August 27, 2018

TO: Clerks of Presbytery

FROM: Stephen Kendall, Clerk of Assembly

RE: 2018 Remits

Dear Clerks of Presbytery:

Enclosed are the 2018 remits under the Barrier Act, for consideration by your Presbytery.

In the past few years, we have been very encouraged to note that virtually all presbyteries responded to all the remits. Full response to remits is one of the ways our church satisfies itself that appropriate decisions are made to changes in church law.

The Book of Forms codifies the obligation to respond to Remits as follows:

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.

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.

Section 293 details the procedure of the Barrier Act. Please be sure to include in your response, the number of members on the constituent roll at the time of your decision.

This year, there are three remits under the Barrier Act. To help facilitate both your response, and your presbytery’s consideration of the remit, we are providing a summary form that you may use to return your response to the remits, and a packet containing the remits on separate pages. We hope that this will simplify your photocopying and distribution. This information can also be found at presbyterian.ca/referrals as separate files.

The deadline for receipt of responses is April 1, 2019.

This comes with kind regards and wishing you and your presbytery God’s blessing.

Yours sincerely,

Stephen Kendall
Principal Clerk
skendall@presbyterian.ca
Response to 2018 Remits

Please complete the table below and return to The Clerks of Assembly, 50 Wynford Drive, Toronto, ON, M3C 1J7, as soon as possible. Responses by email are fine. The final deadline for receipt of responses is **April 1, 2019**.

Presbytery of ___________________________

<table>
<thead>
<tr>
<th>2018 Remits</th>
<th>Approved or Disapproved?</th>
<th>No. of Members* on Constituent Roll on date of decision</th>
<th>Date of Presbytery Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Remit A</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Remit B</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Remit C</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Ministers, Diaconal Ministers and Elders

Certified as the action of the Presbytery of

___________________________________________

Clerk: ____________________________________

Date: ____________________________________
REMIT A, 2018


Re: Book of Forms 176.1.10 – equalizing ministers

You are asked to approve or disapprove this change.

Recommendation No. 7 (A&P 2018, p. 260, adopted, p. 36)

That new Book of Forms section 176.1.10 read as follows and be remitted to presbyteries under the Barrier Act.

176.1.10 Equalizing ministers: Where there are more elders than ministers on the constituent roll of a presbytery, the presbytery may, on an annual basis, add to the constituent roll ministers from the appendix to the roll, who are serving as interim moderators, to act as equalizing ministers.

The report related to this proposal is as follows:

2018 ACTS AND PROCEEDINGS (p. 258-60)
Overture No. 4, 2017 (A&P 2017, p. 583)
Re: Provision for “equalizing ministers” at presbytery

There are 45 presbyteries in The Presbyterian Church in Canada. Half of the membership of the constituent roll of each presbytery is made up of ordained Presbyterian ministers and members of the Order of Diaconal Ministers. Most serve congregations but there are others who are employed as seminary professors, chaplains, missionaries, regional staff, national office staff and a few other categories. The complete list of the vocations that make a minister eligible to be placed on the constituent roll of a presbytery can be found in Book of Forms section 176 and following. For simplicity of language, in this report the term “minister” will refer to ordained ministers of Word and Sacraments as well as members of the Order of Diaconal Ministries.

The other half of a presbytery’s constituent roll is made up of elders. Each pastoral charge has the right to appoint a representative elder to serve on the constituent roll of its presbytery. When a presbytery has more ministers than pastoral charges, the presbytery may ask some pastoral charges to appoint equalizing elders so that the number of ministers and elders on the roll is more or less equal. Parity between ministers and elders at presbytery is one of the foundations upon which the denomination’s governance is based.

Every presbytery also has an appendix to the constituent roll. Any minister within the bounds of the presbytery who is not listed on the constituent roll is added to the appendix. Very often such ministers are retired or without a pastoral charge. While they have no vote at presbytery, they may attend presbytery meetings, engage in discussions and serve on committees. Some also help by serving as interim moderators for pastoral charges.

The framers of Overture No. 4, 2017 point out that, for a variety of reasons, some presbyteries have significantly more elders than ministers on their constituent rolls. For example, when a pastoral charge is vacant for a prolonged period, there is no minister on the roll of presbytery to correspond with the elder appointed from that pastoral charge. In an approved ecumenical shared ministry, a Presbyterian congregation may be served by a minister of another denomination. That means the session appoints a representative elder but there is no voting minister from that pastoral charge on the presbytery roll. Some congregations are served by stated supply ministers. If that minister is employed less than half time, the session still appoints a representative elder but the minister is not eligible to be placed on the constituent roll and is placed on the appendix to the roll instead. Circumstances like these have led to situations where the ministers on the constituent roll are outnumbered by elders, sometimes by substantial ratios. The overture suggests that having significantly more elders on the roll could impact decisions that “affect the livelihood and oversight of ministers” and that presbyteries are meant to be a court “where ministers are answerable to and supported by their peers.” Therefore, the overture requests a mechanism for presbyteries to appoint equalizing ministers.
Whether or not presbyteries in which elders outnumber ministers will necessarily make inferior decisions related the livelihood of ministers or be unable to hold ministers appropriately accountable is debatable. Nevertheless, the Clerks recognize the denomination’s polity values the elder-clergy balance and believe there is value in upholding this principle. Elders and ministers bring a range of knowledge and experience to every court. Ensuring that broad perspectives are involved in the work and discernment of presbytery is generally thought to be healthy and helpful.

As one way of addressing a potential imbalance, the Clerks propose that, on an annual basis, each presbytery that appoints equalizing elders should evaluate the need for those elders. Keeping in mind that in any event each pastoral charge is expected to appoint a representative elder to the presbytery, on a chosen anniversary, the presbytery should add up the number of ministers on the constituent roll and the number of representative elders to determine whether or not equalizing elders are needed. It is possible that equalizing elders are simply reappointed year after year without assessing if the need for them continues to exist.

Following the 2017 General Assembly, the Clerks invited sessions, presbyteries and synods to comment on proposed legislation that would allow interim moderators who are not already on the constituent roll, to be added to the constituent roll of presbytery when needed to provide elder-minister parity. The following legislation was proposed.

176.1.10 Where there are more elders than ministers on the constituent roll of a presbytery, the presbytery may add to the constituent roll ministers who are serving as interim moderators, retired or otherwise, to act as equalizing ministers.

Twenty sessions, 11 presbyteries and one synod responded to the request for study and report. The Clerks are grateful for each submission.

Of the sessions, 18 expressed support for the legislation. Maintaining lay-clergy balance at presbytery was identified as an important principle. One session suggested that any minister on the appendix to the roll, regardless of whether or not the minister is an interim moderator, could be considered for membership on the constituent roll. The other two thought equalizing ministers were unnecessary.

Ten of the 11 presbyteries also expressed support for the proposed legislation. Some indicated that their presbyteries operated with a 2:1 or 3:1 elder-to-minister ratio. Others wanted to expand the parameters of the legislation to allow stated supply ministers appointed to less than 50% ministry and those who are on the appendix and actively involved presbytery work be eligible for membership on the constituent roll. Still others suggested each presbytery should be able to decide for itself which “appendix ministers” could be moved to the constituent roll. One presbytery appreciates the flexibility implied in the proposed legislation, that adding such an interim moderator to the constituent roll would be optional and not mandatory. Some of these additional suggestions would require a more profound level of reflection on the meaning of ministry and the constituent roll than this.

The responding synod spoke against the concept of equalizing ministers and in support of a governance model that favours elders over ministers. It expressed the idea however, that, if “retired or otherwise interim moderators” bring value to the presbytery, then they should be made voting members of the court because of what they offer and not just to make the numbers even.

The Clerks are grateful for the feedback received. Clearly most responders support the proposed legislation while a small minority do not agree with the idea.

The constituent roll of a presbytery is fundamental to the structure of the Presbyterian form of government. The formation of that roll must not be taken lightly. Those on the constituent roll bear substantial responsibility for the life and wellbeing of congregations, ministers and, by extension, for the denomination. It is intended that ministers on the constituent roll are those who are engaged in ministry in congregations, chaplaincies, missions, certain college faculties and staff positions as described in Book of Forms section 176. These ministers work with the representative elders to care for, oversee and hold accountable every minister and congregation within its bounds.

The Clerks of Assembly are not certain this amendment to the church’s polity is necessary. Ministers on the appendix to the roll are already welcome to offer time and gifts to bolster the ministry of the presbytery. They may already
speak at presbytery meetings and serve on committees even if they do not have a vote, nor the responsibility that comes with the vote.

The Clerks believe ministers on the appendix to the roll, who are serving as interim moderators, are well suited to serve as equalizing ministers because they are entrusted with the care and wellbeing of a congregation and report regularly to the presbytery regarding the discharge of their duties. Based on the feedback and support of the majority of sessions and presbyteries that responded, the Clerks of Assembly offer the following recommendations.
REMIT B, 2018


Re: Book of Forms section 252 – deposition of ministers

You are asked to approve or disapprove this change.

Recommendation No. 10 (adopted, p. 36)
That Book of Forms section 252 be amended as follows and remitted to presbyteries under the Barrier Act.

252. It belongs to the presbytery to depose ministers of Word and Sacraments from the ministry. (sections 345–380, 441, Appendices A–64 and A–65, and the 2 Bk. of Dis. VII, 16)


The section of the report relating to this proposal follows:

A special commission reported to the 2016 General Assembly on an appeal it had been assigned. (A&P 2016, p. 462–68) During its work, the commission noted an inconsistency between Book of Forms sections 252 and 373 regarding a censure called deposition. As part of its report, the commission suggested that the Clerks of Assembly examine these sections with a view to obtaining consistency. The Clerks of Assembly, grateful to the commission for raising this matter, studied both sections and their relationship to each other. The Clerks concluded that section 252, situated in the Presbytery portion of the Book of Forms, should only record the principle that it is the presbytery that has the right and responsibility to depose ministers from ministry. It should not, as it had, describe grounds for imposing the censure. The Clerks also concluded that the definition of deposition, and the grounds for imposing it, should only be situated in section 373 of the Judicial Process portion of the Book of Forms.
Clerks of Assembly Recommendation No. 11, A&P 2018, p. 262, 36
Re: Book of Forms sections 365-375 – censure

You are asked to approve or disapprove this change.

Recommendation No. 11 (2018 A&P, adopted, p. 36)
That Book of Forms sections 365–375 regarding censure be amended as follows and remitted to presbyteries under the Barrier Act.

Censure

365. The censures of the church are admonition, rebuke, suspension from church privileges or office, removal from membership or office and deposition, all of which are pronounced by the moderator in the name of the court.

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 the offence before the offender and exhorting them to greater circumspection. It is administered in private.

368. Rebuke is a higher form of censure resorted to after conviction or confession of one or more serious offences. It may, if the court deems it 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 with the gravity of the offence 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 their name on the appendix to the roll. The presbytery shall send notice of this action to all the presbyteries of the church.

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 is the removal of an individual from the office of elder or minister, and follows upon the confession or conviction of one or more of the following offences: heresy; wilful, flagrant, or shameless immorality; a scandalous life; persistent and wilful refusal to submit to the courts of the church; or the pursuit of an obstinately divisive course within the church. 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 removing 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.

374. Deleted 2018

374.1 Deleted 2018

375. When a minister or an elder in good standing, renounces the oversight of this church by joining another Christian body, or withdraws from the Christian church, their action is noted in the record of the court having jurisdiction, and their name is removed from the roll. In the case of a minister, a notice shall be sent to all presbyteries. If a charge is pending against them, it may still be prosecuted. If the body that they join is non-Christian, they 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)

The related report follows:

A&P 2018, p. 261-63

Book of Forms sections 365-75 – Censure

A special commission reported to the 2016 General Assembly on an appeal it had been assigned. (A&P 2016, p. 462–68) During its work, the commission noted an inconsistency between Book of Forms sections 252 and 373 regarding a censure called deposition. As part of its report, the commission suggested that the Clerks of Assembly examine these sections with a view to obtaining consistency. The Clerks of Assembly, grateful to the commission for raising this matter, studied both sections and their relationship to each other. The Clerks concluded that section 252, situated in the Presbytery portion of the Book of Forms, should only record the principle that it is the presbytery that has the right and responsibility to depose ministers from ministry. It should not, as it had, describe grounds for imposing the censure. The Clerks also concluded that the definition of deposition, and the grounds for imposing it, should only be situated in section 373 of the Judicial Process portion of the Book of Forms.

As the Clerks prepared amendments for sections 252 and 373 to resolve these problems, it became evident that further clarity and consistency of language could be achieved by revising other pieces of legislation (sections 365–375) related to censure. Consequently, the Clerks proposed several other amendments that were sent to sessions, presbyteries and synods for their consideration and comment by the 2017 General Assembly.

 Replies were received from 20 sessions and 10 presbyteries across Canada. The Clerks are deeply grateful to all who found time to study the proposals and submit responses.
All 30 replies affirmed the proposed legislation. Most simply noted agreement. One answer elaborated somewhat by stating, “We believe the proposed clarification to the language, the definitions of the various degrees of censure, and the procedures for considering whether to invoke them…is spelled out more clearly and in language that is more consistent.”

While affirming the legislation in general, a few sessions and presbyteries expressed some concern about removing excommunication as a form of censure. Some seemed to think of excommunication as a way of protecting congregations by barring certain individuals from church buildings. For example, one reply stated, “There are rare occasions in which a communicant member can become such a significant disruptive force in the congregation that it is decided to ‘solemnly cast the offender out of the communion of the church’.”

In the opinion of the Clerks, this is not the purpose of excommunication. If a congregation needs to keep an individual away from the church for reasons of safety, a more appropriate action would be to obtain a restraining order or a no trespassing notice. In extreme circumstances, the police could be notified. Excommunication does not prevent anyone from entering a church building. Excommunication places a person outside the communion of the church with the hope that the person will repent of their sin and return to the fellowship of the Christian community. While excommunicated, the person is not to receive communion. The Clerks maintain it is almost impossible to enforce excommunication if the person does not submit willingly to the censure. For these reasons, the Clerks continue to believe that excommunication should not have a place in the judicial process of the today’s Presbyterian Church.