

## Chapter 14

# RULES OF PROCEDURE IN ALL COUNCILS

### Explanatory note

*Rules of procedure are needed to help those who want to say something in a debate or who want to start a debate on a certain proposition. They will find that if they know and obey the rules of procedure, their tasks will be much easier than they would otherwise have been. If everyone else also knows the main rules, the debate proceeds more calmly and more quickly than it would have done had there been no rules. Ministers, and Elders who have been to Presbytery, and/or General Assembly, will have noted that the larger the body the more strictly the rules are applied. Moderators of General Assembly are called upon to apply the rules more frequently and more strictly than Moderators of Presbytery; while in Sessions procedural points seldom need to be made. The more the members of a gathering know and obey the rules the better the prospect of the Council being able to deal adequately with the subject before it.*

### Section 1 – INTRODUCTION

- 14.1 Every meeting of each Council is opened with prayer. It is closed in the same way or with the pronouncement of the benediction. The minutes must record that this has been done.
- 14.2 If sufficient proof of the fact that a meeting has been held and evidence of the nature of any decisions taken at the meeting is available, failure to comply with the provisions of rules for the keeping of minutes does not invalidate the meeting or the decisions taken at the meeting, if any.

All Councils, however, are to make every endeavour to keep proper minutes and are responsible to higher Councils for doing so.

### Section 2 – CONDUCT OF DEBATE

#### Introduction

- 14.3 Matters for debate are brought before a Council either by motions or amendments introduced by members of the Council on their own behalf, or by members who are introducing Proposals on behalf of a Commission or of a Committee.
- 14.4 The procedure for introducing proposals or amendments at a Council meeting may be laid down by the Council concerned in Standing Orders of the Council. This shall always be the case for meetings of the General Assembly. Presbyteries may also adopt Standing Orders if they so desire. The procedure for introducing motions or amendments may, as in the case of General Assembly and some Presbyteries, be laid down in Standing Orders of the Council in question. The following are the rules for aspects of the subject not dealt with in Standing Orders, and for Councils that have no Standing Orders. In Sessions the formalities required by these rules need only be applied if the Moderator so rules, but complicated motions are to be presented in writing if the Session Clerk so

requests. Clerks of Councils other than General Assembly, including Session Clerks, should be informed in good time (in writing if there is a motion to be moved) of any matters which a member wishes to have placed on the agenda.

### **What a motion is and what alternative motions are**

- 14.5 A motion introduces a topic not dealt with in a proposal in a Commission or Committee report or in a motion previously introduced by another member of the Council. A member who wishes the Council to vote on his/her proposition on a subject which is dealt with in a proposal in a Committee report, or on a motion previously introduced, should move an amendment : see para 14.6.

When notices of motion are called for, all members of the Council wishing to introduce motions should come forward to give their notices. From these motions and from amendments moved in terms of para 14.6 below, the Council learns of the possibilities before it. It may happen that two or more members, not having had any notice of the other members' intentions, give notice of proposals which differ from each other, but are concerned with the same subject. These are called alternative motions. When there are alternative motions, the Moderator may ask the movers to meet to discuss whether a single joint motion can be drawn up. If the movers are unable to agree, the Moderator decides the order in which the alternative motions are to be debated. Any one or more of the motions may be re-phrased by the mover, if so desired, as an amendment to one or other in the Moderator's list.

### **What an amendment is**

- 14.6 An amendment, within the meaning of the word in these rules, is a proposal which asks the Council to change the wording in the original motion in such a way as to reach a decision which differs in a material respect<sup>1</sup> from the suggested motion or decision in the original motion or proposal. Members of a Council who do not wish to have the motion or proposal in any form, may speak and vote against it. They are not permitted to propose, as an amendment, that it is not to be accepted (called a direct negative) because that does not change the terms of the motion.

<sup>1</sup> Any change at all to a motion falls within the dictionary definition of "amendment", but those which do not alter the substance of the motion or proposal, do not fall within the terms of these rules. Examples are proposals to re-phrase certain statements in the interests of clarity or precision, or to change time limits for returns.

### **When a motion or proposal needs special permission**

- 14.7 Any motion or proposal which re-opens a matter already disposed of at any session of a current meeting, is allowed only if the permission of the Council is expressly obtained by way of a vote to re-open the matter.

### **When a motion or amendment falls away**

- 14.8 If a motion or amendment is not seconded, it falls away. This applies even if it is a proposal by a Commission or a Committee.

**Alterations to a motion**

- 14.9 After a motion has been seconded it may only be altered
- (a) with the consent of the mover, the seconder, and the Council, or
  - (b) by an amendment.
- It cannot be altered in any other way before being voted upon.

**Meeting in Committee**

- 14.10 If, after notices of motion and of amendments have been given, or at any other time, it becomes apparent that there are more than three proposals<sup>1,2</sup> for the Council to consider, the Moderator rules that the Council is to meet in Committee. While in Committee the normal time limits on speeches are maintained and members of the Council are allowed to speak up to three times. In unusual circumstances the Moderator may, in his discretion, allow more frequent speaking.

Subject to what is said in the two preceding sentences, any Council may resolve itself into a Committee of the whole Council. While in Committee, the formal rules of debate are suspended. The Council decides whether or not, and if so, in what form, minutes of the session in Committee shall be kept. When the Council resumes, the Committee reports its findings. The motion to adopt the findings will be voted upon without discussion.

---

<sup>1</sup>Using the word "proposals" to include both alternative motions and amendments to motions.

<sup>2</sup>For example, if there are numerous motions and amendments there may be more than three important issues to be debated before the Council is in a position to decide.

**Motions during debates**

- 14.11 When a proposal is under consideration, no other proposal is allowed except:
- (a) to adjourn the Council. This means that all debate ceases and no further business may be done until the Council resumes its sitting. At such time the Council immediately takes up the proposal under debate, or decides when the debate on the proposal will be resumed.
  - (b) to adjourn the debate. This means that the debate on the specific proposal stops and the Council continues with the next proposal or with different business altogether. The Council may specify the time when the proposal will be debated again, in which case that time becomes an Order of the Day and the proposal cannot be discussed sooner. If no time is specified the Moderator or Business Convener may raise the proposal again at any suitable time.
  - (c) to pass from the subject. This proposal is not allowed when the Council is debating an Administrative Review, a Complaint, a Referral or a Petition. If it is passed, the Council proceeds immediately to the next proposal or to new business.

- (d) that the vote be taken immediately without further debate. The Moderator decides whether or not to allow this proposal - it may not be debated by the Council. If he/she allows it, the vote to end the debate is taken immediately. If it is passed, the Moderator allows the mover of the motion under consideration the right of reply to the debate referred to in para 14.12 below and the vote to approve the proposal or not is then taken.
- (e) to amend. Proposals to amend are dealt with as follows:
- (i) Notice of intention to propose an amendment may be given at the time notices of motion or amendment are called for, or unless Standing Orders prohibit it, when the motion is moved or is being debated. If more than one such notice is given the Moderator or Business Convener decides the order in which they will be debated.
  - (ii) When a motion has been proposed and seconded, the Moderator may call on members of the Council who wish to propose an amendment to declare the nature of their amendments so that the Council may know the possibilities before it. If more than one amendment is indicated the Moderator or Business Convener decides the order in which the amendments will be debated.
  - (iii) It is not permissible to move a second amendment while the Council is debating the first, nor to move a third while the Council is debating the second.
  - (iv) If an amendment is adopted, the debate continues on the notice in its amended form. (This is often said to be "the substantive motion/proposal".) If there is a second amendment, it is then moved as an amendment to the motion in that form (substantive). If the first amendment is rejected, the second amendment is then moved as an amendment to the motion in its original form. The same principle applies in the case of a third amendment. No more than three amendments are allowed in a formal debate; but if there are more than three, the Moderator may direct, or a member of the Council may move, that the Council go into Committee. When the Council has reached its decision on all the amendments offered, the debate continues on the motion as finally amended, or, if no amendments were accepted, the debate continues on the motion in its original form. It is then voted upon. The reason is that the debate so far has been on the amendments and the Council needs an opportunity to hear arguments for and against the motion itself. An amendment may have been approved because the Council would rather have the motion in its amended form than in its original form. However, the motion, on then being voted on, may be rejected because the majority of the Council does not want it at all, preferring the situation as it was before the motion was introduced.
- (f) to refer the matter to a Commission or Committee. This motion is only allowed if accompanied by a full explanation of the reason for referring the matter to a Commission or Committee.
- (g) to meet as a Committee.<sup>1</sup> Motions to meet as a committee are not limited to circumstances in which there are more than three motions

or amendments to be debated. It is possible that a single motion may be so complex that the Council decides to meet as a committee when it is moved, or soon thereafter. In this case the various issues raised may be discussed separately. After that discussion the Council meeting in Committee may reach a decision on the whole matter in one reframed motion or decide the various issues separately. The (reframed) motion or the separate decision(s) are then dealt with as explained in para 14.10 above.

---

<sup>1</sup> On meeting in Committee see also the preceding sub-paragraph and para 14.10.

#### **Limits on the number of times a member may speak**

- 14.12 No member is entitled to speak to a motion or an amendment<sup>1</sup> more than once, with the exception of the mover of the motion and the mover of an amendment who each have a right of reply. If an amendment is being debated, the mover of the amendment replies to the debate first and thereafter the mover of the motion is entitled to speak, provided that he/she has not already spoken to the amendment. After the mover of the motion has replied no other person is entitled to speak except in regard to the manner of putting the vote. For special circumstances in General Assembly see the Standing Orders of that Council.

---

<sup>1</sup> If a member has spoken to a motion and then an amendment is moved, he/she may speak again, because it is now a different proposal. So, also having spoken on a first amendment, he/she may speak again on the second or third amendment.

#### **The Moderator's position**

- 14.13 The Moderator of a Council does not have a vote when the vote is first taken. However, if the votes for and against are equal, he/she has a casting vote.

#### **Voting for appointments to fill vacancies**

- 14.14 When a vote is taken to fill a vacant office in this Church the procedure is as follows.
- (a) Where more names than one have been proposed, they are put successively in alphabetical order.
  - (b) The name having fewest votes is dropped, and the vote is again taken on the remaining names and so on until only one name remains.
  - (c) If at any stage in the voting more votes are given for one person than for all the others combined, the names of those others are dropped without further voting and the person who received more votes than all the other persons combined is declared to be elected.
- 14.15 The Moderator decides whether voting will be by show of hands or by ballot. Counting is to be done by persons appointed by the Moderator, or, in the case of a ballot, by at least two persons appointed by the Council.

#### **Private/Closed meetings**

- 14.16 Any Council may decide to meet privately (previously referred to as "*in camera*"), in which case all persons who are not accredited members of that Council, including persons associated with the Council, leave the meeting. Before resuming in open session the Council determines the form of the minutes of the private session. Sessions are an exception as they normally meet privately, and only meet in public by special resolution for a particular occasion. A "private meeting" may also be described as a "closed meeting."

#### **Points of Order**

- 14.17 A point of order refers to any matter in which the provisions of the Manual or the Standing Orders of the Council in question have not been followed; or to a question of fact contained in the proceedings or papers of a Council; or to any serious misinformation being given to the Council. Any member of a Council has the right to raise a point of order. Immediately he/she does so the speaker, who is addressing the Council at the time, resumes his/her seat until the question of order is resolved. The member calling to order is then allowed to state briefly the ground on which the point of order has been made; but no other member is entitled to speak, unless with the permission or at the request of the Moderator, with whom alone the decision rests. Any member calling to order incorrectly or frivolously is liable to be rebuked by the Moderator on behalf of the Council.

#### **Rescinding a Decision**

- 14.17A (a) Any member of a Council who was present or had registered an apology for the meeting where the decision in question was made, may, in a meeting of that Council, move that the Council rescind a previous decision of that Council. The Council must fully investigate the implications of rescinding the decision. If after such an investigation the Council is reasonably satisfied that no person will suffer prejudice if the decision is rescinded and that the implications of rescinding the decision will not adversely affect any person or party, it may rescind the decision.
- (b) Except where a party is or will be prejudiced as a result of a decision of a Council or if a decision of a Council is found to be unlawful or illegal, or made in error, a Council may entertain a motion to rescind a decision only at a subsequent sitting of a Council;
- (c) An Executive may not rescind decisions of a full Council, unless the Council grants permission to its own Executive to rescind decisions of the full Council. A Council may rescind decisions of its Executive.

### **Section 3 – OVERTURES**

- 14.18 An overture is a formal proposal submitted to the General Assembly to commence legislative or executive action. An overture may originate from an individual or from a Council, but in either case it must pass through the intervening higher Councils, if any, to the General Assembly, through the Clerk of General Assembly. The Clerk, having examined each overture, recommends to the General Assembly how it is to be dealt with in terms of para. 14.26(b)(iii) hereunder.

- 14.19 Notice of intention to propose an overture for adoption by a Session, Presbytery or Synod is normally given at a meeting of the Council previous to that at which the proposal is to be made. In the case of a Presbytery such notice may also be given in writing with the notice calling the meeting of the Presbytery. It may not be given at the beginning of the meeting of the Presbytery at which it has to be discussed. The notice must include the details of the propositions to be included in the overture.
- 14.20 A Session, Presbytery or Synod may adopt a proposed overture and in doing so may amend it, if it so wishes.
- 14.21 When a Session, Presbytery or Synod adopts an overture, two of its members are appointed to appear in support of it before the higher Council to which it is sent. They are heard in support of the overture and, if also members of the higher Council, are entitled to vote on it.