



Chapter 10

THE PRESBYTERY

Explanatory note

The Presbytery has important functions in regard to the proclamation of the Gospel. In its geographical area it is responsible for the regular and faithful preaching of the Word, the administration of the Sacraments and the pastoral care of the Congregations and their members. In addition it has oversight, discipline and jurisdiction over Ministers, Congregations and Sessions. It plays a vital role in Calls to Ministers to fill vacancies, and the appointment of Ministers to Congregations without the right to Call. The General Assembly draws attention to the fact that in 2013, the Executive Commission passed Chapter 20 which deals with the powers and functions of the Presbyteries and Synod of Zambia. Accordingly, any question as to the powers and functions of the Zambian Synod or any of its Presbyteries must be dealt with by reference to that chapter.

Section 1 - CONSTITUTION

- 10.1 Each Presbytery has a Council of the Church which is called "the Presbytery" or "the Council of Presbytery" which has oversight, discipline and jurisdiction over the Ministers and Congregations within its boundaries and over any preaching place or preaching station which is administered by or through a Presbytery committee. Each Presbytery is constituted by the General Assembly which establishes its boundaries and may, from time to time, alter its boundaries, change its name, and/or amalgamate it with another Presbytery or Presbyteries. When the General Assembly constitutes a Presbytery it gives it a name and appoints the time and place of its first meeting and one of its Ministers to act as Moderator in constituting it.
- 10.2 The legal status of a Presbytery is that of an association of the Congregations of the Church within its boundaries in the form of a corporate body having perpetual succession and power to own and hold property (immovable, movable and incorporeal) in its own name independently of its members as well as power to sue and be sued in its own name.
- 10.3 A Presbytery is governed by its own Council, which has all the functions and powers of the Presbytery as a corporate body. A Presbytery may also have a Court (see Section 4 of Chapter 18) and an Administrative Review Panel (see paras 15.7 and 15.10).

A Presbytery Council is composed of: -

- (a) Ministers of pastoral charges within its boundaries, including Ministers of other denominations serving as resident Ministers of United Congregations in which this Church is a constituent participant;
- (b) Colleague Ministers, Colleagues-and-Successors and Ministers-in-Association;
- (c) ordained Assistant Ministers;

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- (d) Ministers who are leaders of transitional Congregations within its boundaries;
- (e) Ministers set apart by General Assembly to special work within this Church or seconded by General Assembly to work outside the Church have a seat in the Presbytery within whose boundaries the work is performed or, if the work extends over more than one Presbytery, within whose boundaries the Minister resides;
- (f) Probationers serving within its boundaries; (g) Ministers Emeriti;
- (h) Any Ministers with credentials without pastoral charge serving as Stated Supply, any other Ministers without pastoral charge to whom the General Assembly has granted seats on the Presbytery, and any Elders to whom the General Assembly has granted this right;
- (i) Elders commissioned by Sessions and Elders in Transitional Congregations commissioned by their Oversight Committees provided that the Sessions and Oversight Committees seek to commission an equal number of men and women to the extent that this is possible;
- (j) Elders appointed under the provisions of paras 10.5 and 10.6;
- (k) members of Church Councils of United Congregations within its boundaries who have been commissioned to attend Presbytery, provided that The United Methodist Church in Southern Africa is one of the participating Churches in the Congregation and provided that the Church Councils seek to commission an equal number of men and women to the extent that this is possible;
- (l) Ministers of other Churches who are seconded in terms of paras 16.116-121;
- (m) Ministers and Elders serving in positions in the Central Office from time to time. The General Secretary allocates such Ministers and Elders to Presbyteries. They cease to be members of Presbytery when they cease serving in the Central Office.

This Council is normally referred to as "Presbytery" and all the functions and powers of a Presbytery as a corporate body are vested in and exercised through its Council or Court.

- 10.4 Ministers whose credentials place them under the care and discipline of a Presbytery may be regularly associated with the Presbytery but do not thereby have a seat on Presbytery unless it is granted to them by General Assembly in terms of para 10.3(h) above. If a Presbytery wishes such a Minister to be granted a seat on Presbytery in terms of para 10.3(h) it forwards a request to General Assembly's Ministry Committee for report to General Assembly and provides a written motivation for the request. The granting of a seat on the Presbytery within whose boundaries he/she may reside to a Minister who on retirement is declared to be a Minister Emeritus, takes place upon his/her being granted leave to retire. It does not require any further application or motivation.
- 10.5 Should the number of representative Elders fall below the number that the Sessions and Oversight Committees of Transitional Congregations

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within the boundaries are entitled to commission, the Presbytery may itself appoint a sufficient number of Elders to fill the vacancies.

- 10.6 The General Assembly may appoint to a Presbytery Ministers and Elders from other Presbyteries as Assessors for specified purposes, with full rights of membership within their terms of reference. When the General Assembly is not in session its Moderator may appoint such Assessors if requested by the Presbytery.
- 10.7 Every Elder, however appointed, is duly commissioned by his/her own Session, Church Council or, in a Transitional Congregation, Committee of Oversight, in accordance with the form of commission set out in Appendix B(1).
- 10.8 An Elder's commission may be approved at any meeting of the Presbytery, whereupon the Elder's name is added to the Roll of Presbytery.

Section 2 – OFFICE BEARERS**MODERATOR**

- 10.9 The Presbytery elects a Moderator from among its members. He/she continues in office as Moderator until his/her successor has been inducted. The procedure for the election of the Moderator is set out in para 10.11 and his/her authority and duties are set out in paras 10.16 to

Election and tenure of office

- 10.10 The Presbytery determines whether the period of office of the Moderator is to be one year or two years.
- 10.11 If the period is to be one year the election takes place at least three months before the first ordinary meeting of the Presbytery following the stated meeting of General Assembly in the years in which the General Assembly meets and in other years at least three months before the meeting at which the Moderator's period of office ends. If the period is to be two years an election takes place at least three months before the first ordinary meeting of the Presbytery following the stated meeting of General Assembly.
- 10.12 The method of election of the Moderator is the same as that in paras 16.37-38.
- 10.13 If the period of office of the Moderator is one year he/she may be re-elected for a maximum of three further annual periods after which the Presbytery elects another Moderator. If the period of office is two years the Moderator may be elected for a second period of two years after which the Presbytery elects another Moderator.
- 10.14 Should the Moderator die, or resign, or for any reason be removed from office during his/her term, his/her predecessor or another former Moderator acts until a successor is elected at the next ordinary meeting of the Presbytery. Should there be no former Moderator in Presbytery,

the Clerk nominates a member of Presbytery to act until the next ordinary meeting of Presbytery, at which it elects a successor

- 10.15 If the Moderator is an Elder, Presbytery may grant him/her, while in office, authority to administer the Sacrament of the Lord's Supper in accordance with the prescribed services in the Service Book and Ordinal, subject to his/her satisfying the General Assembly's Ministry Committee as to his/her understanding of that Sacrament.

The authority and duties of the Moderator

10.16 The Moderator

- (a) presides over the meetings of the Presbytery, takes precedence over its members, and acts officially on its behalf but is subject to the Presbytery in all matters and abides by and acts upon its decisions;
- (b) acts as pastor to all Ministers and Probationers within the Presbytery;
- (c) may be invited by any Minister or Session of a Congregation within the boundaries of the Presbytery to visit that Congregation to mediate between and/or counsel any parties within the Congregation.

10.17 The duties of the Moderator are

- (a) to constitute and conclude each meeting with prayer, or other devotions;
- (b) to decide who may speak at any time;
- (c) to take the vote;
- (d) to announce decisions;
- (e) to moderate the discussion and keep order;
- (f) to call on members to discharge any function which may have been or is assigned to them;
- (g) to see that business done has been duly recorded;
- (h) to sign the minutes;
- (i) and in general to speak and act officially in the name of the Presbytery as instructed by it.

- 10.18 The Moderator obtains the leave of the Council to vacate the chair in favour of a former Moderator (or if no former Moderator is present, another member of Presbytery) should he/she wish to speak on any matter before the Presbytery. If he/she is a party in a case before the Presbytery, he/she must vacate the chair while the case is under adjudication. If a meeting is to be held from which the Moderator will be unavoidably absent, he/she may nominate an ex-Moderator, or if no ex-Moderator is able to attend, another member of Presbytery to chair the meeting.

- 10.19 An acting Moderator must so designate himself/herself when signing any records or documents of the Council.

- 10.20 The Moderator does not have a vote in determining the outcome of any proposal before the Presbytery other than if there is an exact (50/50) division among the members of the Presbytery who have voted, in which case he/she exercises a casting vote.

CLERK

- 10.21 At the meeting at which the Moderator is elected the Presbytery elects a Clerk who holds office for the same period as the Moderator (note para 10.11), but may be re-elected for as many further periods as the Presbytery wishes. Presbytery may also appoint a Minute Clerk who, if not a member of the Council, has the right to speak but not to vote.
- 10.22 The Clerk
- (a) keeps the Roll of members;
 - (b) brings before the Council all business entrusted to him/her;
 - (c) minutes the proceedings of the Council;
 - (d) takes charge of its records and papers;
 - (e) gives extracts from its minutes to those entitled to them; and
 - (f) discharges other duties laid on him/her by the Council.

TREASURER

- 10.23 At the same meeting at which the Moderator is elected the Presbytery appoints a Treasurer who holds office for two years, but may be re-elected for any further periods of two years as decided by the Presbytery.
- 10.24 The Treasurer takes charge of the funds and accounts of the Presbytery and reports on them as required. The audited accounts of the Presbytery must be submitted annually at an ordinary meeting of the Presbytery.

ADMINISTRATOR

- 10.25 The Presbytery may appoint an Administrator for such periods and on such conditions as the Presbytery may determine; provided that the first period may not exceed five years, and, the Administrator being eligible for re-appointment, each subsequent period may not exceed three years.
- 10.26 Provided they are either Ministers or Elders of the UPCS A, the Moderator, the Clerk, the Treasurer and the Administrator are members of Presbytery by virtue of being appointed to these offices, even if not commissioned by their Sessions (or Committees of Oversight or Church Councils in terms of para 10.3(i) and 10.3(k)).

If any one or more of the Clerk, Treasurer and Administrator have not been commissioned to Presbytery by their Session, Committee of Oversight, or Church Council in terms of para 10.3 (k) but are Ministers or Elders of the UPCS A or Ministers or Church Council members in terms of para 10.3 (k) he/she/they become members of Presbytery by being appointed to their offices. In such a case the holder of one of these offices ceases to be a member of Presbytery when he/she ceases to hold the office to which he/she was appointed.

Section 3 - FUNCTIONS AND DUTIES

- 10.27 The Presbytery:
- (a) is responsible for the regular and faithful preaching of the Word, the administration of the Sacraments, and the pastoral care of the Congregations within its boundaries;

- (b) exercises oversight and discipline over all Ministers, Probationers, Students for Ministry, Church Development Evangelists, Lay Preachers and all other members of this Church within its boundaries (see para 18.43). While Students for the Ministry and Probationers are under the care and discipline of the Presbytery, any allegation that calls into question their suitability for the Ministry is dealt with in accordance with the provisions of chapter 17 of the Manual;
- (c) ordains Ministers to their office (note paras 17.39-44), inducts or introduces Ministers to their charges, releases them therefrom, and sets apart those appointed to special work within the boundaries of the Presbytery. A Probationer is ordained only if he/she has been awarded a Ministry Certificate (see para 17.39) and has been appointed to a charge or has received a Call to a Congregation;
- (d) constitutes new Congregations following the procedure set out in paras 6.29-52; approves the merger of Congregations in accordance with para 6.84 ; dissolves Congregations in accordance with paras 6.77-83; maintains a register of Congregations within its boundaries and of preaching stations;
- (e) appoints acting Sessions (see para 10.59) and Interim Moderators of Session (para 16.25(a)). (An Interim Moderator has the right of delegation in all matters save those relating to the filling of a vacancy.);
- (f) satisfies itself through its Interim Moderator that adequate pulpit supply is arranged in vacant charges and that such charges are filled without undue delay;
- (g) receives Ministers without charge certified to it by other Presbyteries and Ministers seconded by the General Assembly who reside within its boundaries;
(Every seconded Minister or Probationer is required to be an enrolled member of a Congregation within the Presbytery's boundaries. (See also para 16.27.);
- (h)
 - (i) receives applications from sessions for members who wish to be recognised as members of the Order of Supportive Lay Ministries,
 - (ii) forwards these to the Administrator for the Order of Supportive Lay Ministries,
 - (iii) assists in any training and formative processes that are applicable, and
 - (iv) holds a service of recognition and blessing when a candidate is accepted into the Order. (The Order of Supportive Lay Ministries is covered in detail in Section 12 of Chapter 16 and should be consulted by Presbyteries).
- (i) arranges regular Presbyterial Visitations with all Congregations within the boundaries, considers all matters relating to the condition of such Congregations, with full power to review and, as occasion may require, to call for the Membership Roll and other rolls, Minute Books and records of the Sessions and bodies administering the temporal affairs of such Congregations for scrutiny and attestation;

- (j) takes advantage of opportunities for Church development within the boundaries and originates or encourages the establishment of development work;
- (k) takes and exercises the oversight of Church educational and welfare work within its boundaries;
- (l) (i) considers and, as it sees fit, approves or declines to approve Calls;
(ii) appoints any Minister or retired Minister employed by the Congregation to assist part-time or full-time in the ministerial work of the Congregation; (Presbytery consults with the Ministry Committee of General Assembly before making such an appointment, and paras 16.158-161 apply);
- (m) grants leave of absence to Ministers of Congregations within the boundaries in terms of paras 16.81-83 and appoints an Interim Moderator in cases where the special leave granted is for a period longer than 90 days;
- (n) severs forthwith the pastoral tie when the Minister's absence from his/her charge is intended to exceed twelve months;
- (o) ensures that each Minister within its boundaries, who is eligible for admission under the rules of the Pension Fund, becomes a member of that Fund;
- (p) reviews the minimum stipend within its boundaries at its second stated meeting of the calendar year and reports to the Maintenance of the Ministry Committee (see para 8.9);
- (q) receives from every Congregation a report on all the emoluments its minister/s receive no later than the Presbytery's second stated meeting of the calendar year, and reports to the Maintenance of the Ministry Committee, (see para 8.10);
- (r) receives applications by Ministers within its boundaries for leave to retire from the active ministry and to be granted Pension Fund benefits and transmits the applications to the General Assembly with recommendations ;
- (s) decides on the resignation of Ministers and other agents of the Church;
- (t) issues a Certificate of Credentials in accordance with Appendix C(4)7;
- (u) appoints special times for penitence, intercession, or thanksgiving;
- (v) transmits to higher Councils of the Church overtures and petitions addressed to such Councils, and approaches such Councils by overtures and references;
- (w) gives public expression to its view on matters relating to the welfare of the people within its boundaries;
- (x) commissions Ministers and Elders to represent it in the General Assembly in accordance with the basis of representation decreed from time to time by the General Assembly (note paras 12.2-3);
- (y) nominates, if it so desires, a candidate to be Moderator Designate of the General Assembly;

- (z) appoints representatives to the Nominations Committee of the General Assembly in terms of the Standing Orders of the General Assembly;
 - (aa) sends to the Clerk of General Assembly, before the date specified in the Standing Orders of the General Assembly a brief report embodying the following particulars:
 - (i) the dates on which it holds its stated meetings;
 - (ii) the changes in the ministry that have taken place;
 - (iii) the names of any of its Ministers and of its Elders who have been Commissioners to the General Assembly, who have died during the year;
 - (iv) the names and addresses of any Ministers without charge under its care; and
 - (v) any other matters upon which the General Assembly may require it to report;
 - (bb) has oversight of all methods of fund-raising within its boundaries;
 - (cc) acts in all matters the General Assembly remits to it;
 - (dd) sends out annually to each Congregation a questionnaire to gain all necessary factual information. (See Appendix D(3) for form "Annual Report to Presbytery".) Each Congregation is required to submit this information to its Presbytery within three months of the end of the Congregation's financial year.
- 10.28 The Presbytery has the right to assess Congregations within its boundaries to obtain such funds as may be necessary for the exercise of its functions. The Presbytery may control, invest and disburse any funds received for its own use.

Section 4 - PRESBYTERIAL VISITATION

- 10.29 The Records Committee of each Presbytery is responsible for sending out annually to each Congregation a questionnaire to gain all necessary factual information. (See Appendix D(3) for form "Annual Report to Presbytery".) Each Congregation is required to submit this information to the Records Committee of the Presbytery of the boundaries within three months of the end of the Congregation's financial year.
- 10.30 Presbytery determines the numbers of Ministers and Elders that will conduct a Visitation and submits to the Session of the Congregation to be visited the names of three Ministers and three Elders from which the Session may make its selection of visitors to form the Visitation Committee.
- 10.31 On the appointed date, the Visitation Committee meets with the Minister, Session, Board, and with any other organization of the Congregation that wishes to be included. The Visitation emphasis is to help, encourage and advise the Congregation. No schedule of any kind will be submitted to the Congregation during the Visitation.
- 10.32 The final meeting is with the Congregation. The Visitation Committee remains available to the Congregation until its final report is submitted to Presbytery.

- 10.33 The Visitation Committee's report is sent to the Minister and the Session. If the Minister and Session so desire, the Visitation Committee will return to meet them again. The report will then be considered by Presbytery and, if approved, is read to the Congregation at a time convenient to the Congregation.

Section 5 - ADMISSION OF CONGREGATIONS FROM OTHER CHURCHES

- 10.34 If a Congregation of another Church desires to be admitted as a Congregation of this Church, it applies to the Presbytery within whose boundaries it is situated, and the Presbytery makes full enquiry into all the circumstances including the provision proposed in regard to any property owned by the Congregation. The Presbytery forwards the application, with a full report thereon, to the General Assembly. If the General Assembly grants the application, it instructs the Presbytery to take the necessary steps for the incorporation of the Congregation. That Congregation is constituted as a unit of this Church when it adopts in proper form the Constitution of the Congregation as set out in Appendix A to Chapter 6 and is recognized by the Presbytery within whose boundaries it is situated.
- 10.35 replaced on next page

Section 6- UNSATISFACTORY STATE OF A CONGREGATION OR OF A UNIT WITHIN IT

- 10.35 Proceedings under this section are administrative in nature. They are aimed at rectifying the unsatisfactory state of a Congregation and/or of any body or group within it (e.g. Session, Stewardship Board, Deacons' Board, Women's Fellowship, Choir, Youth Fellowship). It is competent for the Presbytery, or a Commission appointed by it, to take such administrative measures in regard to individuals or groups within the Congregation as are appropriate in the circumstances and within the rules given below if, in the opinion of the Presbytery or Commission, such measures are in the best interests of the life of the Congregation. The proceedings are therefore distinct from disciplinary proceedings and the rules in Chapter 18 do not apply. A person who, or group which, is dissatisfied with the findings of the Presbytery or Commission, may require that the proceedings be taken on review to the General Assembly's Administrative Review Panel.
- 10.36 replaced on next page
- 10.36 It is competent for any member of Presbytery at any stated meeting to raise the question of the apparently unsatisfactory state of a Congregation within the boundaries of the Presbytery
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- 10.37 Apart from his role as Minister to Ministers (*Pastor Pastorum* in the older terminology) the Presbytery, not the Moderator by himself/herself, exercises oversight in all Presbytery matters, including any case of an unsatisfactory state of a Congregation or of a significant body or group within a Congregation, within the Presbytery's boundaries. The Moderator should not give the impression of claiming the right to exercise such oversight in his/her own right.

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Preliminary steps

- 10.38 Every Presbytery appoints at least two Ministers and two Elders to form a pastoral team with the Moderator and Clerk to help them in making a preliminary investigation of an allegation of an unsatisfactory state of a Congregation or of a body or group within a Congregation. The team needs to represent the different cultural and/or language groups in the Presbytery and, if possible, both genders. The pastoral team may co-opt members of Presbytery for a particular investigation.
- 10.39 (a) If a Presbytery Moderator or Clerk receives information that the state of any Congregation within the Presbytery's boundaries or any significant body or group within such a Congregation, including its Session and/or relevant financial authority, is unsatisfactory, the Moderator and Clerk consult with each other, and, as they see fit, with other members of the pastoral team.

- (b) If they conclude that the information may be reliable, the Moderator, with the help of the pastoral team ascertains whatever details they deem necessary from the person(s) making the allegation.
- (c) If on the basis of what it finds out the pastoral team perceives the allegations to have sufficient grounds, it immediately notifies the Minister of the Congregation concerned before proceeding further. If the Minister lives within reasonable distance, the pastoral team does this face to face.
- (d) The Pastoral Team calls a meeting of the Session concerned, giving reasonable notice of the date, time and venue. The Moderator attends this meeting and so do as many other members of the Pastoral Team as are able to attend.
- (e) If the pastoral team deems it appropriate it may consult with the Minister and/or the Session and/or invite the Minister and/or the Session and the persons alleging the unsatisfactory state to meet with the pastoral team in an attempt to resolve the matter.
- (f) If the matter remains unresolved, the pastoral team then reports on it to the next ordinary meeting of the Presbytery. Alternatively the Moderator calls a special meeting of Presbytery to deal with it and the pastoral team reports.

Action by the Presbytery

10.40 Deleted

10.41 The Presbytery deals with the matter by deciding how urgent the matter is and then proceeding in one or more of the following ways in any order as the Presbytery may determine:

- (a) Presbytery may decide that the situation needs no further action on its part. or
- (b) If the matter is first raised as in para 10.36, the Presbytery may ask the Moderator to act in any of the ways in para 10.39. or
- (c) Presbytery may refer the matter to the Session of the Congregation concerned, instructing it to deal with the matter according to the laws of the Church and any further instructions the Presbytery deems appropriate. The Presbytery may then also appoint assessors to assist the Session. or
- (d) Presbytery may appoint a Visitation commission to visit the Congregation or the group or body within it and seek to rectify the situation. The Presbytery defines the powers of the commission (see para 14.43). The commission reports back in writing to the Presbytery as soon as possible. If the commission has been unable to rectify the situation, its report includes a brief summary of the situation as it sees it. or
- (e) If previous interventions contemplated in paragraphs 10.39(c) to (e) or in 10.41(b) to (c) have failed to rectify the situation, and the Presbytery deems that the responsibility for the unsatisfactory state of the Congregation or any body or group within it may lie with the Minister or with any member(s) of the Congregation, Presbytery may appoint a Presbytery Commission (see para 14.43) with the powers assigned in paras 10.53 to 10.56. In this case the Presbytery

fixes the quorum for the Commission, designates its Convener and fixes the date, time and venue for its first meeting.

- (f) Presbytery may ask a special committee of Synod or of General Assembly, consisting of the Moderator, Clerk and Treasurer of the Synod or of General Assembly (who are hereby authorised to act as such a committee of the Synod or General Assembly) to appoint a commission and determine its quorum and designates its Convener. The commission then has the powers assigned to a Presbytery Commission in terms of paragraphss 10.53 to 10.62 and of Presbytery in terms of paragraphs 10.57 to 10.59. The commission reports to the Council whose special committee appointed it.

Guidelines for Pastoral Teams and Commissions

- 10.42 When a Presbytery receives an allegation that calls for an investigation into the affairs of a congregation, the Presbytery needs to proceed with caution and sensitivity.
- 10.43 On one hand a Presbytery needs generally to support its ministers when they are under attack or vulnerable to attack.
- 10.44 On the other the Presbytery needs to support its congregations from serious failure, negligence or misconduct on the part of their ministers.
- 10.45 Accordingly, whenever a pastoral team or a commission is appointed to investigate an unsatisfactory state of affairs in a congregation and/or of any organisation or group within it or the breakdown of a Minister's marriage, the pastoral team or commission has the right and the responsibility to investigate every facet of the problem.
- 10.46 In particular it should always seek to observe the principle "hear the other side" and listen to what all the parties in any split or alienation have to say about it.
- 10.47 It has the right and the responsibility, at its discretion, to discuss any facet or facets of the problem with all and/or any of the parties concerned and in doing so:
- a) to seek to ascertain all the relevant facts;
 - b) to confront any or all of the parties with its findings in a pastoral manner; and
 - c) to seek to bring about reconciliation between any alienated parties or a solution of the problem(s).

It should not allow itself to be manipulated by any party to the dispute that tries to deter the pastoral team or commission from hearing any of the other parties.

- 10.48 In reporting back to the council that appointed it, the pastoral team or commission needs to report clearly
- a) what the basic problem is, or problems are, and
 - b) what it has done and/or proposes should be done to bring about reconciliation or a solution to the problem(s).

- 10.49 Such a report should normally be made with the council in question meeting in camera. unless meeting in camera would lead to a manifest injustice to one of the parties to the matter before the Council.
- 10.50 The pastoral team or commission is called to act at all times in a pastoral manner and is not bound to report every detail of the problem(s) that it has unearthed. In particular it should refrain in its report from publicly exposing details of fact or behaviour that may unnecessarily embarrass or humiliate any of the parties concerned.
- 10.51 On the other hand the pastoral team or commission should not cover up any misconduct or other details that need to be exposed or that the council needs to know in deciding on the matter.
- 10.52 Evidence of criminal behaviour such as child abuse or rape should be handed over to the police.

Rules of procedure

- 10.53 A Presbytery Commission, or a Commission appointed in terms of para 10.41(f), ("the Commission"), shall order persons in the Congregation likely to be involved, and those likely to be of assistance to the Commission in reaching a conclusion, to appear before itself at a specified place and time where an investigation is to be held. The order to appear shall inform each person so ordered
- (a) briefly but clearly of the contents of the information which has been received by the Presbytery and has given rise to the investigation, and
 - (b) that each person ordered to appear will be afforded an opportunity to lead evidence and be heard in argument.

When the alleged unsatisfactory state is in the Congregation as a whole, in addition to the order to appear, public intimation of the time, place and purpose of the meeting of the Commission shall be made at all services of worship of the Congregation concerned on a Sunday not later than the Sunday preceding the appointed date (or if time permits on each of the two Sundays preceding the appointed date).

With the permission of the Commission any member of the Congregation as a whole, or of the body or group within it being investigated, may give evidence provided that it is relevant. The Commission may call any member as a witness. The Commission must give those ordered to appear the opportunity to present argument after evidence is given. The Convener of a Commission presides over the proceedings and ensures that the evidence is adequately recorded. "Adequate" has regard to the substance of the evidence. Important matters should not be omitted. It is not necessary to record every word. Audio and visual recording of the evidence is permissible, but not necessary.

- 10.54 In respect of a Presbytery Commission or a Commission appointed in terms of para 10.41 (f):
- (a) Commissioners are expected to make every endeavour to attend every meeting of the Commission.

- (b) A Commissioner should be careful to recuse her/himself from the discussion of, and abstain from voting on, any proposal based on evidence taken or argument presented at a meeting at which such Commissioner was not present.
 - (c) A meeting of the Commission that is quorate remains so if one or more Commissioners present abstain from voting on one or more resolutions.
 - (d) Decisions of the Commission are taken by a simple majority of the Commissioners present and voting, provided that such majority is equal to not less than one half of the total number of Commissioners appointed to the Commission.
- 10.55 The Presbytery or Commission records its findings under the following headings:
- (a) whether the state of the Congregation, or of the body or group within it that has been investigated, is seriously unsatisfactory;
 - (b) and if so, whether this is mainly due to defects or errors personal to the Minister;
 - (c) or whether it is mainly due to any member(s) of the Congregation, or of the body or group within it in question.
- 10.56 The findings of a Commission shall be considered to be the findings of the Presbytery.
- 10.57 If the finding is against the Minister, the Presbytery may
- a) order that the Minister be placed under the mentorship of a Minister, or other person with the necessary skills, whom it then names, and/or
 - b) order that the Minister undergo skills development training, and/or
 - c) order that the Minister undergo psychological or pastoral counselling, and/or
 - d) dissolve the pastoral tie and declare the charge vacant, in which case it must report the circumstances to the Clerk of the General Assembly.
- In (a), (b), and (c) above, the Presbytery will cover the costs of the required action.
- 10.58 If the finding is against any office-bearer and/or any member(s) the Presbytery may:
- (a) remove from office;
 - (b) suspend from Church membership for a specified period;
 - (c) remove from the Roll of the Congregation;
 - (d) dissolve the Stewardship Board or Deacon's Board;
 - (e) dissolve the Session;
 - (f) dissolve the body or group within the Congregation investigated; or
 - (g) do any one or more of these things.
- 10.59 If the Session is dissolved, the Presbytery appoints a Committee consisting of not less than one Minister and two Elders as an acting

Session, which arranges, when advisable, for the election and/or induction of Elders to form a new Session.

If the Stewardship Board or Deacons' Board is dissolved, the Session, or acting Session as the case may be, calls a Congregational meeting for the election of a new Board or Deacons' Board.

It is for the Presbytery to determine when or whether all or any of the members of the dissolved Session or Stewardship Board or Deacons'

10.60 Deleted

Failure of leadership

10.61 Without detracting from the substance of paras 10.35-59, the procedure in the above paragraphs may be followed if a Minister or office-bearer fails to give adequate leadership, or attempts to lead the Congregation in a direction which the Presbytery considers to be detrimental to the witness, unity and/or peace of the Church, or if a Minister, office-bearer or member fails to be reconciled to another member of the Congregation in circumstances in which the Presbytery considers he/she ought to be reconciled.

When the above procedure is not to be followed

10.62 The procedure described in the above paragraphs is not followed:

- (a) in the case of a Minister incapacitated by mental illness (see paras 16.21-22) or
- (b) in the case of any investigation involving the moral character or doctrinal views of a Minister, office bearer or member, where the rules governing the procedure in discipline must apply (See Chapter 18); provided that such issues, although personal to the Minister, office bearer or member, may be enquired into and be dealt with where it appears to the Commission that the issues may be contributory factors giving rise to the seriously unsatisfactory state of the Congregation or a body or group within it.

Section 7 – MEETINGS

Ordinary meetings

- 10.63 An ordinary meeting of Presbytery is held at a stated time and place. Before the close of each ordinary meeting the Presbytery appoints the time and place of the next ordinary meeting and records in its minutes that this has been done. A Presbytery may adjourn an ordinary meeting to an appointed time and place for the disposal of any business not completed at that meeting or refer it to its Executive Commission, if any, for attention. (See para 14.43.)
- 10.64 Should the Presbytery neglect to appoint the time and place of its ordinary meeting as required in para 10.63, or if at the time and place appointed there is no quorum, its powers and functions lapse until revived in constitutional manner by a special meeting convened to appoint the time and place of the next ordinary meeting.

- 10.65 The Moderator and Clerk arrange the order of business at an ordinary meeting, subject to confirmation by the Presbytery.
- 10.66 The provision of paras 7.84-87 as to the keeping of Minutes apply, with the necessary changes, to Presbytery. The Presbytery is responsible to the Synod, or if there is no Synod, to the General Assembly for the regular and faithful keeping of all its records and submits its Minutes annually to that Council for inspection and attestation. (See also para 14.2.)
- 10.67 The Presbytery requires its members to attend its stated meetings or to give satisfactory reasons for absence. The Minutes of each meeting must contain a list of the members present and of the apologies for absence approved. (See also para 14.2.)

Special meetings

- 10.68 A special meeting may transact only that business for which it was called. If necessary, the meeting may be adjourned to complete its business at a later meeting.
- 10.69 A special meeting may either
- (a) be appointed by the Presbytery or by a higher Council having jurisdiction for the transaction of specified business. The time, place and business is set and is recorded in the Minutes; or
 - (b) be called by the Moderator to deal with specific business needing immediate attention.
- 10.70 When the Moderator calls a special meeting, seven days' notice of the meeting and its specific business must be given to every member of Presbytery. When such a meeting is constituted, it must first consider the action of the Moderator in convening it. If it approves his/her action, it proceeds with the business stated in the notice of the meeting; if it does not approve his/her action, it may not proceed to any business.
- 10.71 The Moderator may convene a special meeting either on his/her own authority or on the request in writing of two or more members of the Presbytery. The request must state their reasons.
- 10.72 The Moderator may decline to call a special meeting on requisition. In such a case he/she must submit his/her reasons to the next ordinary meeting of Presbytery and seek approval of his/her action.

All meetings

- 10.73 Each meeting is opened with prayer and closed in the same way or with the pronouncement of the benediction. (See para 14.1.)
- 10.74 Three members of the Presbytery, two Ministers and one Elder, form a quorum.
- 10.75 The Presbytery may associate with itself for the time being any enrolled member of this Church, or of any other Church who is present at its meeting. Such an associate has the right to speak but not to vote. When

sitting in a judicial capacity or in camera, however, it may not so associate anyone.

- 10.76 The Presbytery may not meet for the transaction of business while a higher Council having jurisdiction is in session, except by special leave of such higher Council.

Section 8 - ADMINISTRATION OF PROPERTY

- 10.77 The Presbytery as a corporate body possesses the following legal powers in regard to property:

- (a) to acquire by purchase, grant, gift, exchange, hire or otherwise any immovable, movable or incorporeal property, including buildings, rights of occupation and site permits;
- (b) to erect, maintain, improve, alter, repair, and equip any buildings or structures;
- (c) to receive or accept moneys, funds, securities, donations, gifts, bequests, and inheritances, whether conditional or unconditional;
- (d) to sell, exchange, donate, transfer ownership in, let, mortgage, pledge or otherwise deal with all or any of its assets;
- (e) to borrow or raise moneys for its own purposes or the purposes of any of its constituent or associated bodies and to secure the repayment of such moneys by pledging or mortgaging any of its property or assets;
- (f) to open and operate banking and savings accounts in its own name.

- 10.78 On the vesting of Presbytery property see paras 9.16-17. Immovable property acquired elsewhere than in the Republic of South Africa shall be registered as the Presbytery directs. (See para 1.22.)

- 10.79 Immovable property which is registered in the name of a Presbytery which is held for the use of a Congregation intended for, or having on it, a church building, church hall, or manse may not be acquired, sold, alienated, donated, mortgaged or let or otherwise dealt with, nor may any new buildings be erected without first obtaining the approval of the Congregation in question, of the Presbytery, and of the Finance Committee of the General Assembly. The approval of the Congregation, if given, must be given by the adoption of a motion at a Congregational meeting.

- 10.80 Immovable property which is registered in the name of a Presbytery which is not held for the use of a Congregation, may be dealt with in the ways indicated in para 10.79 without first obtaining the consent of the Presbytery and of the Finance Committee of the General Assembly.

- 10.81 If an existing Trust Deed governs any immovable property of a Presbytery, the Trust Deed shall continue to govern the property concerned and such property shall remain registered in the name of the appointed Trustees or their successors in office, unless the Trust Deed permits of the same to be transferred into the name of the separate property holding body the Church establishes.

- 10.82 If any immovable property belonging to a Presbytery is registered in the name of the Church or in the name of the official Trustees of the Church

the property shall continue to be so held, unless and until it is decided to have it transferred into the name of the Presbytery or of a separate property-holding body established by the Church.

- 10.83 The Moderator, Clerk, and Treasurer of Presbytery are the appropriate officials to represent Presbytery in property matters and to sign any powers of attorney, contracts and other documents required to give effect to any specific transaction which Presbytery has decided upon.

Section 9 Deleted

10.84 Deleted