

49. Committee on Methodist Law and Polity

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SECTION A GENERAL REPORT

1. The committee is charged under Standing Order 338 with the scrutiny of all new legislation which is proposed to the Conference in order to ensure its coherence with existing usage and Methodist polity. Various members of the committee undertake this task and have commented upon the proposals submitted to the committee by the Methodist Council and other bodies. The committee also seeks to ensure that Standing Orders comply with any changes in legislation or case law.
2. The committee was saddened to record the death of Mr Lynn John, a former member of the Committee who in a professional capacity as a solicitor had advised the Methodist Church for over 30 years, including regarding some key legislative developments.
3. Following appropriate recruitment processes, the committee was pleased to welcomed five new members in October 2023: Mrs Susan Eldridge, the Revds Helen Hollands, Tom Osborne, Mr Tom Pye, and the Revd Adam Wells.
4. The committee appointed Miss Elizabeth Ovey as its representative to the 2024 Conference under Standing Order 102(1)(iii).
5. The committee appointed its 2024 Conference Sub-committee under Standing Order 338(6) as follows: the Conference Officer for Legal and Constitutional Practice (secretary and convener), the Secretary of the Conference, the Revd Jennifer M Dyer, Mr David Gibson, the Revd Kenneth G Howcroft, Miss Elizabeth Ovey, and the Revds Keith A Reed, Ian S Rutherford and Dr James N Tebbutt (Chair). The Revd Helen Hollands and Mrs Susan Howdle will join the Sub-committee as observers and consultants if required.
6. The committee appointed its Complaints and Discipline Sub-committee for the year in accordance with the Sub-committee's terms of reference to discuss matters pertaining to the Church's complaints and discipline process. A report on progress with the review of Part 11 of Standing Orders appears elsewhere in the Conference Agenda.
7. The Secretary of the committee meets regularly with the Secretary of the Faith and Order Committee to collaborate on matters in which both Committees have an

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interest. On the committee's behalf, the Revd Kenneth G Howcroft attends the Faith and Order Committee's meetings as an observer.

8. The committee once again had a very busy year, meeting four times in total: in person in October 2023, and electronically in December 2023, and March and April 2024. The committee has provided support and guidance to the Secretary of the Conference and the Connexional Team on numerous matters and continues to assist with significant pieces of work being undertaken by the Church. Individual committee members have also joined various working groups to assist in reviewing particular processes or guidance, notably: Mrs Susan Howdle and the Revd Dr James Tebbutt are the committee's representatives on the Oversight and Trusteeship Task Group.
9. The Chair and Secretary of the committee are grateful to all the committee members for their continued support and willingness to assist with the committee's work.

***RESOLUTION

49/1. The Conference receives the General Report.

SECTION B AMENDMENTS TO STANDING ORDERS

1. In the preparation of the 2023-24 Edition of Volume 2 of CPD a number of minor editorial or consequential amendments were made to give effect to the Conference's decisions and to ensure coherence within Standing Orders. These were ratified by the committee at its October 2023 Committee. A list of the amendments involved is available on request from lcp@methodistchurch.org.uk.
2. Usually in this section the Committee submits a list of corrections to Standing Orders identified during this year, consequent upon decisions already taken by the Conference, or to remedy errors or omissions. On this occasion, with one exception set out in the paragraph below, such amendments have been placed in other sections of this report or other reports before the Conference. Wherever such amendments are proposed, the numbering of and cross references to some of the Standing Orders in this Report will need to be updated if changes proposed elsewhere in the Agenda, particularly the substantial rearrangements this year to Parts 2, 3 and 10 of the Standing Orders as set out in the Oversight and Trusteeship Report, are approved by the Conference.

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3. Amendment to Standing Order 654(4)(ii)

Standing Order 654 concerns the destination of funds when a Local Church closes, and sub-clause (4)(ii) concerns those balances, including permanent endowments, that are held on specific trusts other than the Model Trusts. Following concerns raised by TMCP, the Law and Polity Committee agreed that this sub-clause is too sweeping in its current form. Charity legislation requires particular processes to be followed when new trustees are appointed for such funds, and the purposes of the trust will often also need amending. The Law and Polity Committee therefore proposes that the sub-clause be amended to read as follows:

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(4)...(ii) if held on any other specific trust, other than the Model Trusts, shall be held **by such new trustees** and applied ~~by the circuit treasurers upon that trust~~ **upon such trusts as shall be determined in accordance with charity legislation to most closely fulfil the original purposes of the trust**, or...

***RESOLUTIONS

49/2. The Conference receives Section B of the Report.

49/3. The Conference amends Standing Order 654 as set out above.

SECTION C

NOTICE OF MOTION 2023/101: SECTION C OF THE OVERSIGHT AND TRUSTEESHIP REPORT

Introduction

1. The Conference of 2023 adopted the following Notice of Motion:

Notice of Motion 2023/101: Section C of the Oversight and Trusteeship Report

The Conference recognises that it is important that the proposals for the establishment of the Connexional Council and its relationship with the Conference should command the confidence of the Methodist Church in Britain generally. The Conference therefore directs the Law and Polity Committee:

to consider and report to the Conference of 2024 on the questions (1) how any dispute between the Conference and the Connexional Council would be resolved

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and (2) how and in what circumstances members of the Connexional Council might be removed (whether or not in the event of such a dispute); and

to bring to that Conference any amendments to Standing Orders which the Committee recommends should be made in the light of the report.

2. As the Notice of Motion makes plain, it was brought in the light of the proposals for the establishment of the Connexional Council which formed a major part of the wider proposals resulting from the discussions about the Church's oversight and trusteeship structure which began in 2017. That discussion process is summarised in Section A of the Oversight and Trusteeship Report to the Conference of 2023 ("the Report"). As there explained, the Conference of 2021 agreed in principle to the establishment of the Connexional Council, recognising that that would involve amendments to the Deed of Union. The proposed amendments were brought to the Conference of 2022 and those amendments were then consulted on with the Synods and the Law and Polity Committee during the connexional year 2022-2023.

3. Section C of the Report summarises the rationale for the establishment of the Connexional Council as follows:

"... two points have been central and consistently recognised. The first is that the Conference as a gathering of 306 (or even 225) persons is too large a body to exercise charity trusteeship as that is now understood, viz. 'The general control and management of the administration of the charity'. The second is that the Methodist Council as it currently exists is not adequately constituted to exercise such 'control and management' and that were a body effectively to do that, there would no longer be a need for the Strategy and Resources Committee."

4. Section C also reports the outcome of the consultation with the Synods and the Law and Polity Committee, setting out the voting figures. In addition it identifies:

"two inter-related concerns that were expressed about the effect of the proposed change to the Deed [of Union] in some but not all Synods. One was that the Connexional Council might exercise its powers to the detriment of the authority of the Conference, and the other was that something of the representative nature of the Church's government will be lost when the Connexional Council comes into being as a body of only 18 to 22 persons."

5. In response to those concerns, the Report outlines in paragraph 17 the consideration given to them by the Oversight and Trusteeship Task Group ("the Task Group") and other bodies within the life of the Church and draws attention to the work undertaken to ensure that the process of appointment to the Connexional Council

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will lead to the establishment and maintenance of a body which is representative of the life of the Church and properly equipped to fulfil its functions. The paragraph concludes:

“Furthermore the [Task Group] would also note that the changes to the Deed have been drafted in such a way (and, again, approved by Counsel) [as] to ensure that the government and discipline of the Methodist Church remain with the Conference as its governing body, as set out in the Deed of Union amendments, and that the Conference will clearly continue to be constituted as a body that is representative of the whole Methodist Church.”

6. Against that background, the Law and Polity Committee understands that in reporting to the Conference as directed, and in particular in addressing the question whether it recommends any amendments to Standing Orders, it should have in mind:
 - 6.1 whether the available mechanisms for the resolution of any dispute between the Conference and the Connexional Council would protect appropriately the authority of the Conference; and
 - 6.2 in any case, whether there are appropriate mechanisms for the removal of members of the Connexional Council if such removal appears desirable for the purpose of ensuring that the Connexional Council continues to command the confidence of the Methodist Church in Britain generally.

Summary of relevant provisions

7. Under the Deed of Union amendments approved by the Conference of 2023:
 - 7.1 clause 18(a) gives the Conference “all the powers, authorities, rights and duties necessary or desirable in its discretion to fulfil its functions as the governing body of the Methodist Church”, subject to the caveat that it may not act in such a way as to “prevent or inhibit the members of the Connexional Council from or in performing their duties as its trustees”;
 - 7.2 clause 18(b) in particular gives the Conference final authority over doctrine, legislation, connexional mission and policy, connexional polity, the formation, admission and discipline of ministers, officers and members, stationing and the connexional budget and allocation of district contributions. The authority over the connexional budget is given to the extent and in the manner determined by Standing Orders;

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- 7.3 clause 21 gives the Conference further powers relating to connexional funds or institutions, the election and appointment of various committees, boards, officers of such committees and boards, representatives or delegates of the Conference and delegation generally;
- 7.4 clause 37B gives the Connexional Council “the general control and management of the connexional administration of the Methodist Church,” but “without derogation from the position, authority and powers of the Conference as governing body”;
- 7.5 clause 37C(b) gives the Connexional Council exclusive authority over the direction and management of the members of the Connexional Team, all matters relating to or arising out of the employment of persons by connexional bodies and compliance with legal requirements affecting the conduct of connexional bodies (including requirements of charity or trust law, data protection, safeguarding, and health and safety);
- 7.6 clause 37C(c) imposes on the Connexional Council a duty to formulate and analyse connexional policy options for presentation to the Conference with the council’s appraisal and recommendations “except on subjects assigned for this purpose by Standing Orders to other bodies”;
- 7.7 clause 37C(d) enables the Conference to delegate further powers, responsibilities and functions to the Connexional Council.
8. The Report envisaged that the constitution of the Connexional Council would be set out in Standing Orders and that the Council should operate in accordance with terms of reference to be approved by the Conference. A draft Standing Order and draft terms of reference were contained in the Report and were approved by the Conference. At the time of writing, the Task Group’s Report to the 2024 Conference is not in final form, but the Law and Polity Committee understands that some minor amendments have been made to the draft Standing Order and that it is now proposed that the draft terms of reference should largely appear in Standing Orders. The committee has seen a number of drafts of the relevant parts of the Task Group’s draft report (the most recent being the draft as it stood on 24 April 2024) and, as explained below, has worked with the Task Group to incorporate in that report some of the recommendations which result from its consideration of the Notice of Motion.
9. The following points as they appear in that draft are relevant to this report:
 - 9.1 The membership of the Connexional Council as specified in a new Standing Order 200 will include the President and Vice-President of the Conference, the Secretary of the Conference, and the chair or deputy chair of the Mission Committee, the

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Ministries Committee, the Resourcing Committee and the Audit and Risk Assurance Committee. The remaining members will be appointed by the Conference on nomination by the Nominations Committee. All members of the Council must be members of the Methodist Church.

- 9.2 The appointments of the chair and deputy chair of the Connexional Council are subject to termination in accordance with the process set out in Standing Order 200(4)(b) to (f). The Task Group has included these provisions on the recommendation of the Law and Polity Committee and they are explained further in paragraphs 25 and 26 below.
- 9.3 A person's membership of the Connexional Council may cease in a number of circumstances set out in Standing Order 200(4)(a) and in that event the Council has authority to appoint an eligible replacement for the period until the end of the following Conference. The Task Group has revised the original draft on the recommendation of the Law and Polity Committee and again the Committee's recommendation is explained further in paragraph 24 below.
- 9.4 The Council has power under a new Standing Order 201 to appoint committees, working parties or other groups for the purpose of fulfilling its responsibilities.
- 9.5 A new Standing Order 202 gives the chair or deputy chair of the Council power to take executive action on behalf of the Council where the power to do so has been specifically delegated by the Council and to act in the name of the Council in urgent matters. Any such action must be reported to the Council as soon as practicable and the chair and deputy chair must work within any guidelines on speaking and acting on behalf of the Methodist Church which have been approved by the Conference.
- 9.6 The general powers and responsibilities of the Connexional Council as trustee body are set out in a new Standing Order 203. In summary they are:
 - 9.6.1 the direction and management of the members of the Connexional Team;
 - 9.6.2 oversight of the general work of the Connexional Team "in providing a coherent and effective service on behalf of the Conference" and appropriate supervision of the work of the Secretary of the Conference and the Connexional Secretary;
 - 9.6.3 oversight of committees appointed by the Council "to undertake the various areas of work for which the Council is responsible";

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- 9.6.4 employment and compliance matters relating to connexional bodies;
 - 9.6.5 recommending to the Conference the adoption of Standing Orders or guidance affecting districts, circuits and local churches on employment and compliance matters;
 - 9.6.6 exercising a non-delegable power to revoke, amend, add to or suspend Standing Orders or resolutions of the Conference, with effect until the close of the following Conference, as necessary following legislation or a judgment of the court;
 - 9.6.7 acting as managing trustees of property where such responsibility is assigned under the Model Trusts;
 - 9.6.8 acting as trustee body for all connexional funds and having responsibility for preparation of the consolidated accounts.
- 9.7 A new Standing Order 204 obliges the Connexional Council to present financial statements to the Conference for information and the budget for central services for approval. The Council is required to receive and consider advice from the Audit and Risk Assurance Committee and to ensure that the Conference is informed about any significant concerns raised by the Committee. The Standing Order also provides for the exercise of the Council's general authority in relation to property under the Model Trusts, subject to the authority of the Conference, and contains a general delegation from the Conference to act on behalf of the Conference in relation to property affairs.
- 9.8 A new Standing Order 205 expressly requires the Council to seek to implement the vision, strategies, decisions and directions set by the Conference. "In partnership with others giving spiritual leadership in the Church", it is required to keep the life of the Church in constant review, and it is also required to help to ensure that the Conference's decisions and objectives are implemented "in a timely, cohesive and considered manner" and to bring proposals and report to the Conference to assist in determining its future policy and objectives.
- 9.9 A new Standing Order 206 gives the Council power to act on behalf of the Conference between the close of one Conference and the opening of the next, provided that the action is not contrary to the Deed of Union, Standing Orders or any subsisting resolution of the Conference. The Conference in turn has power to delegate to the Council duties and powers which are not already exclusively the Council's responsibility.

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- 9.10 The Council is required under a new Standing Order 207 to report annually to the Conference and to regulatory bodies in accordance with the requirements of those bodies.
10. The Law and Polity Committee notes that although these provisions are contained in a new Section 20, they do draw significantly upon the provisions of the current Section 21 relating to the Methodist Council and the Strategy and Resources Committee, particularly as respects the matters identified in paragraphs 9.1, 9.2, 9.6.6 and 9.7.
11. The Report also brought to the Conference of 2023 changes to the Model Trusts which will come back to the Conference of 2024 for final approval. Those changes primarily substitute references to the Connexional Council for references to the Methodist Council, but also constitute the Connexional Council the body which appoints the managing trustees of the small group of properties held as Conference property, who are currently appointed annually by the Council.

Resolving disputes

12. In the view of the Law and Polity Committee, the effect of the provisions summarised above is clearly that, if they are adopted, the Conference, which remains a representative body, retains its authority over the life of the Methodist Church. The areas for which the Connexional Council has sole responsibility are the areas of employment and regulatory compliance. Although the Council has sole authority over the direction and management of the Connexional Team, that authority must be exercised in support of the decisions taken by the Conference. The Council may no doubt have significant influence through its recommendations and its responsibilities in relation to the connexional budget, but it is for the Conference to decide whether or not to accept those recommendations and to approve the budget.
13. It is also to be recalled that the members of the Connexional Council include the President and Vice-President, who will have been elected fairly recently by the Conference. In addition the members include the chairs or deputy chairs of the Ministries, Mission, Resourcing and Audit and Risk Assurance Committees, who may be expected to have a particular interest in ensuring that their respective committees work effectively to carry out the policies determined by the Conference. The Nominations Committee which is responsible for nominating the chairs and deputy chairs and the members of the Connexional Council who are not ex officio members is itself appointed annually by the Conference. Finally, both the Faith and Order Committee and the Law and Polity Committee continue to report directly to the Conference and the Law and Polity Committee will now be appointed by the

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Conference, which already appoints the Faith and Order Committee. It is within the scope of the responsibilities of the Law and Polity Committee as set out in a new Standing Order 211 to consider whether there are questions relating to the relationship between the Conference and the Connexional Council which require to be addressed and to make recommendations to the Conference as to how that might be done if the committee thinks it appropriate to do so.

14. It is the committee's understanding that the Notice of Motion is directed towards disputes which are in substance disputes between the Conference and the Connexional Council and what follows is based on that understanding.
15. Given what is said above, it is the view of the committee that the new structures offer substantial safeguards for the protection of the authority of the Conference and the smooth working of the relationship with the Connexional Council based on clearly defined areas of responsibility. If, despite those safeguards, a dispute were to arise, it appears to the Law and Polity Committee that the dispute would involve questions of the construction of the relevant provisions of the Deed of Union and Standing Orders or other Methodist legislation. Such an issue would ultimately fall to be determined by the law of England and Wales, both generally and in particular as contained in the Charities Act 2011, since that is the law to which the Methodist Church as a charity is subject.
16. Any proceedings raising such issues would fall within the definition of "charity proceedings" in s.115(8) of the Charities Act. Under that section, charity proceedings may be brought by the charity, any of the charity trustees or any person interested in the charity, but the consent of the Charity Commission is required, although if the Commission refuses its consent, an application for leave to bring proceedings may be made to one of the judges of the Chancery Division of the High Court. As a last resort, then, it would be open to the Connexional Council or the President, having been directed by the Conference to take such action, to seek to bring proceedings to resolve the dispute. It is not unknown for the constitutional affairs of religious charities to be resolved by such means.
17. There are, however, many steps which could be taken to try to reach a resolution before such extreme steps are taken. An obvious starting point would be for the dispute to be referred to the Law and Polity Committee for its consideration, advice and, if appropriate, recommendations, either by agreement between the Conference and the Council (presumably taking the form of a resolution of the Conference in terms agreed by or on behalf of the Connexional Council) or by the Conference or the Council alone. It is to be hoped that the committee's advice, perhaps coupled with recommendations for legislative changes, would enable the dispute to be resolved. It is to be noted that, again following a recommendation by the Law and Polity Committee, the new Standing

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Order 211 (which provides for the appointment of the committee and for its functions) requires the committee to advise both the Conference and, if requested, the Council, but its duty to advise the Council is limited so that it is only required to give such advice if there is no conflict with its duties to the Conference.

18. Another obvious course would be for external legal advice to be sought on the dispute. The Conference Officer for Legal and Constitutional Practice (COLCP) already obtains external legal advice when it is appropriate to do so and such advice is of course shared with the Law and Polity Committee. In this particular context, however, it might be argued that as the COLCP is a member of the Connexional Team, the holder of that office will be subject to the management and oversight of the Connexional Council, including budgetary limits, and might face some constraints in seeking advice on such a dispute. The Law and Polity Committee therefore invites the Conference to consider the inclusion of an express power for the COLCP to seek such advice after consultation with the committee itself. A draft Standing Order giving such a power is set out below.
19. It is also open to any charity trustee under s.112 of the Charities Act to seek the opinion or advice of the Charity Commission on any matter relating to the performance of that person's duties as charity trustee or otherwise relating to the proper administration of the charity. Although any member of the Connexional Council could take advantage of the power to do so, it appears that the Conference could direct, for example, the President to make such an application for the purpose of resolving a dispute, although the circumstances of the particular case would require careful consideration before any such direction was given.
20. Finally, the Conference retains its powers over Methodist legislation. It would therefore be possible for the Law and Polity Committee to recommend to the Conference, or for the Conference to decide of its own motion, that changes to the legislation governing the relationship between the Conference and the Connexional Council are required if any of the dispute resolution procedures discussed above leads to an outcome which is not acceptable to the Conference. The Law and Polity Committee does not envisage, however, that it would make any recommendations which would undermine the basic principle that the Connexional Council should be a body which can serve as the charity trustees of the Methodist Church in Britain.

Removal of members of the Connexional Council

21. Members of the Connexional Council will necessarily cease to be such members on resignation or on ceasing to be members of the Methodist Church. Ex officio appointments will of course cease if the member concerned ceases to hold the relevant office.

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22. The model governing documents produced by the Charity Commission provide that a trustee shall cease to hold office by resignation or if:
- 22.1 the trustee is disqualified under s.178 and s. 179 of the Charities Act. These provisions cover matters such as conviction of certain offences, bankruptcy, disqualification from acting as a company director or having been held to be in contempt of court;
 - 22.2 in the written opinion given to the charity of a registered medical practitioner treating the trustee, the trustee has become mentally or physically incapable of acting as a trustee and may remain so for more than three months;
 - 22.3 the trustee is absent from all trustee meetings for a period of six months without the consent of the other trustees and they pass a resolution that the office be vacated.
23. In addition, where the charity is a charitable incorporated organisation and adopts the association model, the members of the charity will have power to remove a trustee at a general meeting, subject to requirements relating to the giving of notice and reasons, an opportunity for the trustee to make representations to the meeting and potentially a special majority. Where the charity is a company, the company in general meeting has a similar power to remove a trustee director under s.168 of the Companies Act 2006, subject to similar protective requirements.
24. Having considered these examples, the Law and Polity Committee recognises that Methodist polity has not previously adopted provisions such as those in paragraphs 22.2 and 22.3. (Disqualification is clearly a different matter, since disqualification occurs automatically under the Charities Act itself.) Most Methodist bodies, however, have a strong representative character, as does the Methodist Council. The Notice of Motion was brought in part because of the different character of the Connexional Council and the fact that a substantial number of its members will be appointed not on a representative basis but in the light of the experience, expertise, representative roles and skills the members will bring to the work of the Council. In those circumstances, the Law and Polity Committee has concluded that it would be desirable in principle to follow the model documentation of the Charity Commission and to include such provisions in relation to the members who are not ex officio members and in respect of whom alternative approaches are not available. The committee does not think it would be appropriate to make such provisions applicable to ex officio members.
25. Different considerations apply to the chair and the deputy chair because of the potential significance for the continued maintenance of the confidence of the

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wider Methodist Church of the way in which the responsibilities of those offices are exercised. It is in theory possible, although it is to be hoped that such a situation would not arise in practice, that a chair or deputy chair might lose the confidence of the rest of the members of the Connexional Council or of the Methodist Church generally without events having occurred or conduct having taken place which would mean that the chair or deputy chair ceased to be a member of the Council. The Law and Polity Committee considered whether such a situation might be dealt with by amendments to existing provisions, such as the current curtailment provisions in Standing Order 316, but concluded that it would be preferable to address the matter by new provisions designed to deal with the particular situation. As already noted, those provisions are to be found in the new Standing Order 200(4).

26. In summary, the new provisions introduce a termination of appointment process under which the ground for an application for termination is a loss of confidence in the chair or, as the case may be, the deputy chair. The application is to be made in writing and is to state the reasons for the contention that the ground is made out. The application may be made by 25 members of the previous Conference who include a group of 10 people with significant connexional responsibilities. If an application is made, the Secretary of the Conference is required to appoint a Termination Panel of seven persons who were members of the Conference in at least one of the previous five years and who are to consider whether the appointment should be terminated on the ground specified. The Panel is to include a deacon and at least three lay people and is to be chaired by a past President or Vice-President. There is no particular significance in the numbers 25 and seven, but the intention is to require a reasonably large number of applicants with a connexional perspective to trigger the process and a reasonably large and representative panel to consider the application.
27. The question remains whether the Conference should have an express power to decline to appoint a current member of the Connexional Council whose term of office would normally continue after the end of the Conference. The Law and Polity Committee has concluded that, in the absence of experience to suggest otherwise, it is preferable not to try to devise in advance a process which would reflect the full protective requirements applying to removal by a general meeting in the Charity Commission's model documents and in the Companies Act. The committee nevertheless invites the Conference to consider whether members of the Conference who wish to submit a notice of motion objecting to the appointment of a current member of the Connexional Council should be required to do so 14 days before the opening of the Representative Session of the relevant Conference. Such a requirement would reflect the sort of timescale envisaged in the Charity Commission model document and in the Companies Act provisions and would enable the Conference Business Committee to consult the affected member or

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members and to give proper consideration to the process to be followed in a way appropriate to the Conference but influenced by those Charity Commission and statutory provisions.

28. As explained above, draft Standing Orders to reflect the committee's recommendations as to the cessation of membership of the Connexional Council are included elsewhere in the Agenda in the Task Group's report. Draft Standing Orders to reflect the Committee's proposals as to the relationship of the Conference (and specifically the COLCP) with the Council and as to non-renewal of the appointment of a member of the Council are set out below. It will be observed that the draft amendments to Standing Order 132 include amendments which will be generally applicable relating to the form in which and method by which a notice of motion should be given to the Secretary of the Conference. These amendments have been introduced in view of the early date by which notice is proposed to be required for non-renewal of an appointment, but the Committee's view is that they could helpfully apply generally rather than being limited in their application to that particular case.
29. The Law and Polity Committee has not been asked in terms to consider whether there should be provision for a power to remove and replace the whole Connexional Council, analogously to the power given to district policy committees to remove and replace circuit meetings under Standing Order 512B or church councils under Standing Order 611A in cases of a serious breach of trust or Methodist discipline, but for completeness the committee has considered whether to make such a recommendation.
30. The committee's present view is that it would not be helpful or appropriate to create such a power in the light of the following practical and legal matters:
 - 30.1 The Conference itself has other powers available to it while it is meeting.
 - 30.2 There is no other obvious body to which such a power could be given, although it would be possible to devise a mechanism for removal at least (for example, by providing that the power was exercisable by written resolution of any five of a group consisting of the President, the Vice-President, the past President, the past Vice-President, the President-designate, the Vice-President designate, the Secretary of the Conference, the Assistant Secretary of the Conference and the chair of the Chairs' Meeting, or of a different number of members of a differently constituted group.) It would, however, be much more difficult to form an immediate replacement body which had the necessary range of experience, expertise, representational roles and skills. It would not be feasible to conduct a process of the kind required to be undertaken by the Nominations Committee.

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- 30.3 The removal of the ex officio members might have wide-ranging implications. Although they could be reappointed, doubt might be cast on the propriety of the whole exercise if those members were among the persons who decided to exercise the power, as might arise if the example suggested in the previous paragraph were to be adopted.
- 30.4 In cases of the removal of circuit meetings or church councils, the “old” circuit meeting or church council has a right of appeal to (at present) the Methodist Council. The obvious appeal body in the present case would be the Conference itself, but if the reason for the removal is in substance a dispute between the Conference, or those who see themselves as representing the Conference, and the Connexional Council, there would be an obvious breach of natural justice.
- 30.5 It is possible, although perhaps unlikely, that it might be argued that the effect of giving such a power would be that the Connexional Council does not have the general control and management of the administration of the Methodist Church.
- 30.6 Other means of dispute resolution are available, as already discussed.

***RESOLUTIONS

49/4. The Conference receives Section C of the Report.

49/5. The Conference amends Standing Orders as follows:

108 Relationship between the Conference and the Connexional Council

- (1) *The Conference Officer for Legal and Constitutional Practice may at any time after consultation with the Law and Polity Committee seek external legal advice on any matter connected with or arising out of the relationship between the Conference and the Connexional Council at the office holder's discretion and notwithstanding the office holder's position as a member of the Connexional Team.***
- (2) *All such advice shall be reported to the council, the Law and Polity Committee and the following Conference.***
- (3) *The Law and Polity Committee shall bring to the following Conference such recommendations arising out of that advice as it may think appropriate, if any.***

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49/6. The Conference amends Standing Orders as follows:

132 Notices of Motion

(1A) Every notice of motion shall be handed *or otherwise delivered* to the Secretary in written *or other permanent* form and signed by the following persons: ...

(3) *A notice of motion which proposes to amend a resolution for the appointment of the members of the Connexional Council by removing from the list of names of those proposed for appointment the name of a current member of the council shall not be accepted later than 14 days before the commencement of the Representative Session of the relevant Conference except in cases of urgency and on the advice of the Law and Polity Conference Sub-committee.*

SECTION D

THE COMPOSITION OF THE CONFERENCE

1. The Conference of 2023 received the Report 35. Composition of the Conference and voted on various resolutions to confirm a reduction in the size of the category and various changes as to how its membership should be comprised. This section of the committee's Report deals firstly with the confirmation of a special resolution amending the Deed of Union in respect of the membership of the Conference, secondly with various consequent changes that are necessary to Standing Orders, and thirdly identifies some further minor changes to the Deed of Union.

*****RESOLUTION**

49/7. The Conference receives Section D of the Report.

2. **Special Resolution 35/7 (2023)**

The 2023 Conference passed Special Resolution 35/7 to change Clause 14(2) of the Deed of Union in relation to the adjusted membership of the Conference as part of the wider Oversight and Trusteeship process with the recommendation that the necessary consultation should be with the Methodist Council. However, since the special resolution had been moved by the Council, under Standing Order 126(c) the consultation should have been referred to the committee. The Council acknowledged this by passing Resolution 68/4 at its October 2023 meeting. The

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committee duly considered the special resolution at its October 2023 meeting, with all those voting approving it unanimously. The Conference is there asked to confirm the Special Resolution as previously approved by the 2023 Conference.

***RESOLUTION

49/8. The Conference amends the Deed of Union as set out below:

14 The Representative Session

(2) **Membership.** The Conference in its Representative Session shall comprise:

- (i) the persons who when it commences its sitting hold office as the President, the Vice-President and the Secretary of the Conference;
- (ii) the persons who last held office as the President and the Vice-President of the Conference;
- (iii) the President-Designate, the Vice-President Designate and (if any) the Secretary-Designate nominated by the last preceding Conference;
- (iv) assistant secretaries and other officers of the Conference, as prescribed by Standing Orders;
- (v) the Chair or Chairs of each home District;
- (vi) the Warden of the Methodist Diaconal Order;
- (vii) the President **or the Lay Leader** of the Methodist Church in Ireland and the Secretary of the Irish Conference;
- (viii) the members and associate members appointed by or on behalf of other conferences, churches and Christian bodies as prescribed in sub-clauses (3) and (4) below;
- ~~(ix) the conference-elected representatives, as prescribed below;~~
- (x) **such** representatives of **the Connexional Council and** of connexional committees, funds and institutions, **and such other connexional officers**, as **are** prescribed by Standing Orders;
- (xA) representatives, as prescribed by Standing Orders, of a Methodist Youth Assembly to be established in accordance with Standing Orders;
- (xB) *[deleted]*
- (xi) members elected by the Representative Sessions of Synods, as prescribed below.

(3) **The Irish Conference and the The General Conference of the United Methodist Church.** The Conference of the Methodist Church in Ireland

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and the General Conference of the United Methodist Church shall each be entitled to appoint annually to the Conference two persons.

~~(5) Conference-elected Representatives. (a) The conference-elected representatives shall be elected by the Conference. One shall be a deacon and the remaining members shall consist of equal numbers of presbyters and lay persons:~~

~~(b) Subject to (a) above, the numbers, term of office and other matters concerning the election and service of conference-elected representatives shall be prescribed by Standing Orders.~~

~~(c) Any conference-elected representative who becomes incapable of acting or unfit to act or ceases to be a member of the Methodist Church or, being a presbyter or deacon when elected, ceases to be such shall be disqualified from being a conference-elected representative and his or her office shall forthwith become vacant.~~

~~(d) Casual vacancies occurring from time to time in the number of the conference-elected representatives shall be filled by the Conference.~~

17 Substitutes. (a) The Conference shall have power to elect a substitute for any member who is unable or unwilling to attend except the President **or the Lay Leader** of the Methodist Church in Ireland or the Secretary of the Irish Conference or a member or associate member appointed under clause 14(3) or 14(4) above, but in the case of a member elected by the Representative Session of a Synod only upon nomination in accordance with Standing Orders:

- (i) if the member is a deacon, by the Warden of the Methodist Diaconal Order; or
- (ii) otherwise, by an officer or officers of that **Synod**.

43 The Irish Conference.

...

(c) Ministers and lay members of the Methodist Church in Ireland may be appointed members of the Conference, ~~of the Missionary Committee~~ or of any other committee of the Conference of the Methodist Church.

2. Standing Order Changes

Resolution 35/4 of the 2023 Conference directed the Committee to bring the necessary amendments to the Standing Orders to implement changes to the membership of the Conference that will follow if the Special Resolution is confirmed. These amendments are set out below, the primary amendments being to SOs 102 and 103, followed by some consequential amendments, and then a resolution adopting them. A further resolution follows to give effect to

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the Daily Record of the 2023 Conference, which at 8/4/2 indicated that, if the Special Resolution effecting the changes to the Deed of Union is confirmed by the 2024 Conference, a resolution would nevertheless be brought to the Conference to enable any existing Conference-elected representatives to complete their term of office, notwithstanding implementation of the general changes to the composition of the Conference.

102 Representatives of Connexional and Other Bodies. (1) The **Connexional Council and** connexional committees, funds, and institutions **and concerns** to be represented in the Conference pursuant to clause 14(2)(x) **and (xA)** of the Deed of Union and the representation of each shall be as follows, any representative not otherwise identified being appointed by the body in question **or, in the case of subclauses (v)-(vii), by the Connexional Council:**

[Delete the remainder of clause 102(1) and replace with:]

- (i) the chair and **seven other members of the Connexional Council;**
- (ii) the Connexional Secretaryies;
- (iii) one representative of the Faith and Order Committee;
- (iv) one representative of the Law and Polity Committee;
- (v) one presbyter who is a commissioned chaplain;
- (vi) one person who is serving overseas under the direction of the council or is a minister whose ministry is based on an overseas appointment under Standing Order 780(1)(vi);
- (vii) three persons representing the concerns of equality, diversity and inclusion;
- (viii) **the Youth President together with one lay person elected at the preceding Methodist Children and Youth Assembly in accordance with Standing Order 250(11).**

(2) If a person appointed as a representative to the Conference under clause (1) of this Standing Order cannot attend then the responsible body shall **subject to Standing Order 250(11)** appoint a substitute in the appropriate category (presbyteral, diaconal or lay), failing which the **Methodist Connexional** Council shall nominate a substitute for election by the Conference under clause 17 of the Deed of Union.

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(3) *[revoked]*

(4) *[revoked]*

(5) ~~The Methodist Children and Youth Assembly shall be represented by the Youth President together with one lay person elected at the preceding Methodist Children and Youth Assembly in accordance with Standing Order 250(11):~~

[revoked]

(6) ~~A lay member of another communion may be a member of the Conference if he or she is a member of the Connexional Team and is appointed under head (i):~~

[revoked]

(7) *[revoked]*

103 Conference-elected Representatives *[Delete the entire Standing Order]*

129 Conference Statements. (1)...

(c) If the Conference decides to refer it shall appoint a revision committee consisting of a chair nominated by the President (after consultation with the Vice-President), one representative of each District and three Conference-elected **Connexional Council** representatives...

250 Methodist Children and Youth Assembly...

(11) The sessions of the Assembly shall through procedures agreed by all the sessions jointly elect the three representatives to the next Conference required under Standing Order 102(51)(viii). To be eligible to be elected, a person shall

- (i) be a member of the Assembly at which the election takes place; and
- (ii) if not already a member of the Methodist Church, have signified the intention of seeking to become a member.

The Youth President, after consulting any available former Conference representatives still under 23, shall appoint an eligible person as a substitute for any appointee who cannot take his or her place in the Conference by reason of not being a member of the Methodist Church.

336 Justice, Dignity and Solidarity...

(4) The committee shall be responsible for making nominations to the council for persons to fulfil Standing Order 102(1)(vii)(g).

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410 Constitution. (1) Subject to Standing Orders 785(8) and clause (6) below the Representative Session of the district Synod shall consist of:

...

(ix) ~~all eligible lay persons who are Conference-elected representatives to the Conference;~~

770 Base of Ministry...

(3) Membership of the Conference shall be open to a presbyter or deacon in Full Connexion whose ministry is based on an overseas appointment only (i) by election as a representative ~~of~~**by** the ~~Methodist~~**Connexional** Council under Standing Order 102(1) (vi), ~~head (f),~~ or (ii) while stationed in a home District, upon the terms which apply to presbyters or deacons whose ministry is based on the home Districts.

*****RESOLUTIONS**

49/9. The Conference amends Standing Orders as set out above.

49/10. The Conference resolves that, notwithstanding any other resolutions that the Conference has agreed regarding the composition of the Conference, any existing Conference-elected representatives shall complete their terms of office as members of the Conference.

1. Possible Future Deed of Union Changes

Some of the Standing Order amendments above have suggested that for consistency further minor amendments to the Deed of Union would be necessary or helpful. However, rather than instigate a further special resolution two year process this year, it might be wiser to wait a further year to discern whether any other consequential amendments might be needed as a result of the extensive amendments being undertaken through the Oversight and Trusteeship process to Parts 2 and 3 of Standing Orders in particular. The exception would be if it proves appropriate to bring another special resolution in connection with the Oversight and Trusteeship work this year, in which case any such resolution is likely to be brought by the Committee's Conference Sub-committee on the Order Paper. For now, the possible changes are simply noted below.

1 Particular Expressions. In this Deed, unless the context otherwise requires:...

(ix) ~~'conference-elected representatives' has the meaning appearing from clause 14 (5) below;~~

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14 (2) Membership

...

- (ix) Representatives of **the Connexional Council and** connexional committees, funds, and institutions **and concerns**, as prescribed by Standing Orders;

16 List of Members. (a) Before the assembling of the Conference in each year the Secretary of the Conference shall make out a list of the ~~conference-elected representatives and other~~ persons entitled to be members of the forthcoming Conference.

(b) On the assembling of the Conference in each year and before any other business is transacted the Secretary of the Conference, if present and willing to act, failing whom the person who has most recently held office as such, if present and willing to act, and failing any such person then some person chosen by the Conference for that purpose shall lay before the Conference the list made out by the Secretary of the Conference under sub-clause (a). If the completeness or correctness of that list is forthwith questioned by any person who (in the opinion of the Conference) is entitled to be a member of the Conference the Conference shall forthwith supply any omission or correct any error but subject as aforesaid such list shall be taken to be final and conclusive as to the persons of whom the Conference consists other than the persons (if any) appointed by the Conference as herein provided to fill up the casual vacancies (if any) in the number of the ~~Conference-elected representatives or~~ as substitutes for any members who are not able or willing to attend.

SECTION E

AMENDMENT OF MODEL TRUSTS

1. **Special Resolution 42/5 (2023) – Oversight & Trusteeship: Amendment of Various Model Trusts**

The 2023 Conference passed Special Resolution 47/5 amending various Model Trusts as set out in paragraph 26 of Report 57 Oversight and Trusteeship to the Conference of 2023, as amended on the Order Paper. In accordance with the consultation required under Standing Order 126(1)(c), the Methodist Council approved the special resolution by resolution 68/3 at its meeting in October 2023. Standing Order 126(1)(a) also requires Special Resolutions amending the Model Trusts to be submitted to the Channel Islands, Isle of Man, Scotland and Shetland Synods for consultation. An update on that consultation will be brought on the Order Paper by the Committee's Conference Sub-committee. Subject to that further report, the formal proposal to confirm the Special Resolution is presented in a separate report, *Special Resolutions*, elsewhere in the Conference Agenda.

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2. **Special Resolution 57/5 (2023) – Model Trust 26**

On the committee's advice in Section F of the committee's Second Report to the 2023 Conference, the 2023 Conference passed Special Resolution 42/5 amending Model Trust 26 to remove the unnecessary (in the light of developments in Charity Law) and burdensome requirement for a memorandum of consent to be entered into for numerous transactions in connection with Model Trust property. The Committee directed that the consultation required under Standing Order 126(1)(c) should be with the Methodist Council, which at its meeting in October 2023 approved the special resolution by resolution 68/2. Standing Order 126(1)(a) also requires Special Resolutions amending the Model Trusts to be submitted to the Channel Islands, Isle of Man, Scotland and Shetland Synods for consultation. An update on that consultation will be brought on the Order Paper by the committee's Conference Sub-committee. Subject to that further report, the Conference is asked to confirm the special resolution.

***RESOLUTIONS

49/11. **The Conference receives Section E of the Report.**

49/12. (Three quarters majority) **The Conference, by special resolution, amends Model Trust 26 by deleting the definition of "memorandum of consent" in sub-paragraph (1) and deleting sub-paragraphs (3) and (4), and directs that consultation on the proposed amendments be with the Methodist Council under Standing Order 126(1).**

SECTION F

COMPOSITION AND MODIFIED CONSTITUTIONS OF CIRCUITS

1. Section C of the Methodist Council's Report to the Conference in this Agenda sets out the reasons and principles for the Law and Polity Committee's proposed Standing Order amendments in connection with the *Composition and Modified Constitutions of Districts*, which the Methodist Council has approved and is recommending that the Conference adopts.
2. That report also acknowledges the merit of making parallel amendments to the provisions in Standing Order 501 regarding the composition of Circuits, and in Section 58 regarding the adoption of Modified Circuit Constitutions. The proposed amendments have now been prepared and are set out in this section of the Committee's Report.

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3. The reasons and principles for the proposed amendments are similar to those explained in paragraphs 1., 2.c) and 3.c) of Section C of the Council report, to which the members of the Conference are referred. In particular, once more the desire is to disentangle the respective provisions of SO 501 and Section 58, so that changes in the composition of Circuits should only be effected through the former, so as to ensure that the policy considerations behind the consultations and processes in SO 501 are always applied in cases of amalgamation.
4. However, consideration of the provisions for adopting modified circuit constitutions in Section 58 has also enabled some clarification to be provided as to where responsibilities might lie for approving modified constitutions. In addition to the Circuit Meeting, or Circuit Meetings where a proposed amalgamation is also involved, voting to adopt a modified constitution, it should now be for District Policy Committee, on the advice of the Secretary of the Conference, to confirm that a draft modified constitution complies with the requirements of Section 58; or, where, an amalgamation of Circuits is also involved, the Synod and the Conference should also approve adoption of the draft constitution as a part of the wider SO 501 amalgamation process.
5. The Committee therefore proposes that the Conference approves the following amendments to the Standing Orders.

501 Constitution and Changes in Composition. (1) Subject to the following clauses of this Standing Order, the names and enumeration of Circuits shall be set out year by year in the stations appointed by the Conference.

(2) In this Standing Order any reference to a change in the composition of Circuits is to a change in ~~the~~ **a particular Circuit or Circuits** in which one or more Local Churches are placed, and this Standing Order applies to all such alterations.

(3) All proposals for the division or amalgamation of Circuits or other changes in their composition ~~or for the adoption of a modified constitution as defined in Standing Order 580 or both~~ shall be considered by the district Policy Committee, which shall consult the Circuit Meetings and Church Councils involved. ~~In the case of changes in composition~~ ~~†~~The committee shall formulate a draft recommendation, obtain the resolutions of the Circuit Meetings and Church Councils on that draft and report those resolutions to the Synod with its own substantive recommendation. The Synod shall make its own recommendation to the Conference, reporting with it the resolutions received by the district Policy Committee. ~~And stating whether or not it approves any associated proposals for a modified constitution. In the case of proposals to adopt a modified constitution which do not involve a change in the composition of Circuits the committee shall inform the Secretary of the Conference whether it approves them.~~

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(4) Where changes within this Standing Order involve Circuits in more than one District the relevant district Policy Committees and Synods shall consult, with a view to making joint recommendations where possible.

(5) When any recommendation for change in the composition of Circuits is before the Conference any Circuit Meeting or Church Council involved has the right to make **formal** representations **in writing** to the Conference **in advance of the meeting of the Conference**.

(6) Upon making any change in the composition of Circuits the Conference may give consequential directions, in particular as to transitional arrangements, including directions as to the making of appointments to circuit committees and offices.

(6A) If in addition to the proposed changes in composition of a Circuit or Circuits it is also proposed to modify the standard constitution of the Circuit, this shall be dealt with according to the provisions of Section 58 of Standing Orders either contemporaneously or subsequently.

(7) The determination of any change in circuit composition is ultimately a matter for the Conference, but if, in the judgment of the Conference, any change resolved upon by the Conference is substantially out of accord with the reported resolution of any Circuit Meeting involved, or, where more than one District is involved, with the recommendation of any Synod, it shall take effect only if confirmed by the Conference of the year next following.

Section 58 Circuits with Modified Constitutions

580 Definitions.

In this Section:

- (i) an 'adoption resolution' means a resolution for the adoption of this Section passed in accordance with the provisions of Standing Order 581 below;
- (ii) a 'Section 58 Circuit' means a Circuit in respect of which an adoption resolution is in force;
- (iii) a 'modified constitution', in relation to any Section 58 Circuit, means the constitution by which the affairs of that Circuit are governed.

581 Adoption resolutions. (1) Subject to the further provisions of this Section, a Circuit may at any Circuit Meeting pass a resolution that this Section shall apply to that Circuit,

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or to a Circuit amalgamated under Standing Order 501 of which it will be part, with effect from the beginning of such connexional year as the resolution may specify and that the affairs of the Circuit shall thereafter be governed by a modified constitution in the form of a draft identified in the resolution.

(2) A resolution under clause (1) above must be brought by two members of the Circuit Meeting who are

- (i) ministers appointed to the Circuit; or
- (ii) circuit stewards; or
- (iii) other lay persons appointed by the Circuit Meeting to give leadership within the Circuit in accordance with Standing Order 515(2).

Notice of the resolution must be given to all members of the Circuit Meeting no later than **two** three months before the date of the Circuit Meeting at which the resolution is to be debated. A copy of the draft modified constitution must be supplied free of charge to any member of the Circuit Meeting who requests one.

~~(3) A draft modified constitution may provide for the governance as a single Circuit of more than one existing Circuit.~~

(4) In the debate on a resolution under clause (1) above, no proposal for the amendment of the draft modified constitution shall be considered unless written notice of the proposed amendment has been given to the Circuit Meeting Secretary no later than 14 days before the date of the relevant Circuit Meeting, unless that Circuit Meeting otherwise agrees. ***If the draft modified constitution relates to a Circuit to be formed by amalgamation under Standing Order 501, such notice must be given to the secretaries of the relevant Circuit Meetings involved no later than 14 days before the date of the relevant Circuit Meeting, unless the Circuit Meetings otherwise agree.***

(5) A resolution under clause (1) above is only valid if it is passed by three quarters of those present and voting at the relevant Circuit Meeting ~~or, if~~ ***if*** the draft modified constitution ***relates to a Circuit to be formed by amalgamation under Standing Order 501*** ~~provides as set out in clause (3) above~~, the resolution is only valid if it is passed by such a majority ***three quarters*** of those present and voting at the relevant Circuit Meeting of each Circuit concerned and the terms of the draft modified constitution identified by the resolution passed by each Circuit are identical.

(6) A resolution under clause (1) above will only take effect according to its terms if the draft constitution has been approved by the relevant Synod or district Policy Committee in accordance with Standing Order 501(3) and ***on the advice of*** the Secretary of the Conference confirms before the relevant 1st September that the draft modified

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constitution complies with the requirements of this Section. Such confirmation may be given prior to the passing of the resolution **by the Circuit Meeting, or if the draft modified constitution relates to a Circuit to be formed by amalgamation under Standing Order 501 by each Circuit Meeting concerned**, but if the draft modified constitution is passed in an amended form after confirmation has been given, a further confirmation must be obtained. If no such confirmation has been given before the relevant 1st September, the resolution will not take effect until 1st September next following such confirmation.

(7) If a draft modified constitution

- (i) **is for an existing Circuit, the district Policy Committee shall report to the Synod and to the Conference Office the passing of any resolution under clause (1) above and the date on which the modified constitution shall take effect; or**
- (ii) **is for the governance of a Circuit to be formed by the amalgamation under Standing Order 501 of more than one existing Circuit, the Synod shall also state whether or not it approves the draft modified constitution when making its recommendation to the Conference about the proposed amalgamation, and the Conference shall consider the draft amended constitution in making any directions or passing any resolutions in connection with the proposed amalgamation, including, if approved, the date on which the modified constitution shall take effect.**

Provides as set out in clause (3) above, the Circuits which have passed the relevant adoption resolution shall form one new Circuit from the date on which the adoption resolution takes effect and the form in which the constitution and enumeration of the Circuits is set out pursuant to Standing Order 501(1) shall reflect that change.

582 Termination of effect of adoption resolutions. (1) Subject to the further provisions of this Section, the Circuit Meeting of a Section 58 Circuit may at any time pass a resolution that with effect from the beginning of such connexional year as the resolution may specify this Section shall cease to have effect in relation to that Circuit, **after which the affairs of the former Section 58 Circuit will be governed by the provisions of Part 5 (other than this Section) as amended from time to time.**

(2) The requirements of clause (2) of Standing Order 581 above shall apply to determine by which officers or members of the Circuit a resolution under clause (1) above may be moved and what period of notice of such a resolution must be given, unless the modified constitution of the Section 58 Circuit (whether as originally agreed or as amended in accordance with Standing Order 583 below) contains more stringent requirements. Any such resolution is only valid if it is passed by three quarters of those present and voting at the relevant Circuit Meeting.

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(3) ~~Where~~ Unless the modified constitution of a Section 58 Circuit **relates to a Circuit** created in accordance with Standing Order 501 ~~above expressly so provides~~, the coming into force of a resolution under clause (1) above will not reconstitute **any of** the Circuits which existed prior to the coming into force of the adoption resolutions leading to the creation of that Circuit, **and the provisions of Standing Order 501 would again need to be applied to reconstitute any of the previous Circuits if desired** but the affairs of the former Section 58 Circuit will be governed by the provisions of Part 5 (other than this Section) as amended from time to time.

(4) ~~If the modified constitution of such a Section 58 Circuit does provide that the coming into force of a resolution under clause (1) above will reconstitute the former Circuits, the resolution must specify, by reference to an identified draft if appropriate, the arrangements by which the former Circuits are to be enabled to operate again from the relevant 1st September and the reconstitution will only then take effect if before that date the Secretary of the Conference confirms that the necessary arrangements have been made. If no such confirmation has been given before the relevant 1st September, the reconstitution will not take effect until 1st September next following such confirmation and in the meantime the affairs of the former Section 58 Circuit will be governed as the affairs of one Circuit and by the provisions of Part 5 (other than this Section) as amended from time to time.~~

583 Amendment of modified constitutions. (1) The modified constitution of a Section 58 Circuit may be amended by a resolution passed by a simple majority of those present and voting at the relevant Circuit Meeting, but the requirements of clause (2) of Standing Order 581 shall apply to determine by which officers or members of the Circuit such a resolution may be moved and what period of notice of such a resolution must be given.

(2) The procedure specified under clause (1) above must include a provision that any amendment to the modified constitution will not come into force until **the district Policy Committee on the advice of** the Secretary of the Conference has confirmed that the modified constitution in its amended form will continue to comply with this Section.

584 Provisions relating to modified constitutions. (1) Nothing in this Section affects the provisions of the Methodist Church Act 1976, the Deed of Union or the Model Trusts ('the overriding legislation') and a modified constitution must conform to the requirements of the overriding legislation.

For the Methodist Church Act 1976 see Vol. 1 p. 2, for the Deed of Union Book II, Part 1 and for the Model Trusts Book II, Part 2.

(2) A modified constitution may not contain provisions contrary to the following provisions:

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- (i) Standing Order 500 (nature and purposes of a Circuit)
- (ii) Standing Order 502 (chairing, **form** and notice of meetings)
- (iii) Standing Order 503 (eligibility for appointment)
- (iv) Standing Order 504 (duration of appointments)
- (v) Standing Order 505 (connexional funds)
- (vi) Standing Order 514(2) (list of members of the Circuit Meeting)
- (vii) Standing Order 515 (responsibilities)
- (viii) Standing Order 516 (memorials)
- (ix) Standing Order 517 (procedure at the Circuit Meeting)
- (x) Standing Order 518 (irregularities)
- (xi) Section 52 (Circuit ministry)
- (xii) Section 54 (Circuit invitations and appointments)
- (xiii) Standing Order 550 (obligatory appointments)
- (xiv) Standing Order 552 (ex-officio membership)
- (xv) Section 56 (local preachers)
- (xvi) Standing Order 574 (Chair's rights on appointment of lay employee)

(3) While an adoption resolution is in force the provisions of Part 5 (other than this Section) as amended from time to time shall continue to apply to the relevant Section 58 Circuit except as otherwise provided by the Circuit's modified constitution.

(4) A modified constitution may contain provisions varying the provisions of Standing Order 510 (constitution of the Circuit Meeting), but the spirit of Standing Order 513 shall be observed and any such modification shall contain provisions to ensure that:

- (i) a meeting is clearly designated as the Circuit Meeting for the purposes of clause 40 of the Deed of Union, sub-paragraph 2(1) of the Model Trusts, Section 54 of Standing Orders and Standing Orders 553 and 566 to 566B and for any other purpose for which a Methodist Circuit Meeting may be required;
- (ii) the Local Churches in the Circuit are represented on the Circuit Meeting either through each Local Church being separately represented by such person or persons as the modified constitution may provide or through all the Local Churches being constituent members of and separately represented on groups of Local Churches that are so represented;
- (iii) where the Local Churches are not separately represented on the Circuit Meeting, each Church Council shall have the right to make representations to the Circuit Meeting about any proposal that would directly affect its financial or other resources before the decision on that proposal is made, or to submit a resolution to that meeting on any other matter relevant to the work of the Circuit and attend the meeting to present and speak to the resolution.

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(5) Subject to clause (2) above, a modified constitution may contain such other provisions varying the provisions of Part 5 as may be agreed, but in that event shall also include provisions to secure the effective carrying out within the Section 58 Circuit of the areas of work covered by the provisions so varied, taking into account also the need to comply with any other Standing Orders applicable to such work and the need to ensure consistent and fair treatment of all people across the Connexion.

(6) A modified constitution shall contain provisions to ensure that all the functions given by the overriding legislation (as defined in Standing Order 584(1) above) and Standing Orders to the Circuit Meeting as managing trustees shall be undertaken by that meeting, and that as respects all other such functions given by the overriding legislation to the Circuit Meeting there is an identified body responsible for the performance of each of those functions, by whatever name that body or (if more than one) those bodies may be known.

(7) A modified constitution shall contain provisions to ensure that as respects all the functions given by the overriding legislation and Standing Orders to an officer or the officers of the Circuit there is an identified individual or there are identified individuals responsible for the performance of each of those functions, by whatever title that individual or (if more than one) those individuals may be known.

(8) Subject to the foregoing provisions of this Section, a modified constitution may make such provision as the Circuit Meeting approves with regard to:

- (i) the functions, powers, duties and membership of the committees or other bodies constituted to carry out the purposes of the Section 58 Circuit;
- (ii) the functions, powers, duties and terms of employment (if applicable) of the officers of the Circuit.

***RESOLUTIONS

49/13. The Conference receives Section F of the Report.

49/14. The Conference amends Standing Orders as set out above.

SECTION G

CONSEQUENTIAL AMENDMENTS OF STANDING ORDERS FOLLOWING REVISIONS TO CANDIDATING PROCESSES IN SECTIONS 71 AND 73

Last year there were substantial changes to Section 71 following the introduction of the new procedures for the Discernment of Ordained Vocation. Following a review of

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these, and further liaison with or direction from the Connexional committees and team members responsible for this work, two subsequent pieces of work around safeguarding and changing orders of ministry have required further amendments to this section as set out below, or some further consequential amendments elsewhere.

1. **Safeguarding:** Reference is made in SO 232(2)(iiiA) to SO 713(7A), which, since the revision of Section 71, no longer exists. This omission needs to be rectified, and, to make it clear that reference to the safeguarding officer of any safeguarding issues or concerns applies to the whole process of candidating, a new, separate Standing Order is required.

714A Safeguarding Concerns. If at any stage in the operation of the process of Discernment of Ordained Vocation as set out in this Section of Standing Orders it appears to any of the persons involved or to a group, a panel, a committee or a section of a group, panel or committee that safeguarding issues or concerns are, or may be, involved, then the matter shall immediately be referred to the safeguarding officer (as defined in Standing Order 232(1A)), who may offer advice or refer the matter to the Safeguarding Committee for its advice, or risk assessment and recommendations as that committee judges appropriate.

In consequence, the following amendment is also required:

232 Safeguarding Committee

(2) The functions of the Safeguarding Committee shall be:

....

(iiiA) to act upon any referral to it by the safeguarding officer, following referral to that officer made under any of Standing Orders ~~714A~~~~713(7A)~~, 725(6), 761(15) or 1102(9) or otherwise made as a result of the operation of any of the processes of the Church

2. **Change of Order of Ministry:** The 2017 Conference directed MCPOC to review the current interpretation of SO 718. This review has now been completed and MCPOC has recommended that Standing Order 718 should be updated in consultation with Law and Polity to create a standard but flexible process. This process has resulted in the following recommended changes to SO 718.

718 Change of Order of Ministry. (1) A deacon in Full Connexion or diaconal probationer intending to offer as a candidate for the presbyterate shall inform the Superintendent,

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Chair and the Warden of the Methodist Diaconal Order. A student deacon intending so to offer shall inform the oversight tutor with overall responsibility for the student's training institution and the Warden.

(2) A presbyter in Full Connexion or presbyteral probationer intending to offer as a candidate for the diaconate shall inform the Superintendent and Chair. A student presbyter intending so to offer shall inform the oversight tutor with overall responsibility for the student's training institution.

(3) Every such candidate must be prepared to accept the form and length of training prescribed by the Conference.

(4) The candidate shall arrange for the provision of such documentation and other information and fulfil such other requirements as may be directed by the Ministerial Candidates and Probationers Oversight Committee, including in the case of a presbyteral candidate such reports on the candidate's ability to lead worship and to preach as may be appropriate. The candidate must also demonstrate an adequate ability to benefit from study and to apply what has been learnt. In the case of a student or probationer this shall include reports from the relevant training institution.

(5) The provisions of Standing Orders 713 to 717 shall apply, and the period of pre-ordination training and probation shall be determined by the Presbyteral Session of the Conference or Conference Diaconal Committee when the candidate is accepted.

For the Conference Diaconal Committee see cl. 25A of the Deed of Union (Book II, Part 1) and Section 18.

(1) A student minister seeking to change order of ministry shall complete an application form. If requesting to move into diaconal ministry, the student shall have an interview with the diaconal tutor of the training institution and the Warden who shall jointly write a report. If requesting to move into presbyteral ministry, the student shall have an interview with their personal tutor and the oversight tutor of the training institution who shall jointly write a report. All such students shall meet with a panel of the training institution's oversight committee which shall make a recommendation to the Ministerial Candidates and Probationers Oversight Committee, which may also complete a panel interview with the student. The focus of the meeting shall be on the order of ministry alone. The Ministerial Candidates and Probationers Oversight Committee shall report the outcome to the Conference under one of the following categories:

- 1. Recommending an immediate transfer to the training pathway for the other order of ministry.***

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2. *Recommending a suspension of their current training whilst they do further guided discernment (and the timing and nature of that discernment is determined).*
3. *Not recommending the transfer.*

(2) Any probationer seeking to change order of ministry shall have a vocational conversation with the Chair of District and complete an application form. If requesting to move into diaconal ministry, they shall have a formal interview with the Warden who shall write a report. If requesting to move into presbyteral ministry, they shall have a formal interview with their Chair of District who shall write a report. All such probationers shall meet with a panel from the District Probationers Committee which shall make a recommendation to the Ministerial Candidates and Probationers Oversight Committee, which may also choose to see the probationer in a panel interview. The focus of the meeting shall be on the order of ministry alone. The Ministerial Candidates and Probationers Oversight Committee shall report the outcome to the Conference under one of the following categories:

1. *Recommending a transfer to the other order of ministry after a period of training, followed by stationing to a new 2 year appointment on probation to the other order.*
2. *Recommending stationing in the next connexional year to a new probationer's appointment in the other order, followed by reception into full connexion and ordination after 2 years in the case of someone transferring to the diaconate, and after 1 or 2 years for someone transferring to the presbyterate.*
3. *Not recommending the transfer.*

(3) Any ordained minister wishing to change order of ministry shall have a vocational conversation with the Chair of District and shall complete an application form. Any presbyter requesting to move into diaconal ministry shall have a formal interview with the Warden, who shall write a report. Any deacon requesting to move into presbyteral ministry shall have a formal interview with the Chair of District who shall write a report. All such ordained ministers shall meet with a Ministerial Candidates and Probationers Oversight Committee panel. The focus of the panel shall be on the order of ministry alone. The Ministerial Candidates and Probationers Oversight Committee shall report the outcome to the Conference under one of the following categories:

1. *Recommending a transfer to the other order of ministry after a period of training at a training institution.*
2. *Recommending a transfer to the other order after 2 years' probation in the case of someone transferring to the diaconate, and a transfer after 1 or 2 years' probation in the case of someone transferring to the presbyterate.*
3. *Not recommending the transfer.*

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(4) In all cases the nature and oversight of the formation and probation are determined by the Ministerial Candidates and Probationers Oversight Committee.

(6) (5) A candidate who is a deacon shall cease to be in Full Connexion as a deacon and to be a member of the Methodist Diaconal Order on the commencement of pre-ordination training or on entry upon probation, whichever is the earlier. If for any reason pre-ordination training or probation for the presbyterate is not completed, the candidate shall be entitled to apply for reinstatement as a deacon under the provisions of Standing Order 761.

(7) (6) A candidate who is a presbyter shall cease to be in Full Connexion as a presbyter on the commencement of pre-ordination training or on entry upon probation, whichever is the earlier. If for any reason pre-ordination training or probation for the diaconate is not completed, the candidate shall be entitled to apply for reinstatement as a presbyter under the provisions of Standing Order 761.

3. Consequential Amendments: Some consequential amendments are also required to other provisions within CPD, as follows:

SO 32A0(2)(ii) Ministries Committee, SO 32A1(3) General Responsibilities

Following the rewriting of Section 71 in 2023, the Ministerial Candidates Selection Committee is now the Committee for the Discernment of Ordained Vocation, therefore SO 32A0(2) and SO 32A1(3) should be amended as follows:

32A0 "(2) In appointing the committee... (ii) the ~~Ministerial Candidates Selection~~

Committee **for the Discernment of Ordained Vocation** and the Ministerial Candidates and Probationers Oversight Committee..."

32A1 "(3) The committee may... or by the ~~Ministerial Candidates Selection~~ Committee **for**

the Discernment of Ordained Vocation, the Ministerial Candidates and Probationers Oversight Committee..."

SO 32A1(4) General Responsibilities

Following the rewriting of Section 71 in 2023, what was SO 710A has been replaced by SO 710(5). Therefore SO 32A1(4) needs amending as follows:

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“(4) The committee shall recommend to the Conference, through the council, selection criteria for adoption under Standing Order ~~710A~~**710(5)** and, as required, amendments to those criteria.”

Standing Order 711(2) Appointments

Pursuant to the standard drafting protocol in CPD to denote obligations, the “will” in SO 711(2) requires amendment to “shall”.

“(2) An Advisory Group Panel of three people selected from the Advisory Group by the relevant member of the Connexional Team and normally comprising a presbyter, a deacon and lay member, ~~will~~**shall** meet with each candidate.”

Standing Order 761(11) Reinstatement

Following the rewriting of Section 71 in 2023, what were SO 718(9) and SO 718(10) are now SO 718(6) and SO 718(7) respectively. SO 761(11) therefore needs amending as follows:

“(11) Where the applicant is a former presbyter or deacon who ceased to be in Full Connexion by the operation of Standing Order 718(9) ~~or (10)~~**(6) or (7)**, clauses (2) to (10) above shall apply with the following modifications...”

Additionally, whilst the Editorial Notes are not a formal part of CPD, as a consequence of the rewriting of Section 71 in 2023, the need to amend the footnote to SO 730(4) referring to the stationing of a supernumerary from SO 780(1)(v) to SO 780(1)(x) has been noted for attention; as also has the need to amend references to the Methodist Council such as in the notes beneath SOs 710(5), 715(1), 715(2) and 716(2).

*****RESOLUTIONS**

49/15. The Conference receives Section G of the Report.

49/16. The Conference amends Standing Orders as set out above.