advisor may not be remunerated.

360.2 A member of a court who is acting as advisor to a party may be present with the accused through all proceedings subject to section 364.5. He/she, however, may not deliberate, vote or otherwise act as a member of the court during the conduct of the case.

361. Full minutes of the proceedings are kept by the clerk of the court or commission, but no entry is made in the permanent record until the trial has been completed (see section 30).

362. Except at the General Assembly, objection may be taken by either party in a trial to any part of the proceedings, and such objections shall be entered upon the record.

362.1 Decisions made by the court on points of order or relating to the admission of evidence shall be entered in the minutes.

363. Evidence shall be considered according to the rules for evidence (see sections 416-432).

364. The trial is to be conducted in accordance with the process set out below:

364.1 Following the constitution of the court by the moderator, the clerk shall report on the issuance of the citations. The presence of the parties and any advisors shall be recorded. The moderator shall ensure that good order is

## Judicial Process

maintained with the court. The accused shall be held innocent unless found guilty.

364.2 Oaths shall be administered to the parties and witnesses according to section 422.

364.3 The moderator shall call for the charge or charges to be read, and shall call upon the accused to answer to each charge, specifying “guilty” or “not guilty”; refusal to answer shall be taken to mean “not guilty”.

364.4 Evidence shall be examined as follows:

- a. The prosecution and the accused in turn shall make opening statements;
- b. The prosecution shall present evidence and call witnesses, if any;
- c. The accused shall have the right to cross-examination;
- d. The accused shall present evidence and call witnesses, if any;
- e. The prosecution shall have the right to cross-examination;
- f. The accused and prosecution shall have the right to re-examine witnesses after the cross-examination by the other party; this re-examination shall be limited to clarifying any answers given during the cross-examination that were not the subject of questions in the witness’s direct examination;
- g. Further evidence in reply may be presented by the prosecution, but only to refute evidence presented by the accused;
- h. The accused again shall have the right to cross-examination;
- i. Final statements, first by the accused, and then by the prosecution, shall be presented.

364.5 Thereafter, the court shall dismiss the parties and any advisors, sit alone to deliberate, and reach a verdict.

364.6 The court shall carefully consider the evidence presented, and, applying the standard of the balance of probabilities, with a vigorousness that matches the seriousness of the alleged offence (see section 433), determine, by a majority vote, its verdict on each charge.

364.7 The verdict on each charge shall be “guilty” or “not guilty”. A verdict of “not proven” is not allowed (A&P 1896). If the charge has not been proven, the court shall find the accused “not guilty”.

364.7.1 The accused, if found “not guilty”, cannot be put on trial a second time on the same charge.

364.8 The court shall summon the parties to return to the court and announce to them its verdict. If the court has found the accused “guilty”, it may, on its own initiative or at the request of the prosecution or the accused, invite further testimony from the prosecution and the accused as to the appropriate censure to be imposed (see section 201.3).

364.9 The court, having heard testimony regarding censure, will proceed to decide the matter of censure and thereafter, if no appeal is pending (subject to section 397) will administer the censure following a recess or adjournment.

### Censure

365. The censures of the church are admonition, rebuke, suspension from church privileges or office, removal from membership or office, deposition from office, and excommunication, all of which are pronounced by the moderator in the name of the court.

## Judicial Process

366. Administering censure is a ministerial act, performed by the authority of the court, and should be carried out with solemnity, in meekness, and with love and tenderness.

367. Admonition consists in solemnly addressing the offender, placing his/her sin before him/her, warning him/her of his/her danger, and exhorting him/her to greater circumspection. It is administered in private.

368. Rebuke is a higher form of censure resorted to after conviction or confession of serious sin. It may, if the court deems it to be necessary, be administered in public.

369. Suspension from church privileges is the removal of particular privileges of membership such as voting or participation at the Lord's Table. It may be for a longer or shorter period of time and is added to rebuke, when the court deems it necessary, in order to impress the offender, and to give public testimony against the offence. The privileges are automatically restored at the end of the suspension.

369.1 Suspension of an office-bearer from particular privileges of church membership will include suspension from office.

370. Suspension from office is the removal of responsibilities attending an elected or appointed position. It is either with or without limit of time. Any privileges or duties temporarily removed are automatically restored at the end of the suspension. (see Appendices A-69 and A-70)

370.1 Suspension from office does not necessarily include suspension from other privileges of church membership.

370.2 When a suspension is of a minister, the presbytery shall send notice of this action to all the presbyteries of the church.

371. Removal from membership is the removal of a professing member's name from the session's roll of professing members.

372. Removal from office is removal of a member or minister from a particular office and applies to function in that office.

372.1 An elder removed from office ceases to function as an elder but may be re-elected to serve depending on the terms for restoration.

372.2 A minister removed from office ceases to hold office in a particular ministry and therefore the removal from office involves the dissolution of the pastoral tie and the placing of his/her name on the appendix to the roll.

372.3 A member of a congregation removed from elected office within a congregation may be eligible for re-election depending on the terms for restoration.

373. Deposition from office is the permanent removal of an individual from the office of elder or minister, and follows upon the confession or conviction of heresy or of gross immorality. Upon deposition, an elder is no longer considered an elder of the church and a minister is no longer considered a minister of the church. (see sections 252, 375, 441, Appendices A-67 and A-68)

373.1 Deposition of a minister necessitates the dissolution of the pastoral tie and the striking of the minister's name from the roll of presbytery. The sentence of deposition is read before the congregation, and the pastoral charge is declared vacant, except in the case where there is more than one minister on staff and the one position is declared vacant.

373.2 The presbytery shall send notice of deposition to all the presbyteries of the church.

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374. Excommunication is the highest censure of the church, and is imposed only in cases of grave aggravation, where the offense is obstinately denied, though fully proven; or, when acknowledged, is justified by the offender, and where the individual continues impenitent and contemptuously resistant. It consists in solemnly casting the offender out of the communion of the church, with prayer that repentance and restoration will yet follow.

374.1 A session may not proceed to deposition or excommunication without reference to the presbytery for advice.

375. When a minister or an elder in good standing, renounces the oversight of this church by joining another Christian body, his/her irregular conduct is noted in the record of the court having jurisdiction, and his/her name is removed from the roll. If a charge is pending against him/her, it may still be prosecuted. If the body that he/she joins is non-Christian, he/she may, with due notice, be declared no longer a minister or elder of the church, or be deposed, as the court may determine necessary in the interests of the honour of Christ and the Church. (see sections 252, 373, 441)

### Appeal

376. The accused, alone, if found guilty may commence an appeal, against the verdict of the court, or the censure imposed, within ten days of the decision. Other matters in the conduct of the trial may be brought under review by way of a corrective case, that may be initiated by any member of the court. (see Appendix A-52)

377. Any person convicted of an offence may afterwards apply for a fresh trial on the ground of newly discovered evidence. The court, if satisfied that the evidence brought forward is material and could not with reasonable diligence have been offered sooner, may grant the application. When the new evidence has been taken, the court using the whole evidence in the cause proceeds to judgment, as if no former judgment had been given; and the new judgment supersedes the former.

378. In the case of an appeal against a decision of the court in a trial, a judicial record is prepared by the clerk, each page signed and numbered, and transmitted to the higher court. In the case of a transmittal to the synod, where there is no meeting prior to the General Assembly, the appeal shall be transmitted directly to the General Assembly subject to section 297.

378.1 A judicial record consists of the following:

- a. The minutes of the relevant proceedings, and the attached documents, including copies of citations issued and certification of service;
- b. All documents admitted in evidence or authenticated copies of same;
- c. Certified copies of any correspondence or judgments issued by the court;
- d. The notice of appeal; and
- e. The grounds for appeal as presented by the appellant.

378.2 No document can be taken into consideration by the higher court that is not contained in this record (see section 30).

379. The appellant is entitled to a copy of the judicial record.

380. When initiating a corrective case, the complainant prepares reasons for complaint and lodges them with the clerk. The case proceeds according to the process described in the next section.

## Judicial Process

### CORRECTIVE CASES

#### General

381. Corrective cases are a form of judicial process by which alleged irregularities or errors committed by a court may be brought under review by a higher court. They provide a process whereby the court alleged to have committed the error may review its action and, if possible, find resolution prior to the involvement of a higher court.

#### Complaint

382. A corrective case is initiated by filing a complaint with the clerk of the court being complained against. Such a complaint must contain the name of the individual or body or court lodging the complaint, the name of the court against which the complaint is filed, the particular decision or action or inaction for which redress is sought, reasons for seeking such, and a statement of the relief requested. (see Appendix A-58)

383. A corrective case may be initiated by:

- a. A member of a court who has voted on a question and who believes a court has by its actions, inactions, or decision, committed an error or delinquency;
- b. An individual who was not a member of or who did not act as a member of the court making the decision but who has been directly affected in a non-disciplinary case by the action of a court;
- c. The session of a congregation affected by an action of a court or commission; or
- d. A lower court affected by the action of a higher court or commission other than the General Assembly or its commission.

384. A complaint initiating a corrective case must be filed with the clerk of the court complained against within ten days of notice of a decision that forms the subject of the complaint, or within thirty days of a discovery of an alleged error or delinquency not the subject of a decision.

#### Review by lower court

385. Following the receipt of a complaint, the court, at its next regular meeting, or at a special meeting called for the purpose, will review the complaint and, if it is found to be in proper order, take the following steps within sixty days of receiving the complaint (see Appendix A-56):

385.1 Appoint a committee to meet with the complainant to determine if a resolution can be reached on the matter without recourse to further process. Such a resolution will be considered to have been reached if the complainant chooses to withdraw the complaint.

385.2 Determine whether or not a motion to reconsider the decision that is the subject of the complaint shall be entertained. If the court resolves to reconsider the decision, it may debate the original question afresh, hearing argument from the one whose complaint has been filed, and, if thought advisable, amend or reverse the original decision to the satisfaction of the one whose complaint gave rise to the reconsideration.

385.3 If the subject of the complaint is a delinquency through inaction, the court may similarly resolve to take the action requested, or similar action that may address the complaint.

#### Transmission to higher court

386. If, after these steps have been taken, the complaint has not been withdrawn, the clerk shall transmit the complaint, along with relevant extracts of minutes and

## Judicial Process

documents, and answers prepared by the court to the complaint, to the next higher court. In the case of a transmittal to the synod, where there is no meeting prior to the General Assembly, the complaint shall be transmitted directly to the General Assembly. The lower court may also appoint one or more of its members to defend its action before the higher court.

386.1 A decision by the lower court not to transmit the complaint on the grounds of its being out of order, or a decision following reconsideration to reaffirm the original decision, may be the basis for an appeal.

387. The higher court, upon receiving a complaint shall take the following steps:

387.1 Determine if the complaint is in proper order, and a matter that can reasonably be reviewed.

387.2 Should the complaint be deemed in proper order and the appropriate subject of judicial process, the higher court will call for and review the record of the lower court's actions and proceedings with respect to the complaint and the matters raised in it.

387.3 Call for the parties (the complainant and the respondent court) to submit a list of any evidence proposed for consideration and/or any witnesses to be called.

387.4 Appoint, if advisable, a committee to meet with the parties to attempt to resolve the matter without a court hearing. Should a resolution to the satisfaction of both parties be achieved, the terms of such agreement shall be reported to the court, signed by both parties, and entered into the records of the higher court.

388. Should the court determine to proceed with a hearing, the court or a commission appointed by the court with full powers to conclude the case, shall conduct the hearing, and both parties and any witnesses shall be cited.

### Hearing

389. The hearing shall proceed in a manner similar to a trial in a disciplinary case (see section 364), except that the petitioner shall have the right to the first opening and final closing statements.

### Remedy

390. Should the higher court sustain the complaint in whole or in part, the higher court shall take such action as it may deem appropriate, or may direct the lower court to take such actions or to commence such proceedings as the higher court deems necessary or appropriate.

### Appeal

391. A decision in a corrective case may be appealed by either the complainant or the respondent court. (see Appendix A-57)

391.1 Such an appeal must be filed within 10 days of the time the decision is announced to the parties.

392. The only admissible evidence in the appeal of a corrective case is those things found in the judicial record that pertain to the process used by the lower court to reach its decision. The "fresh evidence" rule allowed in disciplinary cases (see section 377) does not apply to a corrective case, as it would amount to a retrial on the merits of the case.



## Judicial Process

### APPEAL

#### General

393. Appeals are a means by which decisions of a lower court may be reviewed by a higher court and corrected if errors are found.

393.1 Decisions that may be appealed are the result of a prior judicial process.

393.2 In the case of a non-judicial decision of a court, a corrective case may be initiated.

393.3 A decision of a lower court in a corrective case may be appealed.

394. The final decision of an appellant court may be appealed by either the appellant or the respondent court unless the deciding court is the General Assembly or its commission.

394.1 In an appeal of a decision, involving a censure, where the original decision is upheld, the appeal may result in a censure that is affirmed, increased or reduced.

#### Grounds for Appeal

395. For an appeal to be considered grounds must be clearly indicated and must fall within one or more of the following categories:

- a. Irregularity or error in procedures that could materially affect the outcome of the decision;
- b. Prejudice or injustice in the process or decision;
- c. Error of doctrine; or
- d. In the case of censure, undue harshness.

#### Procedures

396. An appeal may be filed following a decision in a judicial process in a disciplinary case, a corrective case or dissolution of the pastoral tie.

396.1 The party filing an appeal must believe that the decision is incorrect and seek to show grounds for error.

396.2 When an appeal is filed it must contain the following:

- a. The name of the appellant and the respondent;
- b. A description of the decision that is alleged to be incorrect;
- c. One or more grounds for deeming the decision incorrect;
- d. List of witnesses to be called and evidence to be presented;
- e. The remedy sought; and
- f. A request, if desired, for the suspension of the decision being appealed pending the outcome of the appeal.

397. A request for the suspension of a decision being appealed shall be granted unless the court can show that serious harm will likely result if the decision is suspended. If the judgment is not suspended, this action may be brought to the attention of the higher court by the appellant and may be the cause for censure of the court, if shown to be unjustified. (see Appendix A-53)

397.1 In the matter of an appeal made by an accused person from a church court trial that has decided a charge that originated as a complaint under the SASH Policy, section 397 shall not apply. On such an appeal, the decision of the church court is not suspended, unless the accused person:

## Judicial Process

- a. applies to the church court hearing his or her appeal and
- b. establishes that the appeal is not frivolous or vexatious and
- c. establishes a strong case that no serious harm will result if the decision appealed from is suspended during the time of the appeal.

397.2 In the matter of an appeal by a minister of a decision made by a presbytery to dissolve the pastoral tie under section 340, section 397 shall not apply (see section 343).

398. An appeal is filed with the clerk of the court whose decision is being appealed. That court is responsible for the transmission of the appeal to the higher court and must submit the judicial record of its proceedings (see sections 378, 379).

399. When an appeal is transmitted to the higher court, the higher court will review the judicial record and the grounds to determine if the appeal is in proper order and should be heard, and will advise the appellant of its decision.

400. In seeking to determine whether or not the appeal is in proper order, the higher court may refer it to a special committee of the court appointed for that purpose, which committee may include members of other courts of The Presbyterian Church in Canada.

401. Should the higher court find the appeal in proper order, the following steps will be completed:

- a. A hearing will be scheduled;
- b. Parties and witnesses will be cited to attend;
- c. A hearing will be held following the procedures set out below;
- d. The court will reach a decision and present it in written form to the parties; and
- e. The parties will be advised of their right of appeal subject to section 394.

### Hearing

402. The hearing will be conducted by the full court or a commission established to conclude the matter. The process followed will be similar to a trial in a disciplinary case (see section 364) with the following exceptions:

- a. The appellant shall have the right of opening and closing arguments, and
- b. The case shall focus on determining the merit of each point in the grounds for appeal.

403. The deciding court will, after hearing the evidence, meet in private and deliberate and decide one by one whether each ground of the appeal shall be upheld or dismissed. A simple majority is required to uphold any ground and the basis for decision shall be the balance of probabilities (see section 433).

404. If during an appeal of a judicial case, significant and compelling new evidence is offered, that in the opinion of the appellate court has an important bearing on the case, that court may refer back the cause to the lower court for a new trial, or, with the consent of the parties, may receive the further evidence and complete the adjudication of the case.

### Remedy

405. If one or more grounds for appeal is upheld, the court shall consider the remedy requested and determine such action as is appropriate, or may order the lower court to conduct further proceedings in the matter.

## Judicial Process

405.1 The court may order such remedies as the reversal or amendment of the original decision, or such action as will bring peace, reconciliation or unity to the body of Christ.

405.2 The court will need to take care that any remedies imposed on appeal are reasonable and within the scope of the subject of the appeal.

### OTHER PROVISIONS

#### Citations

406. Citations are the means by which individuals or courts of the church are summoned to appear before a court having authority over them. They are issued in the name of, and by the authority of the court, and specify the object of the citation together with the time and place at which appearance is to be made. Citations are served by the clerk at least ten days in advance of the required appearance.

406.1 A citation to a witness shall only be issued upon written application to the clerk. The request shall set out the relevant evidence or documents that the proposed witness will provide to the church court. The clerk shall issue the requested citation if the request indicates that the witness has relevant evidence or documents that should be placed before the court. The clerk shall not issue the requested citation if the clerk determines that the request for the citation to a witness is being made on a frivolous or vexatious basis or in bad faith.

406.2 A person served with a citation as a witness may make a written request to the clerk to set aside the citation on the grounds that the witness does not possess relevant evidence or documents to put before the court or on the ground that the citation to a witness is being made on a frivolous or vexatious basis or in bad faith.

406.3 Before making a decision on setting aside the citation to a witness the clerk shall provide an opportunity to the party who has requested the citation to the witness to provide a written response to the setting aside of the citation.

406.4 The actions in sections 406.1 to 406.3 shall be reported to the court and are subject to its review.

407. A certificate of the serving of citation (see appendix A-63) shall in all cases be filed with the court. Members of the church are bound to obey the citation of any church court, as witnesses, and in case of refusal, are liable to censure. (see Appendices A-59, A-61 and A-62)

407.1 Complainants under “The Policy for Dealing with Sexual Abuse and Sexual Harassment” are not liable to censure for a refusal to testify to their complaint in a church court.

408. Witnesses may be cited or requested to attend and give evidence before a church court trial or hearing. Witnesses who are members of the church or office-bearers within the church are cited by the authority of the court; other persons can only be requested to attend and give evidence.

408.1 If a witness who is a member of the church or an office-bearer within the church is subject to a citation, purposely absents himself/herself so that the citation cannot be served, the court may suspend him/her from membership or office until he/she appears and complies with the citation.

408.2 Contemptuous resistance by a witness who is a member of the church or an office-bearer within the church, of the authority of any church court may warrant the laying of a charge of contempt that could lead to the imposition of censure.

## Judicial Process

409. In a disciplinary case, the citation must specify:

- a. The court before which the accused is to appear;
- b. The time and place of appearance;
- c. The name of the accused;
- d. The name of the accuser; and
- e. A declaration of the offence charged.

410. A certified copy of the charge to be laid, and a list of witnesses and documents to be produced in evidence must accompany a first citation.

411. In a disciplinary case, once a court resolves to proceed by charge, a copy of the charge is delivered to the accused in the presence of the court. If the accused is not present, a copy of the charge and of the citation, signed by the clerk, are delivered to him/her personally, or left with another adult at his/her place of residence at least ten days before the time appointed for hearing the case. If delivered by hand, the citation should be signed for; if sent by mail or courier, a signature upon delivery is required.

412. Congregations may be cited by the presbytery, synod or General Assembly to appear before these courts in regard to any matter in which they may be interested.

413. When it is deemed necessary to cite a congregation, the citation is directed to the session, through its moderator and clerk, with instructions to call a meeting of the congregation for the purpose of appointing representatives to answer to such citation; for this purpose the citation is to be read from the pulpit on the Sunday preceding such meeting of the congregation (see section 152 and Appendix A-60).

414. If no appearance is made at the time and place specified, the congregation may, if the case so require, be cited a second time, with notice that if no appearance be then made, they will be held as acquiescing in the decision to which the court may come.

415. A higher court, for sufficient cause, may cite any lower court under its jurisdiction to appear before it. This is done by way of citation to the clerk of the lower court.

### Rules of Evidence

#### Permissible Evidence

416. Evidence may consist of oral testimony, records, writings, objects and other things that prove the existence or non-existence of a fact.

417. The court shall determine to what extent and by what means the testimony of witnesses will be recorded.

418. When witnesses cannot attend, their evidence may be taken by a commission of the court, or through another church court; but both parties must receive notice of the time and place appointed for the taking of such evidence, and have a right to be present and cross-examine the witness. Evidence taken by one court, and regularly attested, is received as valid by any other court.

#### Examination of Witnesses

419. Where witnesses are called in a proceeding, the following rules apply to guide the court as it attempts to establish matters by the testimony of witnesses.

420. It is desirable that oral testimony be corroborated by written evidence when such evidence is available.

## Judicial Process

421. The testimony of more than one witness is usually necessary to establish a charge. But where the testimony of one witness is corroborated by circumstantial or documentary evidence, it may, in some cases, be deemed sufficient to establish a charge.

422. Witnesses will swear an oath as follows: "I solemnly declare, in the presence of the Triune God, to whom I will give answer, that I will speak the truth so far as I know or shall be asked."

422.1 Witnesses who are not professing Christians may be examined upon making the following affirmation: "I solemnly declare that I will speak the truth, so far as I know or shall be asked."

423. Questions put to witnesses must be pertinent. No evidence is received except what is a matter of direct knowledge to the witness in question. What a witness has heard is not to be received as evidence, unless it was said by a person since deceased, by the accused, or by someone in the presence of the accused.

424. Leading questions are not to be put to a witness, but greater latitude is permitted on cross-examination or in the case of an unwilling witness.

425. Witnesses are examined in the presence of all the parties or their designated representatives.

426. Any party in a case has a right to object to a witness, and the court decides the validity of the objection.

427. In order to refresh his/her memory, a witness may refer to writings and notes made by himself/herself, provided they were not primarily made to be used when giving evidence and provided the witness does not read directly from his/her notes.

428. Church courts are to be very careful in weighing the credibility of witnesses. The credibility of a witness may be affected by the relationship of the witness to one of the parties; by interest in the result of the trial; by mental capacity; or by other consideration(s) relating to character or circumstance.

429. No witness can be required or obliged to incriminate himself/herself.

430. Husband and wife, parent and child may testify as witnesses but may not be compelled to give evidence for or against each other.

431. Even if a witness is a member of the court, a witness is excluded from proceedings while other witnesses are under examination, unless the exclusion of such a witness would impair the administration of justice by the court.

432. Members of the court who are witnesses in a proceeding may not vote when the court renders its decision unless the court determines otherwise.

### Basis for decision

433. Courts are to be guided by the standard of the balance of probabilities as, during deliberation, they assess all of the evidence together. To establish a decision based on the balance of probabilities, a court must be able to say that the existence of the contested facts is more probable than their non-existence. The more serious the alleged offence and possible penalty at issue, the more rigorous and exacting the evidence of guilt must be.

433.1 In deciding all cases, the matter under consideration must be established on the balance of probabilities by a majority vote.

## Judicial Process

433.2 As the degree of the seriousness of the issue in a disciplinary case increases, courts are directed to scrutinize the evidence with a similarly increasing degree of seriousness.

### Restoration

434. Pastoral care is to be extended to all who are the subjects of church censure, in order to seek repentance and reconciliation.

435. A person who is under suspension from all or some of the privileges of church membership, or has been suspended or deposed from office continues to be a member of the church and should continue to give diligent attendance to the available means of grace.

436. When the court that imposed the censure is satisfied with the penitence of the offender, or when the time of suspension has expired (if no new allegation has arisen), the censure is removed, and he/she is restored. This restoration is accompanied with private and pastoral admonition that shall not be of the nature of further church censure. Restoration to privileges may take place without restoration to office.

437. Since one purpose of the church's discipline is the spiritual good and reclamation of those who offend, when that purpose has been attained, restoration to privileges is the duty of church courts.

438. If the censure was public, the restoration is also public; in other cases, it should be private.

439. When anyone who has been suspended desires to be restored, he/she applies to the session or presbytery under whose care he/she is. The court, if satisfied with his/her penitence and intention and desire to live a consistent Christian life, removes the censure and re-admits the individual to the privileges of church membership, subject to the provisions in sections 440 to 443.

440. Where suspension has been imposed by another session or presbytery, restoration should not take place without the approval of the court that pronounced suspension. In order to do this, the court applying for restoration should furnish the evidence it has of the contrition of the offender to the court that suspended him/her and ask its consent.

441. Ministers who have been deposed from their office may have their names placed on the roll of a congregation by a session if leave has been granted by the presbytery, but they can be restored to office only by the presbytery after leave has been granted by the General Assembly. That leave should not be granted until there is good reason to believe that the scandal is over and that the restoration of the applicant will promote the honour of Christ's Church. (see sections 252, 373 and 375)

442. Elders who have been deposed can only be restored to their office with the agreement of the presbytery.

442.1 If the deposition was by a higher court, then restoration must be by authority of that court.

443. Failure to appear for a disciplinary trial, or to observe terms of censure, once imposed, shall prevent restoration to the fellowship of the church until such an individual submits to discipline, and, subject to the right to provide an acceptable explanation for the failure, acknowledges the additional offence of which they have been guilty.

## **STANDARDS AND SUBSCRIPTION**





## STANDARDS AND SUBSCRIPTION

### BASIS OF UNION (1875)

444. On Tuesday, June 15, 1875, the General Assembly of the Canada Presbyterian Church, the Synod of the Presbyterian Church of Canada in connection with the Church of Scotland, the Synod of the Presbyterian Church of the Lower Provinces, and the Synod of the Presbyterian Church of the Maritime Provinces in connection with the Church of Scotland, met according to appointment for the purpose of consummating the union of their respective churches, agreeably to articles of union previously adopted by them. Such articles consisted of a Preamble, Basis and accompanying Resolutions. Of these, the Basis of Union is as follows:

444.1 The Scriptures of the Old and New Testaments, being the Word of God, are the only infallible rule of faith and manners;

444.2 The Westminster Confession of Faith shall form the subordinate standard of this church; the Larger and the Shorter Catechisms shall be adopted by the church and appointed to be used for the instruction of the people; it being distinctly understood that nothing contained in the aforesaid Confession or Catechisms, regarding the power and duty of the civil magistrate, shall be held to sanction any principles or views inconsistent with full liberty of conscience in matters of religion; (Declaratory Act: A&P 2001, p. 239, 41)

444.3 The government and worship of this church shall be in accordance with the recognized principles and practice of Presbyterian Churches, as laid down generally in the “Form of Presbyterian Church Government” and in “The Directory for the Public Worship of God”.

445. The following resolutions have been adopted by General Assemblies.

445.1 In 1889 – “Subscription of the formula shall be so understood as to allow liberty of opinion in respect to the proposition, ‘A man (sic) may not marry any of his wife’s kindred nearer in blood that he may of his own.’” (West. Conf., Chap. XXIV, section 4)

445.2 In 1955 – “Declaration of Faith Concerning Church and Nation” (see Appendix E).

445.3 In 1998 Living Faith (Foi Vivante 2nd ed.) was approved as a subordinate standard.

### FORMULA TO BE SIGNED AT ORDINATION, INDUCTION, RECEPTION OR RECOGNITION OF MINISTER

446. I, {name}, do by my signature testify my adherence to those things declared and required to be accepted in the preamble and questions at the ordination of a minister.

### FORMULA TO BE SIGNED AT DESIGNATION OR INSTALLATION OF A MEMBER OF THE ORDER OF DIACONAL MINISTRIES

446.1. I, {name}, do by my signature testify my adherence to those things declared and required to be accepted in the preamble and questions at the designation to membership in the Order of Diaconal Ministries.

## Standards and Subscription

### QUESTIONS TO BE PUT TO A MINISTER AT ORDINATION OR INDUCTION

447. Preamble and Ordination Questions: (A&P 1992, p. 272 and A&P 1998, p. 42)

All ministries of the church proceed from and are sustained by the ministry of the Lord Jesus Christ. He is our Prophet, Priest and King, the Minister of the covenant of grace. By the operation of God's Word and Spirit the church is gathered, equipped, and sent out to participate in this ministry. All members of the church are called to share the Gospel with the world, and to offer to the Father the worship and service that are due to the Creator from the creation, through Christ, the only Mediator, until he comes again. That the church may be continually renewed and nurtured for ministry, Christ furnishes the church with pastors and teachers. He requires and enables the church to discern and to confirm by ordination those whom he calls to his pastoral and teaching office. The standards of his church he entrusts in a special degree of responsibility to their care.

The Presbyterian Church in Canada is bound only to Jesus Christ, the Church's King and Head. The Scriptures of the Old and New Testaments, as the written Word of God, testifying to Christ the living Word, are the canon of all doctrine, by which Christ rules our faith and life. We acknowledge our historic continuity with the Holy Catholic Church and our doctrinal heritage in the ecumenical creeds, and the confessions of the Reformation. Our subordinate standards are the Westminster Confession of Faith as adopted in 1875 and 1889, the Declaration of Faith concerning Church and Nation of 1954, Living Faith (Foi Vivante) as adopted in 1998, and such doctrine as the church, in obedience to Scripture and under the promised guidance of the Holy Spirit, may yet confess in the church's continuing function of reformulating the faith.

All these things you have examined and are ready to accept. Being assured of your faith in Christ and your love for people, the presbytery is prepared to ordain you in the name of the Triune God to the ministry of Word and Sacraments. That your faith may appear in the presence of God and the people of God, we now ask you the appointed questions in terms of this preamble:

447.1 Do you believe in God the Father, made known in his Son Jesus Christ our Lord, to whom the Holy Spirit witnesses in the Scriptures of the Old and New Testaments?

447.2 Do you accept the subordinate standards of this church, promising to uphold its doctrine under the continual illumination and correction of the Holy Spirit speaking in the Scriptures?

447.3 Do you accept the government of this church by sessions, presbyteries, synods and General Assemblies, and do you promise to share in and submit yourself to all lawful oversight therein, and to follow no divisive course but to seek the peace and unity of Christ among your people and throughout the Holy Catholic Church?

447.4 Do you promise in the strength and grace of the Lord Jesus Christ to conduct yourself in your private and public life as becomes his gospel, and do you give yourself diligently and cheerfully to the service of Christ's word, sacraments and discipline, for the furtherance of his reconciling mission in the world?

### QUESTIONS TO BE PUT TO MISSIONARIES AT ORDINATION

448. Same as section 447.

## Standards and Subscription

### QUESTIONS TO BE PUT TO ELDERS BEFORE ORDINATION OR ADMISSION

449. All ministries of the church proceed from and are sustained by the ministry of the Lord Jesus Christ. He is our Prophet, Priest and King, the Minister of the covenant of grace. By the operation of God's Word and Spirit, the church is gathered, equipped, and sent out to participate in this ministry. All members of the church are called to share the Gospel with the world, and to offer to the Father the worship and service that are due to the Creator from the creation, through Christ, the only Mediator, until he comes again. That the church may be continually renewed and nurtured for ministry, Christ furnishes the church with officers, among whom are ruling elders.

The Form of Presbyterian Church Government of the Westminster Assembly reminds us that Christ has furnished some in the church, beside Ministers of the Word, with gifts for government and with commission to execute the same, when called thereunto, who are to join with the minister in the government of the church, which officers Reformed churches commonly call elders.

The Presbyterian Church in Canada is bound only to Jesus Christ, the Church's King and Head. The Scriptures of the Old and New Testaments, as the written Word of God, testifying to Christ the living Word, are the canon of all doctrine, by which Christ rules our faith and life. We acknowledge our historic continuity with the Holy Catholic Church and our doctrinal heritage in the ecumenical creeds, and the confessions of the Reformation. Our subordinate standards are the Westminster Confession of Faith as adopted in 1875 and 1889, the Declaration of Faith Concerning Church and Nation of 1954, Living Faith (Foi Vivante) as adopted in 1998, and such doctrine as the church, in obedience to Scripture and under the promised guidance of the Holy Spirit, may yet confess in the church's continuing function of reformulating the faith.

That your faith in God and your integrity of purpose may be declared before God and all people, you are required in terms of this preamble to answer the questions appointed for all who would enter the office of ruling elder.

449.1 Do you believe in God the Father, made known in his Son Jesus Christ our Lord, to whom the Holy Spirit witnesses in the Scriptures of the Old and New Testaments?

449.2 Do you accept the subordinate standards of this church, promising to uphold its doctrine under the continual illumination and correction of the Holy Spirit speaking in the Scriptures and to be guided thereby in fostering Christian belief, worship and service among the people?

449.3 Do you accept the government of this church by sessions, presbyteries, synods and General Assemblies, and do you promise to share in and submit yourself in all lawful oversight therein, and to follow no divisive course but to seek the peace and unity of Christ among your people and throughout the Holy Catholic Church?

449.4 In accepting the office of Elder, do you promise to perform your duties in the grace of the Lord Jesus Christ, striving to build up the church and to strengthen the church's mission in the world?

### QUESTIONS TO BE PUT TO DEACONS BEFORE ORDINATION

450. All ministries of the church proceed from and are sustained by the ministry of the Lord Jesus Christ. He is our Prophet, Priest and King, the Minister of the covenant of grace. By the operation of God's Word and Spirit, the church is gathered, equipped, and sent out to participate in this ministry. All members of the church are called to share the Gospel with the world, and to offer to the Father the worship and service that

## Standards and Subscription

are due to the Creator from the creation, through Christ, the only Mediator, until he comes again. That the church may be continually renewed and nurtured for ministry, Christ furnishes the church with officers, among whom are ruling elders.

The form of Presbyterian Church Government of the Westminster Assembly recognized the office of deacon as an ordinary and perpetual function in the church to which belongs the responsibility "to take special care in distributing to the necessities of the poor".

The Presbyterian Church in Canada is bound only to Jesus Christ, the Church's King and Head. The Scriptures of the Old and New Testaments, as the written Word of God, testifying to Christ the living Word, are the canon of all doctrine, by which Christ rules our faith and life. We acknowledge our historic continuity with the Holy Catholic Church and our doctrinal heritage in the ecumenical creeds, and the confessions of the Reformation. Our subordinate standards are the Westminster Confession of Faith as adopted in 1875 and 1889, the Declaration of Faith Concerning Church and Nation of 1954, Living Faith (Foi Vivante) as adopted in 1998, and such doctrine as the church, in obedience to scripture and under the promised guidance of the Holy Spirit, may yet confess in the church's continuing function of reformulating the faith.

To the end that your faith in God and your integrity of purpose may be declared before God and all people, you are required in terms of this preamble to answer the questions appointed for those to be ordained as deacons:

450.1 Do you believe in God the Father, made known in his Son Jesus Christ our Lord, to whom the Holy Spirit witnesses in the Scriptures of the Old and New Testaments?

450.2 Do you accept the subordinate standards of this church, and do you promise to be guided thereby in promoting ministries of compassion and service in the world?

450.3 Do you accept the government of this church by sessions, presbyteries, synods and General Assemblies, and do you promise to submit yourself to the lawful oversight of these courts, and to follow no divisive course but to seek the peace and unity of Christ among your people and throughout the Holy Catholic Church?

450.4 In accepting the office of deacon, do you promise to serve as a good steward of the grace of the Lord Jesus Christ, striving to strengthen the church's ministries of compassion and its mission in the world?

### QUESTIONS TO BE PUT AT SERVICE OF DESIGNATION TO THE ORDER OF DIACONAL MINISTRIES OR OF INSTALLATION TO OFFICE

451. The Presbyterian Church in Canada is bound only to Jesus Christ, the Church's King and Head. The Scriptures of the Old and New Testaments, as the written Word of God, testifying to Christ the living Word, are the canon of all doctrine, by which Christ rules our faith and life. We acknowledge our historic continuity with the Holy Catholic Church and our doctrinal heritage in the ecumenical creeds and the confessions of the Reformation. Our subordinate standards are the Westminster Confession of Faith, as adopted in 1875 and 1889, the Declaration of Faith concerning Church and Nation of 1954, Living Faith (Foi Vivante) as adopted in 1998, and such doctrine as the church, in obedience to Scripture and under the promised guidance of the Holy Spirit, may yet confess in the church's function of re-formulating the faith.

The church is one. It is one family under God whose purpose is to unite all people in Jesus Christ. The church is holy. It is set apart by God through the Holy Spirit to be a

## Standards and Subscription

chosen people in the world. The church is catholic. It is universal, including all people of all time who affirm the Christian Faith. The church is apostolic. It is founded on Christ and the apostles and is in continuity with their teachings. The church is in constant need of reform because of the failure and sin that mark its life in every age. The church is present when the Word is truly preached, the sacraments rightly administered, and as it orders its life according to the word of God.

Through the church God orders this ministry by calling some to special tasks in the equipping of the saints for the work of ministry, for building up the body of Christ. Specialized ministries are recognized as through the designation of men and women to the Order of Diaconal Ministries. Those designated to the Order of Diaconal Ministries join with the ordained and the laity to enable the whole people of God to participate in the reconciling ministry of Jesus Christ.

God has called you by the voice of the church to serve Jesus Christ. You know who we are and what we believe, and you understand the work for which you have been chosen. Being assured of your faith in Christ and your love for people, the presbytery is prepared to designate you in the name of the Triune God, to the Order of Diaconal Ministries of The Presbyterian Church in Canada. We now ask you to declare your faith in the presence of God and the people of God.

451.1 Do you believe in God, the Father, made known in his son, Jesus Christ our Lord, to whom the Holy Spirit witnesses in the Scriptures of the Old and New Testaments?

451.2 Do you accept the subordinate standards of this church, promising to uphold its doctrine under the continual illumination and correction of the Holy Spirit speaking in the Scriptures, and to be guided by them as you lead the people of God.

451.3 Do you accept the government of this church by sessions, presbyteries, synods and General Assemblies, and do you promise to share in and submit yourself to all lawful oversight therein, and to follow no divisive course but to seek the peace and unity of Christ among your people and throughout the Holy Catholic Church?

451.4 Do you promise, in the strength and grace of the Lord, Jesus Christ, to govern the way you live as becomes the gospel, and do you promise to serve the people with compassion, energy, intelligence, imagination and love for the furtherance of God's reconciling mission in the world?



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## APPENDIX A

|               |     |   |                                     |
|---------------|-----|---|-------------------------------------|
| <b>Codes:</b> | ( ) | = | alternative text                    |
|               | [ ] | = | instructions                        |
|               | { } | = | specific information to be inserted |

### FORM OF MINUTES AND EXTRACTS

#### A-1 Form of session minutes

The session met this day by citation from the pulpit, (or, by personal citation, or, pursuant to adjournment) and was constituted with prayer. Attendance: {name}, minister, moderator; {names}, elders.

The minutes of the last meeting were read, (amended) and sustained.

{Name} was elected to represent the session at all meetings of the Presbytery of {name of court} and of the Synod of {name of court} during the current year from {month} to {month} (or, other business).

The meeting was closed with prayer.

{Place and date}  
[Signature], Moderator  
[Signature], Clerk of Session

#### A-2 Form of minute in referring an ordinary case to the presbytery

The session, regarding the question involved in this matter as one of considerable difficulty, hereby refers the whole case to the Presbytery of {name of court} for advice, and, at the same time, intimates to the parties that they are hereby summoned to that presbytery at their next ordinary meeting.

#### A-3 Form of minutes of an ordinary meeting of presbytery

Which day the Presbytery of {name of court} met and was constituted, with prayer. Attendance: {name}, moderator; {names}, ministers; {names}, members of the Order of Diaconal Ministries; and {names}, elders.

The minutes of last meeting were read (corrected) and sustained.

[Specify the several items of business transacted.]

The presbytery appoints its next meeting to be held at {place}, the {date} day of {month} in the year {year}, which having been publicly intimated, this meeting was closed with prayer.

{Place and date}  
[Signature], Moderator  
[Signature], Clerk of Presbytery

#### A-4 Form of minute of an emergent meeting of presbytery

Which day the Presbytery of {name of court} met in consequence of a circular letter transmitted to the members by the moderator, the tenor whereof follows: [insert synopsis of letter] and was constituted, with prayer. Attendance: {name}, moderator; {names}, ministers; {names}, members of the Order of Diaconal Ministries {names}, and elders.

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It was moved, seconded and unanimously agreed that the presbytery approve of the action of the moderator in calling the meeting to consider the urgent business specified in the circular letter.

[The business of the meeting then follows.]

The meeting was closed with prayer.

{Place and date}  
[Signature], Moderator  
[Signature], Clerk of Presbytery

### **A-5 Form of minute regarding return to a remit from the General Assembly under the Barrier Act**

[This must be sent as an extract, each return on a separate sheet of paper, as follows:]

At {place} the {date} day of {month} in the year {year}:

Which day the Presbytery of {name of court} met and was constituted, with prayer. Among other matters addressed, the presbytery took into consideration the remit transmitted by the last General Assembly in the following terms: [insert the text of the remit]; and the presbytery hereby approves of the same (or, the presbytery disapproves of the same).

Extracted from the records of the Presbytery of {name of court} by {name of clerk}.

[Signature], Clerk of Presbytery

### **A-6 Form of minute regarding return to a referral from the Assembly**

At {place} the {date} day of {month} in the year {year}:

Which day the Presbytery of {name of court} met and was constituted, with prayer. Among other matters addressed, the presbytery took into consideration the referral of last General Assembly on the subject of {name of subject}, and the presbytery finds that {whatever the presbytery's opinion may be, and however qualified}.

Extracted from the records of the Presbytery of {name of court} by {name of clerk}.

[Signature], Clerk of Presbytery

### **A-7 Minute of an overture transmitted by a presbytery**

[This must be transmitted in the form of an extract, as follows:]

At {place}, the {date} day of {month} in the year {year}:

Which day the Presbytery of {name of court} met and was constituted with prayer. Among other matters addressed, the presbytery agreed to transmit the following overture to the General Assembly:

To the Venerable the General Assembly:

Whereas, etc., etc.

Therefore, the Presbytery of {name of court} humbly overtures the Venerable, the {ordinal number} General Assembly, to [insert the prayer of the overture], or to do otherwise as the General Assembly, in its wisdom, deems best.

(The presbytery further agreed to request that the overture be referred to [insert name of agency, board or committee, subject to section 80.1]).

Extracted from the records of the Presbytery of {name of court} by {name of clerk}.

[Signature], Clerk of Presbytery

## Appendix A

### CERTIFICATES AND EDICTS

#### A-8 Certificate of transfer for professing member

This certifies that {name} leaves the congregation of {name of congregation} as a professing member of The Presbyterian Church in Canada and is commended to the care of the congregation to which this certificate is presented.

{Place and date}  
[Signature], Moderator  
[Signature], Clerk of Session

There are {number} children in the family of {name}. [insert names of the children and date of baptism]

#### A-9 Certificate of persons removed from professing membership by session

This certifies that the bearer, {name}, was at one time a professing member of The Presbyterian Church in Canada, connected with the congregation of {name of congregation}, and that his/her name was removed from the roll of members on or about {date}. [The reason may, if the session sees fit, be given more or less fully, but it should be in the form of a simple historical statement of the dealings of the session].

{Place and date}  
[Signature], Moderator  
[Signature], Clerk of Session

#### A-10 Commission for elder

This certifies that {name}, is an elder of the congregation of {name of congregation}, and that at a meeting of the session held at {place} on the {date} day of {month} in the year {year}, he/she was appointed to represent the session at the meetings of the Presbytery of {name of court} and the Synod of the bounds.

{Place and date}  
[Signature], Moderator  
[Signature], Clerk of Session

#### A-11 Edict for ordination/admission of elders or deacons

Whereas {names}, members of this church, have been duly elected to the eldership (deacons) by this congregation, and have been approved by the session, notice is hereby given that the session will proceed to ordain them [when those elected consist of some previously ordained, instead of "to ordain them" read "to admit {names}"] to that office on the {date} day of {month} in the year {year}, at {time} o'clock (am/pm), unless some valid objection has been given unto the moderator within ten days from this date.

{Place and date}  
[Signature], Clerk of Session

#### A-12 Certificate of transfer for a minister or member of the Order of Diaconal Ministries

This certifies that {name}, lately minister [or insert name of diaconal ministry position] at {place}, in the Presbytery of {name of court}, is a minister (member of the Order of Diaconal Ministries) of The Presbyterian Church in Canada, in good and regular standing. He/She is hereby, at his/her own request, transferred to the care of the Presbytery of {name of court} and commended to the confidence of the court.

Given this {date} day of {month} in the year {year}, by order of presbytery.

{Place}  
[Signature], Clerk of Presbytery

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### A-13 Certificate of transfer for a certified candidate for ordination

This certifies that {name}, who on {date} was certified as a candidate for ordination by the Presbytery of {name of court}, The Presbyterian Church in Canada, is in good and regular standing. He/She is hereby, at his/her own request, transferred to the care of the Presbytery of {name of court} and commended to the confidence of the court.

Given this {date} day of {month} in the year {year}, by order of presbytery.

{Place}  
[Signature], Clerk of Presbytery

### A-14 Letter of demission for a minister, member of the Order of Diaconal Ministries or certified candidate for ordination

This certifies that (Dr., Mr., Mrs., Ms. or Miss) {name} was ordained as a minister (designated as a member of the Order of Diaconal Ministries, or certified as a candidate for ordination) by the Presbytery of {name of court} in The Presbyterian Church in Canada on the {date} day of {month} in the year {year}, and he/she has of this date, at his/her own request, been granted demission from office in the holy catholic Church.

Given this {date} day of {month} in the year {year}, by order of presbytery.

{Place}  
[Signature], Clerk of Presbytery

### A-15 Letter of standing for a minister, member of the Order of Diaconal Ministries, or a certified candidate for ordination

This certifies that (Dr., Mr., Mrs., Ms., or Miss) {name} was ordained as a minister (designated as a member of the Order of Diaconal Ministries, or approved as a certified candidate for ordination) by the Presbytery of {name of court} in The Presbyterian Church in Canada on the {date} day of {month} in the year {year}, and that he/she is at this date in good and regular standing as a minister (member of the Order of Diaconal Ministries, or certified candidate for ordination) of the church.

Given this {date} day of {month} in the year {year}, by order of the presbytery, and attention is called to section 251 of the Book of Forms of The Presbyterian Church in Canada whereby he/she while being certified on this date as being in good and regular standing, ceases to be a minister (member of the Order of Diaconal Ministries, or certified candidate for ordination) of The Presbyterian Church in Canada.

{Place}  
[Signature], Clerk of Presbytery

### A-16 Historical certificate for a minister

This certifies that {name} was ordained to the ministry of Word and Sacraments within The Presbyterian Church in Canada and is on this date in good and regular standing. By action of the Presbytery of {name of court} her/his name has been removed from the appendix to the roll since she/he [insert reasons for removal given], and she/he, therefore, ceases to be a minister under the supervision of The Presbyterian Church in Canada.

{Place and date}  
[Signature], Clerk of Presbytery

### A-17 Edict of ordination and induction (Word and Sacraments)

The Presbytery of {name of court}, having completed the necessary steps for the ordination and induction of {name}, called to be minister of this congregation (pastoral charge), notice is hereby given that the said presbytery will meet in {place of meeting}

## Appendix A

on the {date} day of {month} in the year {year}, at {time} o'clock (am/pm), for the purpose of ordaining the said {name} to the Holy ministry, and inducting him/her into the pastoral charge of the said congregation, and notice is hereby given to all concerned that if any of them have any objection to offer to the life or doctrine of the said {name of person called}, they may repair to the presbytery, which is to meet at the time and place aforesaid, with certification that if no valid objection be then made, the presbytery shall proceed without further delay.

By order of the presbytery of {name of court}.

{Place and date}  
[Signature], Clerk of Presbytery

### **A-18 Edict of designation and installation** (Order of Diaconal Ministries)

The Presbytery of {name of court}, having completed the necessary steps for the designation and installation of {name}, called to the position of {name of position} in this congregation (pastoral charge), notice is hereby given that the said presbytery will meet in {place of meeting} on the {date} day of {month} in the year {year}, at {time} o'clock (am/pm), for the purpose of designating the said {name} to membership in the Order of Diaconal Ministries, and installing him/her as {name of position} of the said congregation, and notice is hereby given to all concerned that if any of them have any objection to offer to the life or doctrine of the said {person being called}, they may repair to the presbytery, which is to meet at the time and place aforesaid, with certification that if no valid objection be then made, the presbytery shall proceed without further delay.

By order of the presbytery of {name of court}.

{Place and date}  
[Signature], Clerk of Presbytery

### **A-19 Edict of induction** (Word and Sacraments)

The same as A-17, omitting the words "ordination and" and replacing the words "ordaining the said {name} to the Holy ministry and inducting him/her," with the words "inducting the said {name}".

### **A-20 Edict of installation** (Order of Diaconal Ministries)

The same as A-18, omitting the words "designation and" and replacing the words "designating the said {name} to membership in the Order of Diaconal Ministries, and installing him/her" with the words, "installing the said {name}".

### **A-21 Citation in case of translation** (Word and Sacraments)

A call from the congregation of {name of congregation} to {name}, minister of this congregation, having been laid before the Presbytery of {name of court}, the said presbytery has agreed to cite, and accordingly hereby cites, the session and congregation to appear at the meeting of the said presbytery by chosen representatives to be held at {place} on the {date} day of {month} in the year {year}, at {time} o'clock (am/pm), that they may give reasons, if they have any, why {person being called}'s translation should not be proceeded with, with certification that if no appearance be made, they shall be held as consenting to his/her translation. In order to facilitate this citation, the session is asked to appoint {number} representatives to attend and, when called upon, to speak to the presbytery.

{Place and date}  
[Signature], Clerk of Presbytery

### **A-22 Citation in case of translation** (Diaconal Ministries)

Use the same wording as A-21, replacing "minister of" with "{name of position} in".

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### A-23 Citation in case of resignation (Word and Sacraments)

{Name}, minister of this congregation, having laid his/her resignation before, etc., [as in A-21, substituting “resignation” for “translation”.]

### A-23a Citation in case of dissolution of a pastoral tie

In consequence of the decision of the Presbytery of {name of court}, adopted the {date} day of {month} in the year {year}, to consider dissolving the pastoral tie between the congregation of {name of congregation} and {name}, minister of this congregation, effective the {date} day of {month} in the year {year}, the said presbytery has agreed to cite, and accordingly hereby cites, the session and congregation to appear, by chosen representatives, at the meeting of the said presbytery to be held at {place} on the {date} day of {month} in the year {year}, at {time} o'clock (am/pm), that they may give reasons, if they have any, why the dissolution of the pastoral tie should not be proceeded with, with certification that if no appearance be made, they shall be held as consenting to the decision of the court. In order to facilitate this citation, the session is asked to appoint {number} representatives to attend and, when called upon, to speak to the presbytery.

### A-24 Citation in case of resignation (Diaconal Ministries)

{Name}, {name of position} in this congregation, having laid his/her resignation before, etc., [as in A-21, substituting “resignation” for “translation”.]

### A-25 Intimation declaring a charge vacant

In consequence of the translation (resignation, death or deposition) of {name}, formerly minister of this pastoral charge, the Presbytery of {name of court} hereby intimates and declares the charge to be vacant and calls upon all parties concerned to proceed, according to the laws and practice of the church, to the obtaining of a minister to fill the vacancy. [Insert conditions that must be fulfilled before proceeding to fill the vacancy.]

{Place and date}  
[Signature], Clerk of Presbytery

### A-26 Notice of moderation in a call

In the name and by appointment of the Presbytery of {name of court} and in answer to a petition of the congregation of {name of congregation}, a meeting will be held in {place of meeting}, on {day} the {date} day of {month} in the year {year}, at {time} o'clock, (am/pm), for the purpose of moderating in a call to a minister (member of the Order of Diaconal Ministries).

{Place and date}  
[Signature], Clerk of Presbytery

## FORMS FOR USE IN CONNECTION WITH A CALL

### A-27 Petition to moderate in a call to a minister

To the Reverend the Presbytery of {name of court}:

Your petitioners, of the congregation of {name of congregation}, respectfully request your Reverend Court to take steps to moderate in a call: and we do hereby assure you that a guarantee for the payment of an annual stipend amounting to {amount} dollars, will be ready on the day of moderation.

{Place and date}  
[Signature], Convener of the meeting  
[Signature], Secretary of the meeting

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### A-28 **Petition to moderate in a call to a member of the Order of Diaconal Ministries**

Use wording similar to A-27.

### A-29 **Call to a minister of Word and Sacraments and guarantee to presbytery of stipend**

We, the professing members of {name of congregation}, being well satisfied with your faithfulness to the Gospel and your qualifications for the ministry of Word and Sacraments and confident that the Holy Spirit has led us to you, earnestly and solemnly call you {name of candidate} to become the minister (or lead minister, associate minister, assistant minister) of this congregation [For part-time calls, indicate the percentage time with {at x% time}]. In calling you we promise you all due respect, encouragement, and allegiance in the Lord as, together, we seek to use our gifts in the church and in the world to the glory of God.

In order that you {name of person being called} may be free to devote yourself to ministry of Word and Sacraments among us, we the congregation of {name of congregation} hereby guarantee to the Presbytery of {name of court}, of The Presbyterian Church in Canada, that out of our estimated annual revenue of {amount in words} we promise and obligate ourselves to provide you, as a first charge thereon, the following annually:

#### Annual Stipend

|   |          |
|---|----------|
| Option A (inclusive of travel allowance)                    | \$ _____ |
| Option B (exclusive of travel allowance)                    | \$ _____ |
| with travel reimbursed at \$____/km up to annual maximum of | \$ _____ |
| Manse (or Housing/Rental allowance)                         | \$ _____ |

Total

\$ \_\_\_\_\_

Cost of utilities

We agree to make payments of the above amounts on the first day of each month [if the minister and the session agree on an alternative payment schedule, amend this statement accordingly,] and agree to review the stipend and allowances annually in view of any changes in the cost of living or the needs of our minister.

We agree further:

1. To provide two weeks for continuing education annually and at least the minimum allowance as set by the General Assembly.
2. That the benefits of number 1 above shall be cumulative up to five years.
3. To provide five weeks holiday annually.
4. To pay supply during the periods of continuing education and holidays.
5. In case of disability or extended illness, to continue to provide stipend, accommodation and allowances for a period not less than that set by the General Assembly, and to pay the cost of pulpit supply.
6. To pay for Medical and Dental Insurance as provided through the Pension and Benefits Board of the General Assembly and to make contributions to the Pension Plan in compliance with the terms of the plan.
7. To pay necessary moving expenses.
8. Optional (such as book allowance, entertainment allowance, internet, cell phone, etc).

{Place and date}

[Signature], Presiding Minister

[Signature], Meeting Secretary

### A-30 **Call to a member of the Order of Diaconal Ministries and guarantee to presbytery of stipend**

We, the professing members of {name of congregation}, being well satisfied with your faithfulness to the Gospel and your qualifications as a member of the Order of Diaconal Ministries, and being confident that the Holy Spirit has led us to you, hereby

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earnestly and solemnly call you {name of person being called} to undertake the office of {name of position} among us [For part-time calls, indicate the percentage time with {at x% time}]. In calling you we promise you all due respect, encouragement, and allegiance in the Lord as, together, we seek to use our gifts in the church and in the world to the glory of God.

In order that you {name of person being called} may be free to devote yourself to ministry among us, we the congregation of {name of congregation} hereby guarantee to the Presbytery of {name of court}, of The Presbyterian Church in Canada, that out of our estimated annual revenue of {amount in words} we promise and obligate ourselves to provide you, as a first charge thereon, the following annually:

|   |         |
|---|---------|
| Annual Stipend  |         |
| Option A (inclusive of travel allowance)                    | \$ ____ |
| Option B (exclusive of travel allowance)                    | \$ ____ |
| with travel reimbursed at \$____/km up to annual maximum of | \$ ____ |
| Manse (or Housing/Rental allowance)                         | \$ ____ |
| Total   | \$ ____ |
| Cost of utilities   |         |

We agree to make payments of the above amounts on the first day of each month [if the member and the session agree on an alternative payment schedule, amend this statement accordingly,] and agree to review the stipend and allowances annually in view of any changes in the cost of living or the needs of our minister.

We agree further:

1. To provide two weeks for continuing education annually and at least the minimum allowance as set by the General Assembly.
2. That the benefits of number 1 above shall be cumulative up to five years.
3. To provide five weeks holiday annually.
4. To pay for any special assistance required by the congregation during the periods of continuing education and holidays.
5. In case of disability or extended illness, to continue to provide stipend, accommodation and allowances for a period not less than that set by the General Assembly, and to pay the cost of any special assistance required by the congregation.
6. To pay for Medical and Dental Insurance as provided through the Pension and Benefits Board of the General Assembly and to make contributions to the Pension Plan in compliance with the terms of the plan.
7. To pay necessary moving expenses.
8. Optional (such as book allowance, entertainment allowance, internet, cell phone, etc.)

{Place and date}  
[Signature], Presiding Minister  
[Signature], Meeting Secretary

**A-31** Deleted 2011

**A-32** Deleted 2011

### **A-33 Minute form of presbytery granting permission to a grant-receiving congregation to engage in the call process**

We, the Presbytery of {name of court}, hereby give permission to the pastoral charge of {name} to proceed to a call to a minister at the General Assembly minimum stipend rate, being at present {amount in words} dollars {amount in figures}. Of this amount, the congregation, in light of its grant-receiving status, is able to guarantee from its own funds the amounts of {amount in words} dollars {amount in figures}. Therefore, the presbytery guarantees the difference between the congregational portion and the General Assembly minimum should aid-receiving grants fail to materialize.



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**A-34** Deleted 2011

**A-35 Attestation of call by officiating minister**

I hereby certify that in pursuance of appointment of the Presbytery of {name of court}, this call has been moderated in, and that out of a total number of {number} professing members, {number} have themselves subscribed and {number} have requested an elder to subscribe to same.

{Place and date}  
[Signature], Minister officiating

**A-36 Concurrence in call**

We, the subscribers, adherents of the congregation of {name of congregation}, hereby express our concurrence in the call to {name}.

[The names follow]

**A-37 Attestation by elder re those who signed the call**

I hereby certify that {number} professing members belonging to the congregation of {name of congregation} have in my presence subscribed to the call in favour of {name}.

{Place and date}  
[Signature], Elder

**A-38 Attestation by elder re those who requested him/her to sign call on their behalf**

I hereby certify that {number} professing members belonging to the congregation of {name of congregation} have requested me to subscribe their names to the call in favour of {name of person called}.

{Place and date}  
[Signature], Elder

**A-39 Attestation of concurrence by officiating minister**

I hereby certify that {number} adherents of the congregation of {name of congregation} have this day signed this concurrence to the call in favour of {name of person being called}.

{Place and date}  
[Signature], Minister officiating

**A-40 Attestation by elder re signatures of adherents concurring to call**

I hereby certify that {number} adherents of the congregation of {name of congregation} have in my presence subscribed to the concurrence in the call in favour of {name}.

{Place and date}  
[Signature], Elder

**A-41 Attestation by elder re adherents who requested him/her to sign indicating their concurrence to the call**

I hereby certify that {number} adherents of the congregation of {name of congregation} have requested me to subscribe their names to the concurrence in the call in favour of {name}.

{Place and date}  
[Signature], Elder

## Appendix A

### JUDICIAL PROCESS

#### FORM OF MINUTES RE NON-DISCIPLINARY CASES

**A-42 Form of minute when a complaint is made in a non-disciplinary case against a member(s) of the church**

The session, having received a written complaint on a matter affecting the life and work of the congregation, appointed an investigating committee, with the following terms of reference [insert terms of reference], in order to ascertain the validity of the complaint and to provide an opportunity for resolution. [see section 326]

**A-43 Form of minute when report re A-42 is given**

The investigating committee appointed by session on {date}, and having met with the parties individually and jointly, reported the following for consideration by session: [insert committee's recommendation as per section 326]

**A-44 Form of minute when a complaint is made in a non-disciplinary case against a minister of Word and Sacraments or a member of the Order of Diaconal Ministries**

The session, having received a written complaint against {name}, minister of this congregation, (or, name of diaconal position) took note of this complaint and is forwarding it, as required, to the presbytery for adjudication. [see section 330]

**A-45 Form of minute when a session refuses to forward a complaint against a minister or member of the Order of Diaconal Ministries**

The session, having received a written complaint against {name}, minister of this congregation, (or, name of diaconal position) agreed not to forward the complaint to presbytery since the complainant has failed to demonstrate an attempt to resolve the matter privately (or, a copy of the complaint was not provided to the one complained against and affected parties, or, the complaint was not in proper form or respectful language), noting that the complainant has the right to challenge this decision on the basis of a corrective case and is given ten (10) days from this date to do so. [see sections 332 and 333]

**A-46 Form of minute when a complainant invokes a corrective case upon session's refusal to forward a complaint against a minister or member of the Order of Diaconal Ministries**

The session, having refused to forward a complaint against the minister, (or, member of the Order of Diaconal Ministries) for reasons given, received a complaint from {name} on this matter and will act upon this complaint in accordance with sections 385 to 385.3 and, if no resolution is found, will transmit the complaint and all relevant documents to the presbytery in accordance with section 386.

#### FORMS TO BE USED IN LAYING A COMPLAINT IN A NON-DISCIPLINARY CASE

**A-47 Form to be used in laying a complaint about matters affecting the life and work of the congregation**

To the moderator and other members of the session of {name of congregation},

I (we), the undersigned, are concerned that [insert summary of complaint].

We, therefore, ask you to take steps, consistent with the laws of the church, so that this matter may be resolved for the health and welfare of the congregation and to the glory of God.

[The names follow]

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### **A-48 Form to be used in laying a complaint against a minister of Word and Sacraments or member of the Order of Diaconal Ministries.**

To the Reverend, the Presbytery of {name court},

I (we), the undersigned, members of session (or, professing members or adherents) of the congregation {name of congregation}, are constrained by a sense of duty and a love for the health and welfare of the church to ask for your intervention to deal with a matter(s) that has arisen in respect to the actions of {name} and which, in our view, calls for your notice and interposition, inasmuch as [insert summary of complaint].

It appears to us that we have no remedy, except by requesting presbytery to deal with this matter. We, therefore, ask you to take this matter into your consideration, and to make such inquiry as to your wisdom may seem best.

[The names follow]

### FORM OF MINUTES RE DISCIPLINARY CASES

#### **A-49 Form of minute when an allegation of an offence is laid in a disciplinary case**

The court, having received an allegation of an offence under section 347, noting that it is in proper form, that it has been signed by the accuser(s), and that a copy of it has been provided to the alleged offender, resolved to appoint an investigating committee with clear terms of reference, to determine if the evidence available supports the laying of a charge or charges, and provide an opportunity for resolution. [insert terms of reference in minutes and see sections 352-353]

#### **A-50 Form of minute when an investigating committee reports in a disciplinary case**

The investigating committee in the matter of an offence alleged against {name}, reports its conclusion as follows: [insert recommendation as prescribed in section 353]

#### **A-51 Form of minute when a court has resolved to lay a charge in a disciplinary case**

The investigating committee in the matter of an offence alleged against {name}, concluded that a charge(s) needs to be laid. The court resolved to lay the charges and does so in the following terms: [insert charge(s)] (or, the court appointed a committee to frame the charge(s).) [see section 354]

#### **A-52 Form of minute when an appeal is filed in a disciplinary case**

The court, having received notice of appeal to its decision in the matter of the charge(s) against {name}, hereby transmits a description of the decision that the appeal alleges is incorrect, grounds for the appeal as prepared by the appellant as well as the appellant's list of witnesses, the remedy sought, and any requests for the suspension of the decision being appealed pending the outcome of the appeal. (see sections 396-396.2) A copy of the judicial record (see section 378.1) is also hereby transmitted.

#### **A-53 Specimen minutes when a court refuses to suspend its decision in the matter of a charge(s) laid in a disciplinary case**

With respect to the request for the suspension of the decision being appealed pending the outcome of the appeal in the matter of the charge(s) against {name}, the court, after prayerful and careful deliberation decided serious harm would likely result if the decision were to be suspended and for the following reasons: [insert reasons], noting that the appellant may bring this action to the attention of the higher court. [see section 397]

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### FORMS TO BE USED IN A DISCIPLINARY CASE

#### **A-54 Form of a charge**

In form, a charge must be prepared in writing and consists of a clear description of an alleged offence, accompanied by a summary of evidence and a list of witnesses to be called in support of the charge. The charge will include a statement of how the doctrine or practice of the accused is contrary to Scriptures or the Standards and Subscriptions of The Presbyterian Church in Canada. [see sections 354.1 and 444-451.4]

#### **A-55 A shorter form of a charge**

To {name of accused}, minister (or, a certified candidate for ordination or a member of the Order of Diaconal Ministries) at {name of congregation},

You are summoned by the Presbytery of {name of court}, to answer to the following charge, namely, that you, {name of accused}, did on the {date} day of {month} in the year {year}, [insert the offence charged], which conduct of yours was contrary to the Scriptures and/or the Standards and Subscriptions of The Presbyterian Church in Canada, and inconsistent with your position as a minister (or, a certified candidate for ordination or a member of the Order of Diaconal Ministries).

Signed in name and by appointment of the Presbytery of {name of court}, at {place} this {date} day of {month}.

[Signature], Clerk of Presbytery

### FORM OF MINUTES RE CORRECTIVE CASES

#### **A-56 Form of minute when a corrective case is initiated**

The court, having received a complaint on the basis of a corrective case, agreed that at its next regular meeting (or, a special meeting called for this purpose), it will review the complaint and will deal with this matter in accordance with sections 385-385.3.

#### **A-57 Specimen minutes when an appeal is launched in respect to a corrective case**

The court, having received an appeal concerning its action in respect to a corrective case [see section 386.1] launched by {name}, hereby resolves to transmit this appeal, along with relevant extract of minutes and documents, together with its answers to the complaint, to the higher court in accordance with section 386.

### FORM TO BE USED IN LAYING A COMPLAINT IN A CORRECTIVE CASE

#### **A-58 Form to be used in laying a complaint in a corrective case**

To {name of court},

I (we), the undersigned, hereby lodge a complaint against {name of court} for its decision in the following matter: [insert the decision, action or inaction for which redress is sought, reasons for seeking such redress, and a statement of the relief requested]

I (we), therefore, ask you to take such steps as will correct this matter and resolve it for the health and welfare of the church and the glory of God.

[The names follow]

## Appendix A

### CITATIONS TO BE USED IN JUDICIAL PROCESS

[See sections 406-415]

#### **A-59 Citation to a party accused**

To: {name of accused},

You are hereby required to appear before {name of court} at a meeting to be held {place of meeting} on the {date} day of {month} in the year {year}, at {time} o'clock (am/pm), to answer to a charge of [insert the charge] made against you by {name of accuser} (or, {name of court}). Accompanying this citation you will find a certified copy of the charge and a list of witnesses and documents to be produced in evidence. Please note that if no appearance is made at the time and place specified you will be cited once more with notice that if you do not appear, the court, besides dealing with you for contempt of court, may proceed with the case as if you were present. [see section 359]

[Signature], Clerk (or appointee(s) of church court)

#### **A-60 Citation of a congregation**

To the session of {name of congregation},

The congregation of {name of congregation} is hereby cited to appear by way of chosen representatives before {name of court} at a meeting to be held {place of meeting} on the {date} day of {month} in the year {year}, at {time} o'clock (am/pm), to respond to this citation. The session is hereby required to call a meeting of the congregation, after the required notice given before the congregation on at least one Sunday prior to this meeting, in order to appoint representatives to answer this citation. [see sections 413, 152]

[Signature], Clerk (or appointee(s) of church court)

#### **A-61 Citation of witnesses who are members of The Presbyterian Church in Canada**

To {name of witness},

You are hereby required, as a member of The Presbyterian Church in Canada, to attend a meeting of the {name of court} to be held within {place of meeting} at {name of community} on the {date} day of {month} in the year {year}, at {time} o'clock (am/pm), there and then to give evidence, as far as you know concerning a charge(s) of [state the charge briefly] against {name} [in a case, state the names of the parties].

[Signature], Clerk (or appointee(s) of church court)

#### **A-62 Citation of witnesses who are not members of The Presbyterian Church in Canada**

To {name of witness},

You are hereby invited to attend a meeting of the {name of court} to be held within {place of meeting} at {name of community} on the {date} day of {month} in the year {year}, at {time} o'clock (am/pm), there and provide evidence, as far as you know concerning a charge(s) of [state the charge briefly], against {name} [in a case, state the names of the parties].

[Signature], Clerk (or appointee(s) of church court)

#### **A-63 Certificate that a citation has been served**

I (we) served a citation and all relevant documents on {name of accused or parties} by delivering the same to him/her personally (or, leaving the same with an adult at his/her

## Appendix A

dwelling place) (or, sent to him/her by double registered letter) on the {date} day of {month} in the year {year}.

[Signature], Clerk (or appointee(s) of church court)

### FORM OF MINUTES RE CENSURE OR DEPRIVATION OF CERTIFICATION AS A CANDIDATE FOR ORDINATION

#### **A-64 Form of minute in case of deposition of a minister**

The presbytery having duly considered the charge served on {name of accused}, minister of {name of congregation}, on the {date} day of {month} in the year {year}, together with the proof adduced thereon, or together with his/her confession of his/her guilt, whereby he/she was found to have been guilty of {offence}, did by its vote depose the said {name of accused}. Therefore, in the name of the Lord Jesus Christ, the King and only Head of this church, and by virtue of the power and authority committed by him, the presbytery deposes the said {name of accused} from the office of the Holy ministry; prohibiting and discharging him/her to exercise the same, or any part thereof, in all time coming. The presbytery further declared the church and congregation of {name of congregation} to be vacant from this date.

Thereupon the presbytery engaged in prayer, {name} leading their devotions, after which the presiding minister pronounced the solemn sentence of deposition.

The presbytery further instructed their clerk to notify all the presbyteries of the church of this action.

#### **A-65 Form of minute in case of deposition of a member of the Order of Diaconal Ministries**

The presbytery having duly considered the charge served on {name of accused}, member of the Order of Diaconal Ministries, on the {date} day of {month} in the year {year}, together with the proof adduced thereon, or together with his/her confession of his/her guilt, whereby he/she was found to have been guilty of {offence}, did by its vote depose the said {name of accused}. Therefore, in the name of the Lord Jesus Christ, the King and only Head of this church, and by virtue of the power and authority committed by him, the presbytery deposes the said {name of accused} from membership in the Order of Diaconal Ministries; prohibiting and discharging him/her to exercise the same, or any part thereof, in all time coming.

Thereupon the presbytery engaged in prayer, {name} leading their devotions, after which the moderator pronounced the solemn sentence of deposition.

The presbytery further instructed their clerk to notify all the presbyteries of the church of this action.

#### **A-66 Specimen minute in case of deprivation of certification as a candidate for ordination**

The presbytery resolved to deprive the said {name of accused} of his/her standing as a certified candidate for ordination, declare that he/she cannot be admitted to any pulpit within the bounds of The Presbyterian Church in Canada, and that he/she is disqualified to accept a call, or be received into any pastoral charge.

The presbytery further instructed their clerk to notify all the presbyteries of the church of this action.

## Appendix A

### SENTENCING UPON CENSURE

#### **A-67 Sentence of deposition of a minister**

Whereas, {name}, minister of {congregation}, has been proved before the Presbytery of {name of court} to be guilty of {offence}, the presbytery adjudges him/her totally disqualified for the office of the Christian ministry. The presbytery, therefore, in the name and by the authority of the Lord Jesus Christ deposes from the office, and degrades from the rank of a Christian minister, the said {name of accused}, and hereby prohibits him/her from exercising the functions of the Christian ministry, or any part thereof.

#### **A-68 Sentence of deposition of a member of the Order of Diaconal Ministries**

Whereas, {name}, member of the Order of Diaconal Ministries has been proved before the Presbytery of {name of court} to be guilty of {offence}, the presbytery adjudges him/her totally disqualified for membership in the Order of Diaconal Ministries. The presbytery, therefore, in the name and by the authority of the Lord Jesus Christ deposes from the office, and degrades from membership in the Order, the said {name of accused}, and hereby prohibits him/her from exercising the functions of the Order of Diaconal Ministries, or any part thereof.

#### **A-69 Sentence of suspension of a minister**

Whereas in the trial of your case by this court, you {name of accused}, have been found guilty of {offence}, the Presbytery of {name of court} hereby suspends you from exercising the office of the Christian ministry, or any part thereof, until satisfactory evidence of repentance and compliance with the terms of suspension be submitted to this court.

#### **A-70 Sentence of suspension of a member of the Order of Diaconal Ministries**

Whereas in the trial of your case by this court, you {name of accused}, have been found guilty of {offence}, the Presbytery of {name of court} hereby suspends you from exercising the office of membership in the Order of Diaconal Ministries, or any part thereof, until satisfactory evidence of repentance and compliance with the terms of suspension be submitted to this court.

## Appendix A

### SUGGESTED QUESTIONS FOR PRESBYTERIAL VISITATION

#### **A-71 To the minister**

1. Do you endeavour to preach the gospel faithfully?
2. Do you make earnest preparation for the conduct of public services?
3. How do you administer the sacrament of baptism?
4. Do you visit the people pastorally, from house to house, and how often?
5. Do you visit the afflicted attentively?
6. Are you conscientious and regular in your attendance on church courts?
7. Have you any Bible classes, and what is the average attendance?

#### **A-72 To the elders**

1. Do you, as far as your time and circumstances permit, visit, advise and pray with the families of your district?
2. Do you watch carefully over the members of the congregation generally, and report to session cases requiring discipline?
3. Are you attentive in visiting the afflicted?
4. Do you regularly and conscientiously attend meetings of session, and as you may be appointed, the meetings of other church courts?
5. Do you attend and take part in prayer meetings?

#### **A-73 To the session**

1. Is there a sufficient number of elders, and is there a district allotted to each?
2. Have you stated or occasional meetings for conference and prayer?
3. Do you take careful oversight of the conduct and training of the youth, and do you use diligence that they may be led to feel and discharge the obligations resting upon them by virtue of their dedication to God in baptism?
4. Do you take supervision of church schools within your bounds? Are they efficiently conducted?
5. Has the congregation contributed to all the schemes of the church during the past year, and to what amount?
6. Do you take order that the service of praise is conducted in a becoming manner?
7. What, so far as you are able to judge, is the state of religion within your bounds?
8. Are the financial affairs of the congregation entrusted to deacons or managers?
9. Are there any matters affecting the congregation which you wish to mention to presbytery?
10. Produce the session record and any other books or registers kept by you.

#### **A-74 To the deacons or managers**

1. What stipend do you give your minister?
2. Do you deem that a competent provision?
3. Are the pecuniary obligations of the congregation to your pastor promptly fulfilled?
4. Do the people manifest suitable liberality in contributing for church purposes?
5. How is the stipend obtained?
6. How often do you meet for business?
7. Are your statistics and finances regularly reported to the General Assembly?
8. Produce the congregational record and any other books kept by you.



## APPENDIX B

### REGULATIONS GOVERNING AGENCIES OF THE CHURCH

#### **B-1 Appointments to executive staff positions**

Note: Regulations concerning appointments to executive staff positions within the church have been adopted by the General Assembly in 1930, 1945, 1960, 1974 and 1988. A summary appeared in the Assembly Council report of 1998.

All agencies of the church, before making appointments of executive staff, must advise presbyteries of the proposed appointments, with the request that presbyteries send in the names of any they deem specially qualified for the work.

Appointees of the General Assembly hold office at the will of the Assembly.

The General Assembly establishes all executive staff positions after consideration by the Assembly Council.

The General Assembly appoints general secretaries.

The respective agency or committee appoints associate secretaries.

Executive staff (the office having been established by Assembly and the appointment made by Assembly in the case of general secretaries, or the respective agency or committee in the case of associate secretaries) will be appointed after nominations have been received from presbyteries. In the event of an office falling vacant between Assemblies owing to death, resignation or any other circumstance, the respective agency or committee concerned is authorised to call for nominations from presbyteries for action by the following Assembly.

Where the office has been established by Assembly and the appointment made by the agency or committee concerned, while recognizing the right of agencies and committees to make such appointments, presbyteries should be notified of the vacancy and given reasonable time to make nominations before the board or committee makes an appointment.

When an agency or committee desires to establish an office and to make a full-time appointment thereto, in the case of an emergency, other than as set forth in the preceding two paragraphs, authority for such office and appointment shall be obtained from the Assembly Council. Such an appointment shall not be more than three years except by permission of Assembly.

The following procedures govern executive staff:

1. The Assembly Council bears responsibility to review executive personnel appointments.
2. It will review regularly, and no less than every three years, with each employing agency or committee the staffing needs of that body in relations to over-staffing needs and available resources.
3. An agency or committee wishing to fill a vacancy will make application to the Assembly Council.
  - 3.1 The Council, normally through a committee, will study the need and definition of responsibilities for the requested appointment, evaluate the request in relation to overall staffing needs, and the present authorized staff of all agencies which are supported by the General Assembly funds,

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and discuss the matter, with the agency/committee representatives being present.

- 3.2 The Assembly Council will then either concur with the agency or committee's request, or recommend otherwise to the agency or committee and, if necessary, to the General Assembly.
4. An Assembly appointment of a minister or member of the Order of Diaconal Ministries will be treated as a call to accept an appointment and dealt with in a manner similar to that followed in a call from a congregation.
5. An agency appointment of a minister or member of the Order of Diaconal Ministries will be dealt with in a manner similar to that followed for a presbytery or agency appointment.
6. An Assembly or agency appointment of an individual not accountable to a presbytery will be dealt with by means of a contract similar to a guarantee of stipend, with the provision that the presbytery within which the individual resides will be encouraged to extend pastoral support to him/her.
7. Any person, including an ordained minister or member of the Order of Diaconal Ministries, accepting an appointment to an executive staff position at the level of associate secretary, other than to a position which includes designation as a clerk or deputy clerk of the General Assembly, will be accountable to the agency or the committee for his or her work. The mechanism for the resolution of any dispute concerning the job description, work assignment and performance, will be by way of appeal first to the general secretary of the agency, then to the respective committee or agency of the General Assembly, and finally to the Assembly Council. Any right of appeal to the courts of the church concerning the job description, work assignment and performance will be waived in lieu of this process.

### **B-2 The Assembly Council**

For regulations governing the Assembly Council, communicate with:

The Secretary of the Assembly Council  
The Presbyterian Church in Canada  
50 Wynford Drive,  
Toronto, Ontario, M3C 1J7

### **B-3 Information re the colleges of the church**

For information regarding the colleges of the church, communicate with officials as follows:

1. For Knox College:  
The Principal of Knox College  
59 St. George Street, Toronto, Ontario, M5S 2E6
2. For The Presbyterian College:  
The Principal of The Presbyterian College,  
3495 University Street, Montreal, Quebec, H3A 2A8
3. For Vancouver School of Theology:  
The Dean of St. Andrew's Hall, 6040 Iona Dr.  
Vancouver, B.C., V6T 2E8.

For information regarding the Order of Diaconal Ministries, communicate with the principal of Knox College.

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### **B-4 Information re agencies, etc., of the church**

For information and regulations governing the various agencies of the church, communicate with officials as follows at:

The Presbyterian Church in Canada Offices  
50 Wynford Drive, Toronto, Ontario, M3C 1J7

1. Archives, c/o Archivist
2. Assembly Office, c/o Clerks of Assembly
3. Atlantic Mission Society, inquire of the Clerks of Assembly for an address
4. Business Committee of Assembly, c/o Convener
5. Church Doctrine, Committee on, c/o Convener
6. Ecumenical and Interfaith Relations, Committee on, c/o Convener
7. History, Committee on, c/o Convener
8. International Affairs, Committee on, c/o Convener
9. Life and Mission Agency, c/o General Secretary
10. Nominate, Assembly Committee to, c/o Convener
11. Pension Board, c/o Convener
12. Presbyterian Church Building Corporation, c/o General Manager
13. Presbyterian Record, c/o Editor
14. Trustee Board, c/o Secretary
15. Women's Missionary Society, c/o Executive Director

Others:

16. Maclean Estate Committee (Crieff Hills Community)  
c/o The Director, RR 2, Puslinch, Ontario, N0B 2J0

### **B-5 Guidelines for use of presbytery re disposition of assets of amalgamating congregations**

Deleted 2002, see section 200.11

### **B-6 From The Act to Incorporate The Trustee Board of The Presbyterian Church in Canada (1939), section 13, re Property of Congregations Ceasing to Exist**

All lands and premises and personal property and assets which have been, or shall hereafter at any time, be held by any trustee or trustees for any congregation of The Presbyterian Church in Canada which shall have ceased to exist shall vest in the Board upon trust to sell, get in and realize the same and to pay the proceeds to the treasurer of The Presbyterian Church in Canada for such trusts, institutions, organizations, schemes of funds thereof as may be determined from time to time by the General Assembly of the said church.



## APPENDIX C

### DECLARATION OF TRUST (A TRUST DEED TEMPLATE)

A Trust Deed sets out various legal responsibilities and duties in the life of a congregation, and should be in place for each congregation of The Presbyterian Church in Canada. The following template was prepared with the advice of legal counsel and may be adapted to suit local congregational needs. (see 1F and 5I below)

#### Glossary

**Agent:** One who acts on behalf of, in this case, a congregation. An agent is like a pen in the hand of the congregation. (e.g. Section 1B)

**Trustee:** One who takes on a level of responsibility for decisions taken. This includes fiduciary (or good faith) responsibility. Provincial laws normally require that there be Trustees willing to bear this duty. (e.g. section 1B)

**Without limitation:** Other responsibilities may be added; the list as presented is not necessarily exhaustive. (e.g. sections 1D, 7B)

**Without limiting restrictions:** There are matters beyond this particular paragraph for which Trustees may also be responsible. (e.g. sections 5J, 5K)

#### Notes

3C: The template stipulates that the minimum number of Trustees is three. A congregation may chose to reduce this number even though it is not suggested as ideal.

5L: In stating that Trustees are not restricted to investments authorized by law for the investment of trust property, is simply noting that ‘investment of trust property’ is a separate technical and legal issue to the kind of investing that congregational Trustees facilitate, and the latter are not bound by those technical restrictions.

#### 1. Constitution

- A. This Declaration of Trust (herein called this “trust deed”) is established under the authority of Book of Forms section 149, of The Presbyterian Church in Canada with the approval of the congregation of {name of congregation} at a duly called congregation meeting held on {date of congregational meeting} and with the approval of the Presbytery of {name of presbytery} on {date of presbytery meeting}.
- B. This trust deed sets out the rules governing the trustees of this trust deed, whose responsibilities are partially that of agent for the congregation and partially that of trustee for the property of the congregation.
- C. The Trustees of this trust deed (herein called the “Congregational Trustees”) shall be appointed by the congregation in the manner set down in this trust deed. See 3 and 4 below.
- D. The property of the congregation of {name of congregation} (herein called the “property”) is held by the Congregational Trustees. The property includes, without limitation, {site of church building, manse, cemetery, other}.
- E. A copy of the original trust deed, duly signed by the clerk of session and all the Congregational Trustees who are appointed by the congregation, and all amended versions of this signed trust deed, will be lodged with the clerk of session of {name of congregation} and the Presbytery of {name of presbytery}.

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- F. This trust deed is governed by and complies with the relevant laws of the Province of {name of province} as confirmed in writing by {name of law firm used to review the trust deed} as of {date}. See 5I below.
- G. This trust deed may only be amended by a duly called congregational meeting.

### 2. Qualifications of Trustees

- A. All Congregational Trustees acting under the terms of the trust deed must be professing members of the appointing congregation.

### 3. Election and Appointment of Trustees

- A. The Congregational Trustees will be elected and appointed at an annual congregational meeting or at another duly called congregational meeting.
- B. The election will be by majority vote of those present at the annual congregational meeting or another duly called congregational meeting, as the case may be.
- C. A full complement of Congregational Trustees for the congregation will be at least three (3) and no greater than {number}. The congregation may determine that it require a larger minimum number of Congregational Trustees than three (3).
- D. If the number of Congregational Trustees falls below three (3), or the larger minimum number determined by the congregation pursuant to 3C above, the session shall be asked by the remaining Congregational Trustees to call an emergent congregational meeting to elect the requisite number of replacement Congregational Trustee or Congregational Trustees, or the session may, on its own initiative, call an emergent congregational meeting for this purpose.
- E. If a Congregational Trustee dies or resigns as a Trustee, but there remains the minimum number of Congregational Trustees stated in section 3C above, the session may call an emergent congregational meeting to replace the Congregational Trustee who have died or resigned.
- F. At the annual congregational meeting, or another duly called congregational meeting, the congregation may, by a majority vote of the members present at such congregational meeting, remove any Congregational Trustee and secondly, may elect and appoint any eligible person in the place of the Congregational Trustee so removed, for the remainder of their term, subject to the requirements of paragraph 2A above.
- G. Congregational Trustees are eligible for re-election provided they are not under church discipline that would prevent them from assuming this office.
- H. Once duly elected, the moderator of the congregational meeting will declare the Congregational Trustees to be appointed to this office. The appointment of the Congregational Trustees will be communicated to the congregation at large in each case in a manner to be determined by the session.
- I. The minutes of the regular or emergent congregational meetings held to appoint or remove Congregational Trustees will be entered into the minute book kept for this purpose.

## Appendix C

### 4. Term of Office of Trustees

- A. The term of office for a Congregational Trustee will be {number} year(s).
- B. If a Congregational Trustee ceases to be a member of The Presbyterian Church in Canada or of the congregation, s/he ceases automatically to be a Congregational Trustee of that congregation.
- C. A Congregational Trustee may resign his or her office by written resignation delivered to the session with a copy to the other Congregational Trustees who are then acting.
- D. If during a term of office a Congregational Trustee resigns or dies, is removed by the congregation, or is automatically removed because he or she has ceased to be a professing member of the congregation, the remaining Congregational Trustees will have all the powers of Congregational Trustees and will for all purposes be the Congregational Trustees of the congregation unless and until the congregation elects a replacement Congregational Trustee or Congregational Trustees. See Section 3 above.
- E. If at any time there are no Congregational Trustees acting hereunder, for any reason, the moderator and clerk of the Presbytery of {insert name of presbytery} will automatically become Congregational Trustees of the trust deed until other Congregational Trustees are duly elected by the congregation.

### 5. Trustees' Responsibilities

- A. Congregational Trustees will carry out their duties in accordance with the laws of The Presbyterian Church in Canada as found in the Book of Forms and various acts of the General Assembly.
- B. Congregational Trustees have only the power delegated to them by a duly called congregational meeting and such power can be amended or withdrawn by another duly called congregational meeting. Congregational Trustees must not alter or go beyond the instructions of the congregation. Congregational Trustees are no more and no less than a pen in the hand of the congregation.
- C. Congregational Trustees will hold all property and real estate for the sole use and benefit of the congregation. It is noted that in the event that the congregation is dissolved, by provincial and federal law, the ownership of the church, contents, funds and property transfer to the Trustee Board of The Presbyterian Church in Canada and will be used to further the mission of the church.
- D. Whether title to real property (land and building) has been assigned to the Congregational Trustees or not, Congregational Trustees may ask the congregation to have legal counsel confirm that church properties are properly registered with the local land registry office or land titles office, and the congregation may also be asked by the Congregational Trustees to confirm that all real property is properly and sufficiently insured for loss and liability.
- E. Congregational Trustees are responsible for signing all legal documents related to the purchase and sale of any church property as agreed by the congregation with the approval of the presbytery.

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- F. Congregational Trustees are responsible for signing all documents related to obtaining a loan or mortgage on church property as agreed by the congregation with the approval of the presbytery.
- G. Any {number} of the Congregational Trustees will have the authority to act on behalf of the congregation.
- H. Congregational Trustees are responsible for carrying out any other duties that may be assigned to them by the congregation.
- I. Congregational Trustees will have the trust deed reviewed periodically by a solicitor qualified to practice in the relevant jurisdiction to ensure that it remains compliant with the law of the local Province or Territory of Canada.
- J. Without limiting restrictions placed on the powers of the Trustees by the congregation, Congregational Trustees have no power to decide on the receipt or disposition of bequests and legacies. This prerogative remains with duly called congregational meetings.
- K. Without limiting restrictions placed on the powers of the Trustees by the congregation, Congregational Trustees have no power to decide on how bequests or legacies will be held or used except when empowered by the congregation to do so.
- L. In making investments, if any, Congregational Trustees shall not be restricted to investments authorized by law for the investment of trust property and in making investments; the Congregational Trustees shall take direction from the congregation. (If the congregation empowers Congregational Trustees to make decisions on how investments are to be held and/or used, clear directions are to be approved by the congregation and could be included in the Trust Deed.)
- M. Congregational Trustees are accountable to the congregation for the full and faithful performance of tasks delegated to them. They will report on their activities to the annual congregational meeting.

### 6. Conflict with Decision Taken

- A. Congregational Trustee who cannot carry out a decision of the congregation, for the sake of conscience or any other reason, must resign. Before offering her/his resignation, the Congregational Trustee may ask the session to have the decision reviewed by the congregation. The session may then call a congregational meeting to review the decision and affirm, withdraw or amend it.

### 7. Liability

- A. The Congregational Trustees and/or former Congregational Trustees shall not be liable for any error or mistake, save for willful misconduct or willful breach of trust or fraud, and the congregation will indemnify Congregational Trustees or former Congregational Trustees against all costs, charges and expenses with respect to any proceeding to which they are made a party by reason of being a Trustee, if they acted honestly and in good faith, with a view to the best interests of the congregation.
- B. Along with general insurance, the congregation will maintain adequate Directors and Officers insurance coverage or such other relevant insurance coverage as may be required, as protection for those acting in such leadership positions, including, without limitation, Congregational Trustees.



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- C. If a Congregational Trustee willfully acts outside the direction of the congregation or outside the law, or outside the terms of this Trust Deed, that Congregational Trustee could be subject to removal, church discipline and/or legal liability.

\_\_\_\_\_  
Name of Congregation

\_\_\_\_\_  
Date

[Signature], Moderator of Session  
[Signature], Clerk of Session

[Signature], Congregational Trustee  
[Signature], Congregational Trustee

\_\_\_\_\_  
Name of Presbytery

\_\_\_\_\_  
Date

[Signature], Moderator of Presbytery  
[Signature], Clerk of Presbytery



## APPENDIX D

### DIACONAL MINISTRIES

#### **D-1 Council of the Order of Diaconal Ministries**

The Council shall consist of:

1. All active members (members presently employed by an organization or body in The Presbyterian Church in Canada or in cognate work).
2. A number of other members of the Order of Diaconal Ministries who are not considered active - 1 for every 10 on the active list. These shall be elected by the other members by postal vote.

#### **D-2 Stipend and Benefits for Members of the Order of Diaconal Ministries**

1. That presbyteries annually evaluate and adjust the stipend and benefits of members of the Order, within their bounds, to conform with the rulings that the General Assembly may from time to time decree.
2. As of July 1984, the General Assembly has ruled that members of the Order shall have as a minimum the following stipends and benefits:
  1. Basic stipend and increments as the General Assembly shall from time to time decree.
  2. The payment of utilities (heat, electricity, water and sewer services, basic monthly telephone charge).
3. The 1989 Assembly ruled:
  1. that the provision of appropriate accommodation be in addition to base stipend and increments.
  2. that base stipend be increased by an amount equal to the basic travel allowance applicable at that time and henceforth be included as part of the base stipend figure.
4. All members of the Order who qualify for membership on the constituent roll must be members of the church's medical-dental plan.
  1. For those called and installed or appointed to full time positions, the premium will be paid in full by the calling/appointing agency.
  2. For those holding positions requiring a minimum of half-time but less than full-time, the minimum contribution by the employing agency will be not less than the cost of the premium pro-rated on the percentage of time the person is called/appointed to work.
5. The costs of provincial hospital and medical insurance plans are to be shared equally between the employer and employee. (A&P 1970, p. 298, 79 and 80).
6. Continuing education as per General Assembly regulations for professional church workers.
7. A minimum of five weeks vacation including five Sundays, which need not be taken all at one time.

#### **D-3 Acts and Proceedings**

The Clerks of Assembly shall provide copies of the Acts and Proceedings of the General Assembly to active members.



## APPENDIX E

### DECLARATION OF FAITH CONCERNING CHURCH AND NATION

#### The Lordship of Christ in Church and State

1. The one Holy Triune God, sovereign Creator and Redeemer, has declared and established his kingdom over all powers in heaven and earth. (Hebrews 1:1-2:10; Isaiah 44:24-28; Acts 4:24-28; cf. Psalm 2; Daniel 7:13-14, 27; Zechariah 9:9-10; Matthew 28:18) By the incarnation, death, and resurrection of Jesus Christ, and by his exaltation to the right hand of the Father, all things have been made subject to Him, so that even age-long evil is overruled for good. (Luke 1:31-35; Isaiah 52:13-53:12; Romans 14:9-12; Colossians 2:15; Philippians 2:5-11; Acts 2:22-36; I Corinthians 15:24-28; cf. Psalm 100; I Peter 3:21-22; Romans 8:18-23, 31-39) We worship and obey Jesus Christ as Lord of lords and King of kings, Judge and Governor among the nations. (I Timothy 6:13-16; Revelation 1:5, 11:15-18; 17:12-14, 19:11-16; Psalm 22:28) He is both Head of the Church and Head of the Civil State, although their functions under him are to be differentiated, and their relationships to him are not to be confused. (Ephesians 1:10-11, 19-23; Colossians 2:10; Matthew 28:19-20; Isaiah 10:5-19, 45; Jeremiah 27:1-11)

#### The Respective Functions of Church and State

2. Jesus Christ, in the administration of his Father's will, employs all the heavenly and earthly powers he may choose to serve Him. (John 3:35; I Corinthians 15:20-28) He employs the Church and the Civil State, entrusting to each its own distinctive function. (Jeremiah 1:9-10; Deuteronomy 4:32-40; Isaiah 45:1-7; John 19:11) He has ordained the Church to serve him in the proclamation of his word, in the administration of his sacraments, and in the life of faith which works by love. (Ezekiel 33:1-9; Matthew 16:18-19, 28:18-20; II Timothy 4:1-5; James 2:14-17) He has also in his grace ordained the State to serve him in the administration of his justice and benevolence, by discerning, formulating, and enforcing, such laws and policies as will promote the well-being of all its citizens and curb license, discord, and destitution. (Romans 13:1-7; Luke 3:12-14; Genesis 45:5-8; I Kings 3:3-28; I Timothy 2:1-2; Amos, e.g. 2:6-8, 5:11-12, 24, 8:4-8)

#### The Authority of the State

3. Christ, the eternal Word of God, through Whom all things consist and from Whom by the Holy Spirit all men receive their gifts and powers, calls and appoints men to the offices of civil government. (John 1:1ff.; cf. Psalm 33:6; Hebrews 1:1-3; Colossians 1:15-17; Ephesians 1:3-14; Genesis 45:5-8; Jeremiah 27:5-11; Isaiah 9:6-7; Daniel 2:21) He commissions the civil authorities with the right and duty of using force under law against internal disorder and external aggression. (Isaiah 10:5ff; 45:1-6; Romans 13:3-4; Nehemiah 4:7-20)

#### The Stewardship of Power

4. The righteousness of God, which came to decisive triumph in the cross and resurrection of Christ, is the sole foundation of national justice, development, and destiny. (Colossians 2:14-15; I John 5:4-5; Revelation 1:18; Hebrews 1:3, 8-9; Psalm 72:1-4) Every organ of power in the nation, whether cultural, political, or economic, is a stewardship under Christ, and can properly function only by obedience to his revealed word. (Romans 13:1, 6-7; Nehemiah 5:15; Matthew 24:45-25:30; John 12:35-36; Romans 14:23b) Every abuse of power constitutes a breach of trust, destructive to the abuser and injurious to the glory of God among his creatures. (Deuteronomy 28:58-68; Daniel 5:17-28; Deuteronomy 8:11-20; Acts 12:20-23)

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### The Limits of Earthly Authority

5. It is high treason against the Lord Jesus, and deadly both for the Church and for the Nation, to attribute to any man, group, or institution, the total power that belongs to Him. (II Thessalonians 2, esp. vss. 3-4; Acts 4:23-30; cf. Psalm 2; Revelation 13 and 14:9-11, 17:13-14) God alone is absolute Lord of the bodies and consciences of men, and he demands that we obey him against all authorities, whether civil or ecclesiastical, whenever they claim absolute power, especially the power to control men's thinking on right and wrong. (Romans 14:7-9; I Corinthians 4:1-5; 6:15-20; John 5:22-23; James 4:12; Acts 4:18-20, 5:27-32; Daniel 3; I Kings 22:13-14; Jeremiah 26)

### The Church and Tyranny

6. It is the Church's duty to denounce and resist every form of tyranny, political, economic, or ecclesiastical, especially when it becomes totalitarian. (II Samuel 12:1-14; I Kings 21; Amos 7:10-17; Daniel 3:8-18; Exodus 1:17) A citizen is not barred from disowning any government or organ of power which usurps the sovereignty of Jesus Christ, and indeed may be obliged by God's word to rebel against it. (I Kings 11:26-40; II Kings 9; Acts 4:18-20, 5:25-32) But if involved in such action, the Church must remember that the weapons of her warfare are finally out of this world. (Matthew 4:1-11; 10:16-22, 26:51-54; II Corinthians 4:7-11, 10:3-5; II Kings 6:15-17) Led by the Holy Spirit she will in any situation bear public witness to the absolute Lordship of Jesus Christ and to the freedom of all men in Him. (Acts 2:32-36, 5:25-32, 7:51-60, 26; James 5:1-11; II Timothy 2:8-9)

### The Relation of Church and State

7. The Church and State are intimately related, with manifold overlying concerns and common responsibility to their Lord. (Amos 7:10-15; Acts 22:22-29; Deuteronomy 8; Malachi 2:10-16; Jeremiah 1, esp. vss. 5, 9-10) Their true relationship derives from the subordination of each to Jesus Christ. (Matthew 28:18-20) Each is bound to aid the other according to its appointed power and functions, but neither is given any right thereby to attempt domination over the other. (Daniel 3:16-18; I Timothy 2:1-5) We reject any doctrine which misconceives the Church as the religious agent of the State. (Matthew 22:15-22; Luke 12:13-14) We reject any doctrine which misconceives the State as the political instrument of the Church. (John 18:28-37) We reject all doctrines which assume, whether on sectarian or on secular grounds that the Church's life should be or can be completely dissociated from the life of the Civil State. (Matthew 5:13-16, 17:24-27)

### The Church's Service to the State

8. The Church must not merge or confuse her Gospel with any political, economic, cultural, or nationalistic creed. (Mark 12:28-34; cf. Exodus 20; Matthew 6:24; Daniel 3, 6) At the same time the Church may not hold aloof from the affairs of the Nation, whether the authorities be of the faith or against it, for she must fulfil the ministry laid upon her by her Lord who became one with man for man's redemption. (The Prophets, passim, e.g., Hosea, Isaiah, Jeremiah; Romans 13:1-6; I Peter 2:12ff.; Matthew 25:31-46) She owes a manifold service to the State. (Romans 13:7-14; Matthew 5:13-16) Her preaching, sacraments, and discipline confront the Nation with Christ's judgment and grace. (Jeremiah 1:5; Acts 3:12-21; I Peter 2:11-12, 4:1-5) She offers thanksgiving and supplication to God on behalf of all men, with particular intercession for those in authority, praying that the overruling power of the Holy Spirit may fructify what is good and uproot what is evil in national and international life. (I Timothy 2:1-2; Daniel 9:9-19; II Chronicles 6:21-40,

## Appendix E

7:14) In discharging her commission to evangelize she promotes righteousness and peace among men. (Amos 5:14-24; II Corinthians 5:14-21) As her Lord may lay it upon her, she declares and commits herself to his will by public proclamations of her courts or agents. (Acts 4:13-20; II Samuel 12:1-15a) In fulfillment of the law of Christ, she engages in special work of Christian love. (II Corinthians 8:1-15; Philippians 4:10-17; Luke 10:25-37) Her members take full share as their Christian calling in commerce, politics, and other social action. (Luke 3:10-14; John 17:15-18; Ephesians 6:5-9)

### The Christian's Civil Duty

9. Christians must always do their utmost to honour the civil laws, and to fulfil all statutory obligations whether financial or personal, as unto Christ the Head. (I Peter 2:13-25; Titus 3:1-2; Romans 13:5-10; Mark 12:14-17) Nevertheless, no citizen is thereby relieved of his constant responsibility to work for the remedy of any unjust statute, or iniquitous assessment, or violation of conscience. (Acts 5:27-29; Isaiah 1:17; Amos 5:14-15; Micah 6:6-8; Esther 4:12-14)

### The Civil Government's Duty Toward the Church

10. In its ordained service of God, the State has a three-fold duty to the Church. It has the duty of establishing public peace and providing protection, guarding impartially the rights of every citizen. (Acts 19:28-41, 21:30-39, 22:24-29) It owes to the Church in all her branches, without partiality, the recognition of her office and of her consequent right to due resources, time and opportunity, for the public worship of God, for the education of her children in his truth, and for the evangelizing of the Nation. (Exodus 5:1-4; Ezra 7:11-25) It must pay serious attention whenever its office-bearers are addressed by the Church in the name of the Lord Jesus concerning the kingdom of God and his righteousness. (Acts 25, 26)

### Reformation by the Word of God

11. During the present age, while the Lordship of Christ is not yet openly disclosed nor perfectly acknowledged, men are beset by sin in every private and public relation. (II Thessalonians 2:1-12; Mark 13:21-23; Luke 18:8b; II Corinthians 4:3-18; Romans 1:18-32, 3:9-18, 7:15-25; Jeremiah 17:9) Our existence in this world is continually threatened by anxiety, covetousness, imperfect justice, and proneness to corruption. (I Kings 12:25-33, 13:33-34) The Civil State and the Church are constantly in need of reformation by the Word of God. (James 4:1-3, 5:1-6; Isaiah 55, 59; Hebrews 4:12-13) Wherefore it behooves all civil and ecclesiastical persons to seek the grace of Christ without which they cannot rightly know or do his will. (John 12:25-26, 35-50)

### The Final Manifestation of Christ's Dominion

12. The Lordship of Christ, in the midst of the evil and sorrow of this present world, must be discerned by faith, with the full assurance of our hope in Him. (John 5:17-29; I Corinthians 12:26; Hebrews 10:37-12:3; Romans 8:18-25; I John 3:2-3; Colossians 3:3-4) He is coming again for the healing of the nations and the perfecting of the Church. (Acts 1:11; II Peter 3; Luke 12:35-40; Revelation 7:9-17, 22:1-2; Ephesians 5:25-27) In that day when he reveals the New Jerusalem, his sovereign dominion over the universe will be made openly visible to all, causing every knee to bow and every tongue to confess that JESUS CHRIST IS LORD, to the glory of God the Father. (Revelation 21; Romans 2:11-16; Philippians 2:10-11; Revelation 1:7-8, 5:11-14, 19:11-16; I Corinthians 15:20-28)





## **APPENDIX F**

### **PARALLEL SECONDARY STANDARDS**

That our church recognize the Second Helvetic Confession, the Belgic Confession, the Gallican Confession (Confession of La Rochelle), and the Heidelberg Catechism, as standards parallel to ours, and direct that, as we recognize these as parallel, ministers, members of the Order of Diaconal Ministries and ruling elders of these standards coming to us recognize our standards as parallel to theirs, and for the sake of uniformity of law within our church that these ministers and ruling elders in ordinations and inductions subscribe to our subordinate standards as we do, it being permitted to these persons, where so desiring, to teach from these Confessions, (Second Helvetic, Belgic and Gallican) and the Heidelberg Catechism. (A&P 1962, p. 288-289)



## APPENDIX G

### ARCHIVES AND RECORDS MANAGEMENT

#### **G-1 Purpose of the Archives**

1. The Presbyterian Church in Canada Archives and Records Office (“Archives”) collects and preserves the historically significant records of the denomination including: General Assembly, the national office, synods, presbyteries, sessions, congregations, colleges, organizations, its officials, ministers, missionaries and diaconal ministers. The Presbyterian Church in Canada is also committed to a formal program of records management for the national office. The policies of the Archives are determined by the Assembly Council on recommendation of the Archives and Records Committee, and the day to day operations of the Archives are the responsibility of the General Secretary of the Assembly Office.
  1. To establish policies and operation of the Archives for the management of current records of the church, its officers, committees and congregations in order to provide for the archival retention of those vital records possessing enduring legal, financial and historical value.
  2. To unify and develop the archival activities of The Presbyterian Church in Canada.
  3. To oversee the archival needs, both physical and operational, of the church and to recommend such measures as may be deemed advisable to advance the preservation and use of records of enduring value.
  4. To provide liaison with other ecclesiastical and secular archives.

#### **G-2 Archives Collection Mandate**

1. The Archives will consider for deposit and retention:
  1. Administrative records of The Presbyterian Church in Canada national office, including all departments, boards and committees of General Assembly, other church courts and colleges.
  2. The official records of congregations, such as baptism, marriage, and death registers, historic and communion rolls, and minutes and reports of session, committees, boards and organizations related to the congregation (as outlined in G-4-1 and G-4-2).
  3. Graphic materials including photographs, documentary art, glass negatives, lantern slides, 35mm slides and illustrations.
  4. Cartographic materials including maps, plans and architectural drawings.
  5. Sound recordings and moving images including oral histories, music, films, videos and tapes.
  6. Computer records.
  7. Private manuscripts and personal papers of persons of significance to the history of The Presbyterian Church in Canada.

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8. Records of inter-denominational bodies in which The Presbyterian Church in Canada participated and which are not collected elsewhere.
2. The Archives reserves the right to accept or decline collections or parts of collections transferred to it. Material that is not considered suitable for the Archives will be returned or destroyed at the option of the donor.
3. The Archives agrees to provide proper storage and preservation facilities for materials added to the existing collection: to acquire, arrange and describe material according to archival principles and to make material available to researchers.
4. Tax receipts may be granted on archival donations of personal/private papers that have been monetarily appraised. The Archivist/Records Administrator will make arrangements for the appraisal. Donors will pay the cost of this appraisal.

### **G-3 Ownership of Records**

1. Records of sessions, presbyteries, synods and General Assemblies are the property in perpetuity of the said courts, or their legal successors. Records are not the property of individual church officials. Neither can records become the property of any archives, museum, or similar institution in which they may happen to be deposited.
2. When congregations, presbyteries and synods are amalgamated, the records of such bodies become the property of the amalgamated body.
3. When a congregation is dissolved, presbytery shall assume its responsibility for collection of the records, and decide how such records shall be preserved. The presbytery, without delay, shall forward the original records, or a microfilmed copy of them, to the Archives.
  1. Presbytery is entitled to access records from a closed congregation within its bounds at any time, should such access be required.
  2. If the presbytery is retaining the original records in their possession or depositing them with an archives, museum, or similar institution other than the Archives, the presbytery shall ensure that the materials are in a safe and secure environment which ensures the preservation of the documents, in accordance with established archival standards. The presbytery shall also ensure that the access rules for the materials are those outlined in G-5.1.1 and G-5.1.2. Notice in writing of the intention to designate a congregation's records for deposit in another institution should be given to the Archives. A microfilm copy of these records must also be made for the Archives by the respective court.
4. It is the responsibility of the clerk of the court to make recommendation to the proper court for the safekeeping of the records of that court. This includes ongoing diligence with computer records, including regular back-ups to ensure their safety and security.
5. In the event that documents are required from any agency of the General Assembly by police, or other governmental agencies, the general secretary or secretary of the so consulted agency shall request permission from the Principal Clerk, who shall consult the church counsel before granting the individual concerned authority to release the required information.

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### G-4 Deposit of Records

1. Congregations are encouraged to deposit their official records in the Archives. These records should be deposited in microfilm format. Presbyteries and synods are encouraged to deposit their minutes, reports, and commission records, in their original format. Please consult the Archivist/Records Administrator for guidance.
2. When a church court becomes inactive, its official records should be forwarded by the presbytery to the Archives.
  1. If church records are deposited in an alternative institution, a microfilm copy of the same must be deposited with the Archives. The respective court shall pay for the microfilming. The Archives can provide a Deposit Agreement Form to guide in this process.
  2. Upon presentation of written authority, church courts may withdraw their records from the Archives at any time (e.g. to write their church history) as they continue to retain ownership of them.
3. All records of the General Assembly agencies, boards and committees shall be deposited in the Archives according to established records management practices.
4. The Archives will accept material that complies with its Collection Mandate (as noted above). The Archives retains the right to cull material, in consultation with the donor, to eliminate unwanted ephemera or records having no long-term historical value.

### G-5 Access and Restrictions

1. Records deposited in the Archives are normally on open access to the public. Courts of the church may request restrictions on access. Reasons for restrictions may be the nature of the records, i.e. the sensitivity or privacy of the contents. Such restrictions would normally involve refusing public access for a specified period consistent with the specific type of record. Where restrictions on access are requested by the generating court, the Archivist/Records Administrator and representative of that court shall record in writing the particular terms of the restriction, and the relevant documents boxes and finding aids shall be clearly marked as restricted.
  1. Session minutes less than 50 years old are restricted and cannot be viewed without a letter of permission from the session. After such time, these minutes will be on open access unless otherwise requested by the session.
  2. All other records of the congregation (e.g. board of managers, vital statistics, etc.) are on open access in the Archives unless otherwise indicated by the session.
  3. Records of General Assembly agencies, boards, commissions and committees shall normally be on open access unless otherwise restricted. Personnel records are, however, restricted for 75 years after the last date in the file.
  4. The Archivist/Records Administrator retains the right to refuse access to specific material in consultation with the Principal Clerk.

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2. The Archives adheres to all applicable sections of the Federal Copyright Act as it applies to both official and unofficial records.

### **G-6 Deposit of Private Records**

1. Normally donations of materials from private sources are only accepted by the Archives without restrictions, and become the property of the Archives upon their deposit and signing of the Deed of Gift Form. Where restrictions are requested and such restrictions meet with the approval of the Archivist/Records Administrator, the terms of such restrictions shall be recorded in writing by the two parties, and the document boxes and finding aids shall indicate their restricted status.
2. No materials deposited in the Archives from whatever source may be loaned or removed from the premises for any reason without the express permission of the Archivist/Records Administrator.

## APPENDIX H

### DEFINITIONS OF LEGAL TERMS

The following definitions of legal terms were approved by the 1992 General Assembly and ordered placed in the Appendix to the Book of Forms.

#### **Law**

Law may mean statute or long settled principles. It has been defined as the body of rules, whether formally enacted or customary, which a state or community recognizes as binding on its members.

Law has also been defined as that which must be obeyed and followed by citizens, subject to sanctions or legal consequences.

#### **Enabling Legislation**

Legislation is defined as the making of laws by express decree, and enabling legislation is often referred to as primary or governing legislation. A body enacting subordinate legislation must do so in accordance with the authority granted to it under the enabling or governing legislation passed by the sovereign legislative body and may not exceed its jurisdiction. This term is also applied to any statute enabling persons or corporations to do what they could not do before. It is applied to statutes which confer new powers.

For example, pursuant to enabling provincial legislation, municipalities are created and municipal councils are granted authority to enact by-laws in accordance with the limitations set out in the enabling provincial legislation. Similarly, the Trustee Board was created by enabling legislation called "An Act to Incorporate The Trustee Board of The Presbyterian Church in Canada", and by that Act, the General Assembly was authorized to make resolutions, rules and regulations for the government and control of the Trustee Board.

#### **Regulation**

Regulation has been defined as a rule prescribed for the management of some matter, of the regulating of conduct; a governing precept or direction. Under enabling legislation, the power to make statutory instruments such as regulations and by-laws is delegated to an inferior body.

#### **Precedent**

Precedent means that a principle of law actually presented to a court of authority for consideration and determination has, after due consideration, been declared to serve as a rule for future guidance in the same or analogous cases. It may also involve a previous judicial decision, method of proceeding or draft of a document which serves as an authoritative rule or pattern in similar or analogous cases.

#### **Practice of the Church**

Practice has been defined as a repeated or customary action; habitual performance; succession of acts of a similar kind; habit, custom, usage. The term may also be used in the sense of the form, manner or order of instituting and conducting a suit or other judicial proceedings through its successive stages to the end, in accordance with the rules and principles set down by law or the regulations and precedents of the court.

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There is case law which indicates that practice of the church does not mean the practice of the local church or congregation, but of the church of which the congregation is a branch.

### Usage of the Church

A usage is akin to a practice. It has been defined as a habitual use, established practice or customary mode of action on behalf of a number of persons. It has also been defined as a reasonable and lawful public custom in a locality concerning particular transactions which is either known to the parties or so well established, general and uniform that they must be presumed to have acted with reference thereto. A usage is different from a custom in that it need not have existed from time immemorial. The grounds upon which a practice or usage will be considered to have crystallized into a custom or convention are as follows: continuous operation; open exercise; exercise conducted peaceably and as of right; reasonable, certain and obligatory in nature; consistency with other customs and compatibility with statutes.

### General

In considering how these terms are used in the context of the church, it might be noted that the rules adopted for the appointment of ministers and other such purposes are considered to be matters of mutual contract, entered into by, and for the benefit of, those who choose to become members. They do not have the force of laws imposed by the power of the state, which are binding on all who come within their influence, whether they agree to them or not. The rules for their interpretation are to be found in the law of contract, not in that of statutes.

Further, the courts generally will not interfere in the manner in which a religious body exercises disciplinary powers, provided they are within the powers of a duly constituted tribunal of the church and in accordance with the rules, regulations and disciplines of the church.

The inter-relationship of the terms might also be demonstrated by certain of the decided cases at the time the 1874 statute which provided for the union of certain Presbyterian churches. The statute was enabling legislation in that it permitted a congregation to vote itself out of the union.

The cases recognized that a congregation was bound by regulations set forth in any "model constitution" which had been adopted by it, for example with respect to the holding of meetings. In those instances where the congregation had no "constitution" within the meaning of the statute, it was necessary to see what was the practice of the church, and whether the meeting called for the purpose of union had been regularly called and conducted according to that practice.



## APPENDIX I

### MINISTER IN ASSOCIATION WITH A CONGREGATION TO WHICH HE/SHE IS NEITHER CALLED NOR APPOINTED (A&P 1978, p. 227, 78; 1987, p. 465-66, 260-61, 41-42, 69; 1988 p. 281)

Ministers in good and regular standing, who are not called by or appointed to a congregation, should be associated with a congregation. Such association does not detract from the fact that they are primarily under the care and discipline of the presbytery.

Through its clerk, or a designated committee, the presbytery plays an important role in formally establishing this relationship. A minister without charge should take the initiative by selecting the congregation with which he/she wishes to associate and request the clerk to formalize the relationship. However, if after several months of the minister being without charge he/she has not approached the clerk (or committee), the clerk (committee) should contact the minister and work with him/her to ensure that a relationship is established.

When the congregation has been selected, the clerk should write to the session of the selected congregation:

1. to state that the minister wants to be a member of the congregation under the category of minister-in-association;
2. to ask that the minister's name be added to the congregational roll;
3. to explain that by this action,
  1. the session agrees to show the same pastoral concern for the minister as it would show to any other member of the congregation,
  2. the minister will have the rights and privileges accorded to regular professing members, including election as a ruling elder in the congregation,
  3. the session agrees that if a matter arises which might eventually result in disciplining the minister, it will immediately refer the matter to the presbytery and not initiate action itself;
4. to request that the session and the minister prepare an agreement as to the nature of the service the minister-in-association will offer to the congregation and its pastor, and that the terms of this agreement be submitted to the presbytery for its approval. Should the session and the minister-in-association wish to change the terms of the agreement, the changes are to be submitted to the presbytery for approval.



## APPENDIX J

### PROCEDURES IN THE PASTORAL CARE OF CANDIDATES

#### Goals

- J-1 The goals in the process of pastoral care of candidates are:
1. To provide genuine continuing pastoral care, oversight, testing and appropriate encouragement to persons entering and pursuing the process of candidacy for the ministries of the church.
  2. To guide candidates through the process from certification to ordination or designation so that they can derive the most benefits from the opportunities.
  3. To ensure that the process has no surprises. Nevertheless, candidates will be aware that there is the possibility of approval, approval with conditions (probationary approval), or non-approval at any stage in the process.
  4. To provide the church with the best possible candidates.

#### Caring and Mutual Trust

- J-2 In order to foster a relationship of caring and mutual trust, the following are recommended:
1. The ministry committee (or candidates' committee) of presbytery meets at least annually with candidates.
  2. An annual dinner with candidates.
  3. Candidates be presented annually to the presbytery.
  4. If there is a group of candidates, the use of role plays and other group activities be used as a means of addressing issues in ministry.
  5. Each presbytery which is at some distance from the college should be responsible for ensuring that students under their care are commended to the presbyteries in which the colleges they are attending are situated, and requesting those presbyteries to assume a role of pastoral care during the academic year.

#### Human and Practical Issues

- J-3 While theological and practice of ministry issues are key components in any relationship with candidates for ministry, sessions and presbyteries are encouraged also to pay appropriate attention to human and practical issues, e.g.:
1. Family situation.
  2. Financial plans, and ability to handle finances.
  3. Ability to type, use a word processor.
  4. Organizational and time management skills.
  5. Hobbies and other leisure time activities.
  6. Public speaking skills, ability to articulate, personal presence.

#### Recommendation by Session

- J-4 Questions to be asked by sessions - Initial Recommendation
1. What does it mean for you to call Jesus "Saviour and Lord"?

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2. Why do you think you should be preparing yourself for the Ministry of Word and Sacraments? Or for Diaconal Ministry?
  3. Please outline your history and experience in the church and how this relates to your faith journey.
  4. Please articulate your experience and sense of call to service in the church.
  5. Have you ever previously begun a discernment process for the ministries of The Presbyterian Church in Canada or another church? If so, how far did you proceed in this process and why did you discontinue it?
  6. At this point in your journey, what is your understanding of the gospel and the task of the church?
  7. Are you able to identify particular gifts which you have been given for ministry?
  8. What are your concerns/fears/apprehensions as you prepare to enter the process of candidature for ministry?
  9. What is your plan for meeting the financial costs of preparation for ministry (including support for your spouse and family)?
- J-5 Questions for sessions to ask themselves when considering a recommendation
1. How do we recognize the likelihood of God calling this person?
  2. How do we recognize gifts for ministry in the candidate?
  3. What are our experiences of the candidate in our midst? How long has the candidate been a member of our congregation? Has he/she been active in the life of our congregation?
  4. Are there obvious personality problems? (These may not be reason to say “No”, but may be problems to be indicated to others who will continue the process).
  5. Does the candidate have a realistic and responsible financial plan? Would we be willing to provide financial support to him/her?
  6. If this person were graduating today, would we be willing to consider him/her as a candidate for a position in your congregation?
  7. Married persons should be asked to address the issue of two career couples and how that will be handled in their case. Spouses should be involved in interviews at this level. If both partners in a marriage intend to be ministers, discuss their expectations of the church re employment. The counselling and on-going pastoral care of clergy couples is important. Elders might share some of their positive perceptions with respect to the impact of family life on one’s ministry.

### Initial Certification

- J-6 Questions to be asked by presbyteries
1. The same questions outlined for sessions.
  2. Please share with us something of your present practice of spirituality: i.e., your practice of prayer, devotions, reading of scripture. Have you read the entire Bible?

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3. When you complete your preparation for ministry and seek ordination or designation, may there be some limitations on where you would be able to go as the church calls or has needs? What are your aspirations vis-a-vis ministry?
4. What role do you understand/expect the church to fulfill in your call to ministry?
5. Who are your role models? What do you understand to be essential in ministry?
6. How do you understand authority in the church? How do you understand the authority of presbytery in the candidacy process?
7. Do you know, understand and appreciate this church's position on the baptism of children, and the ordination of women?

### J-7 Issues for the presbytery to consider

1. Has the candidate been a member of The Presbyterian Church in Canada for at least a year, as required by the General Assembly? (A&P 1984, p. 403, 31)
2. If this person were graduating today, would we be willing to employ him/her?
3. From our experience, do we perceive this person to have gifts for leadership in the Church of Jesus Christ?
4. How do we assess the candidate's potential for growth, i.e., willing to learn, open to new ideas and approaches, eager for new experiences?
5. Is the candidate able to cope with the stress involved in theological study in which his/her faith and ideas will be examined, questioned, probed and stretched?
6. How do we assess his/her potential for pastoral ministry? How does the candidate handle tension and conflict? Is he/she a caring person?
7. Are there obvious personality problems? What are they? Can they be described for the benefit of the candidate and of the college to which he/she will be certified?
8. What factors in the candidate's personal life will affect his/her training for service in the church? (financial, family, medical, emotional, academic, etc.). For example, does the candidate have a realistic and responsible financial plan?
9. What kind of liaison with this presbytery would be most helpful during the candidate's preparation for ministry?
10. Are there specific courses, interventions, experiences which we think would be helpful during the candidate's preparation for ministry? These recommendations should be designed as much to nurture specific gifts already identified as to address problems.
  1. Re candidates with English as second language:
    1. Such candidates should be given truthful feedback regarding their ability with oral English, and encouraged to take appropriate remedial courses.
    2. The desirability of immersion courses should be considered.
    3. Such candidates should be helped to face the realities of employment prospects.

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11. Candidates should be helped to develop a clear picture of the church into which they are to be ordained or designated, including theological and ecclesiological distinctives.
12. Reviewing the candidate's academic transcripts from his/her preparatory education, how do we rate the candidate's ability to handle the required academic program?
13. Presbyteries should discuss the following academic issues with candidates (where appropriate):
  1. The implications of choosing to study at non-accredited universities, and/or theological colleges other than those of this church.
  2. Plans for transfer credits.
  3. The wisdom of choosing liberal arts courses rather than a heavy emphasis on religious studies at the under-graduate level.
  4. The study of a biblical language before entering upon theological study.

### Re-certification

#### J-8 Questions to be asked by presbyteries

1. How has your faith changed? How has theological study challenged and informed your faith? What are the indicators that you are maturing in Christian faith and life?
2. What are the most important issues or insights being raised for you in theological study? How are you integrating these into your own life and into your view of the church and ministry?
3. In what ways do you consider that your faith lies generally with the Reformed tradition?
  1. The presbytery may ask candidates for a written personal statement of faith.
4. Where do you expect to place emphasis in ministry? What form of service do you project for yourself after graduation? Are there particular kinds of ministry in the church to which you react negatively? Positively?
5. What is your understanding of, and can you generally accept the standards for ordination or designation set down by The Presbyterian Church in Canada?
6. What do you expect to happen as a result of Sunday worship?
7. What is your understanding of Christmas? Of Easter? What, for you, are the theological and practical issues?
8. Responses to current issues: e.g., baptism of children; children at the Lord's table; ordination of women; inclusive language; liberation theology.
9. How would you go about making changes in the practices, customs, traditions of a congregation? How do you usually respond to change that affects you personally?
10. Describe your ability to relate to others in work and social situations.
11. Where do you find your support systems?

#### J-9 Issues to be considered by presbyteries

1. Candidates who are married or engaged to be married:

Note: The concern of the presbytery in this area is primarily pastoral, and not evaluative.

## Appendix J

1. Candidates and spouses (or engaged couples) should probably be conferred with as early in the process as possible out of pastoral concern, and perhaps annually thereafter.
  2. Two career couples: Whose career will take priority? Have you thought through the consequences?
  3. Clergy couples: Explore relationships/dynamics.
  4. What provision for your spouse to grow with you?
  5. Where do you find your support systems?
2. Look at reports from summer mission appointments (from Canada Ministries - Life and Mission Agency, the presbytery involved, and the candidate), from field education placements, and from the follow-up counsellor, and reports on academic progress, and explore issues raised in these reports.
  3. Re-certification in the year immediately prior to entering the final year of theological study is the most critical point in the candidacy process. Re-certification should be granted at this point, only if there is little doubt about the successful completion of the candidacy.
  4. Presbyteries may wish to grant probationary re-certification to certain candidates. This would be done when the presbytery has identified areas of concern on which the candidate is expected to concentrate with intentionality. Candidates who are thus “on probation” should receive a carefully documented explanation of the concern and the time in which the concern must be addressed before probation is removed.

Some reasons for probationary re-certification might be:

1. A rigid, or too open theological stance, or an eclecticism which contains contradictory approaches.
2. Concern over a specific doctrine (scripture, baptism, church, etc.)
3. Concerns related to skills and practice of ministry.

Note: Probation or conditional certification is not an option at the time of first certification. Candidates for first certification about whom there is serious concern as to their capability or suitability should be informed of the concern, and of the possibility of re-considering their request at some future time.

5. Francophone candidates: Presbyteries who have Francophone candidates under their care will naturally apply the above guidelines in terms of the language in which the students are preparing to minister.
6. English Second Language candidates: At the point of re-certification in the second year of theological studies, particular attention should be paid to the candidate’s ability in oral English. Would it be better at this point to ask the candidate to withdraw from studies in order to improve the ability to speak English?

### **Procedures re Examination for Certification as a Candidate for Ordination**

#### J-10 Application

1. A person who is completing the required course of study and is desirous of proceeding to ministry will make application to the presbytery in accordance with present regulations, to be examined as to suitability for ministry.

## Appendix J

2. The candidate will provide to the presbytery the following submissions. (The candidate would be informed that the presbytery, in the course of its examination, would use the submissions as a means of exploring theological and relational issues.)
  1. Personal Report:
    - A written statement of intent to proceed to ordination in The Presbyterian Church in Canada, and the intent to accept the Preamble on Ordination and the Subordinate Standards of The Presbyterian Church in Canada through appropriate responses to the ordination questions at the time of a call or appointment.
    - A written statement by the candidate of his/her faith journey.
    - A case study report that would address some issue of ministry in the candidate's experience. (The format and directions for the development of the case study would be available from the Life and Mission Agency's Ministry and Church Vocations office.)
    - An exegetical paper and a sermon based on it.
    - The candidate will conduct a service of public worship, arranged by the presbytery or its examining committee, and provide a copy of the manuscript of the sermon to the presbytery.
    - One or more papers on theology.
    - The Diploma of the College, or its equivalent. (If a candidate has applied prior to graduation, such a statement would be provisional only.)
  2. Supervised Field Report:

Such evaluative statements as may be forthcoming from supervisors or agencies with whom the applicant has had work assignments.

### J-11 Examination

1. The presbytery, or its examining committee, will be familiar with the candidate's written submissions prior to an interview.
2. The examination by the presbytery should be seen as the final step in the process of candidacy. In normal circumstances, the candidate will already have been under the care of the presbytery. Therefore, the examination will take into account the knowledge of the candidate gained from previous certification interviews.

If the candidate has not been under the care of presbytery prior to making the request to be examined for certification as a candidate for ordination, the presbytery should ascertain if the candidate has previously requested examination for certification for ordination in any other presbytery of The Presbyterian Church in Canada and the outcome of that process.

If the candidate is applying to enter the church from another denomination, the presbytery should ascertain how far the candidate proceeded in that denomination's discernment process and the outcome.

3. Issues for the presbytery to consider:
  1. Will the candidate make a useful contribution to the ministry of the church?
  2. Does the candidate have the necessary spiritual and personal resources to endure the pressures of the ministerial office?
  3. Does the candidate show ability to express his/her faith in a way that is real, articulate, and integrated?



## Appendix J

4. Is there evidence of growth and continuing personal development?
  5. Does the candidate's theology lie within the Reformed tradition?
  6. Is there evidence of sensitivity to the process of group decision-making?
  7. Does the candidate exhibit good skills in interpersonal relationships?
  8. Does the candidate show recognition of diversities of opinion and practice within The Presbyterian Church in Canada?
4. The interview may take the form of questions, discussion, case studies, hypothetical situations, in order to elicit information.

### J-12 Presbytery Action

1. The candidate will be present at the meeting of the presbytery when the report of the examination is considered.
  1. If this takes place while the candidate is still in course, the presbytery sustains the examination conditional on graduation, and the moderator will formally inform the candidate that permission is granted to be presented to a congregation by an interim-moderator, in accordance with Book of Forms section 215.1.
  2. When certification from the senate of a college has been received in accordance with section 206.2, and the presbytery examination is sustained, the moderator shall declare to the candidate, being present, that he/she is now a certified candidate for ordination, and therefore eligible to receive a call or an appointment.
2. The clerk will issue an extract of certification to the candidate.
3. The presbytery will inform the Life and Mission Agency's Ministry and Church Vocations staff of the names of all certified candidates for ordination, with the date of certification.
4. The Life and Mission Agency will report annually to the General Assembly the names of all certified candidates for ordination, to be included in the Acts and Proceedings.

### J-13 Standing and Accountability

1. Certified candidates for ordination will continue under the jurisdiction of the presbytery which certified them, as long as they live, work and/or study within the bounds of the presbytery which certified them, or are working or studying abroad with the permission of the said presbytery.
2. Candidates must request a transfer to the jurisdiction of the appropriate presbytery if they leave the bounds of the presbytery which certified them, to live, work and/or study elsewhere in Canada.
3. Candidates may receive notice of meetings of the presbytery of the bounds.
4. Candidates will have their standing reviewed by the presbytery at the end of a three-year period, if they have not been ordained.
5. Candidates may request to have their standing removed as a certified candidate for ordination.



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