

BOOK of DISCIPLINE

THE
EVANGELICAL PRESBYTERIAN CHURCH
IN ENGLAND AND WALES

EPCEW BOOK OF DISCIPLINE

Preamble

1. What is the purpose of church discipline?

- 1.1** Church discipline, in its widest sense, entails the maintenance and development of Christian discipleship. This comes through the work of the Holy Spirit in conjunction with the preaching of the Word, the sacraments, and prayer. It is fostered by the fellowship of the church, in which members exhort one another to love and good works. The session has the task of encouraging those under its charge to progress in faith, hope, love and obedience.
- 1.2** Administrative discipline is exercised by sessions of local congregations when they admit or erase persons from membership, whether these be communicant or non-communicant members. It is important for the session to keep its membership lists current so as to provide the most beneficial oversight and pastoral care.
- 1.3** Where serious sins occur that are unable to be corrected by these means, judicial discipline enters the picture. Its procedures and censures are all to be seen as serving the end of recovering the erring brother or sister and re-establishing him or her on the path of discipleship. Judicial discipline is to be restorative in its ultimate aim. At the same time it is necessary to preserve the peace and purity of the church, and to promote the honour of Christ, its head.
- 1.4** Judicial discipline must not only be fair and just but it must be seen to be fair and just. All courts of the church must be transparent. Just as each individual member is accountable to the church, so the courts of the church owe a mutual accountability to one another in any Reformed and Presbyterian system of government. While no system of church government is better than the people who run it, and all are sinners, a form of procedure to which all branches of the church are accountable will help to hold in check our own sinful propensities.
- 1.5** Church discipline cannot of itself guarantee that a church will remain faithful to Christ and pure. Only the grace of God can secure that. From the human side, constant vigilance is needed.

2. What are the extent and limits of church authority?

- 2.1** The Lord Jesus Christ alone is the head of the church. He rules through his Word and by his Spirit. He has entrusted to the officers of the church the authority to govern in such a way as to promote the advancement of the gospel and the well-being of his body.
- 2.2** Ministerial power is purely declarative. The officers of the church are entitled to govern on the basis of the Word of God alone. Their decisions cannot be made the rule of faith and practice, nor can they require implicit obedience to their word.²⁴
- 2.3** Ministerial power can only be exercised collectively. No ministers or elders have the right to act as individuals, for their ministerial power is vested not in themselves but in the session, presbytery, or General Assembly, as the case may be.²⁵
- 2.4** Ministerial power is limited to matters of the church and Christian discipleship. The officers of the church have no right to involve themselves in their ecclesiastical capacity in matters of the State, nor have they any power to dictate to families other than according to the teaching, express or entailed, of Holy Scripture. Each session is accountable to the presbytery to which it belongs; each presbytery is accountable to the General Assembly. All are accountable to act in submission to the voice of the Holy

²⁴ WCF 31.4

²⁵ WCF 31.1

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Spirit speaking in Scripture.²⁶

- 2.5** Jurisdiction over all members rests with the session of the local congregation. In a judicial process involving an elder, if the complexity of the case warrants it, a session may refer the matter to the presbytery.

**SECTION ONE
JUDICIAL DISCIPLINE**

3. *What is an offence that should be subject to judicial discipline?*

A matter that justifies judicial discipline is related to the person concerned.

- 3.1** For a communicant member, it must be established that there has occurred an offence that, if proven, disturbs the peace, purity and unity of the church; or an offence that, if true, would undermine the credibility of the member's profession of faith.²⁷
- 3.2** In the case of an ordained officer both the above situations also apply. However, there are additional circumstances that may require judicial discipline that do not necessarily question the credibility of his profession of faith but rather relate to his ordination vows. Here, disciplinary action is justified for an offence in doctrine or practice that, if true, would entail the repudiation of his vow to uphold the subordinate standards of the church.²⁸
- 3.3** The distinction between a complaint and a charge should be noted. A complaint concerns administration, whereas a charge relates to morality or doctrine. A complaint is directed towards an action of a judicatory, while a charge concerns the conduct or doctrine of an individual. A complaint, if sustained, requires the judicatory to make amends by rescinding or altering its contested action. A charge, if sustained, is intended to lead the individual to repentance.

4. *What are the Steps to be taken in initiating judicial discipline?*

- 4.1** No matter can be considered as justifying judicial discipline unless there are at least two or three independent witnesses to the occurrence or circumstance.²⁹
- 4.2** A charge may be brought by a member, whether an injured party or not, or by the session. Particular care should be taken when a charge is brought against an elder.³⁰
- 4.3** No matter can become the subject of judicial discipline unless first every possible attempt has been made to resolve it privately, in accordance with Matthew 18:15-20 and Galatians 6:1. In such private meetings it is right that a minor or a woman can be assisted or represented by an appropriate adult in the initial approach to the alleged offender. In cases where an allegation is made of grave sin against a woman or a minor, who may not be capable of making such an approach, the process should be undertaken by two members of the session.
- 4.4** No charge shall be admitted by the session if it concerns matters committed over two years' previously.³¹ However, there are exceptional cases, in which the alleged offence is particularly grave, where this rule should be suspended.³² Other exceptions may involve circumstances in which an abundance of written evidence exists so that the passage of time is not as significant a deterrent to the case proceeding.

²⁶ WCF 31.5

²⁷ The session's jurisdiction extends to the oversight of members' Christian discipleship, concerning which the credibility of their profession of faith is the crucial element.

²⁸ The church's discipline over what is preached and taught is crucial to its adherence to the biblical gospel.

²⁹ Deut. 19:15, Matt. 18:16, 1 Tim. 5:19.

³⁰ 1 Timothy 5:19.

³¹ This is because as time passes the details of events become less clear in people's minds.

³² Cases of alleged physical or sexual abuse come into this category.

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- 4.5** Where serious allegations are made, and the law requires it, the matter must also be reported to the relevant civil authorities.³³
- 4.6** When a case of judicial discipline is initiated it must be recorded in writing exactly how the matter has been handled beforehand, as described in 4.3. Only in the most exceptional cases, requiring urgent attention, can this be avoided. If such is the case, the matter must be recorded in the minutes of the case and the circumstance reviewed by presbytery.³⁴
- 4.7** If a matter is considered to require judicial discipline, the alleged offence must be set forth in writing as to its nature, the circumstances surrounding it (including the date, place and time), and the witnesses to it. The written statement must always include clear Biblical support for the serious nature of the offence, together with references to applicable portions of the subordinate standards. No disciplinary process is ever valid without these factors taking place.³⁵ As soon as the session has determined that the accusation, if proved to be true, would justify disciplinary proceedings, it must provide a full and complete copy of all these details to the person who is alleged to have committed the offence.
- 4.8** If the person bringing the charge needs help in writing these details, an appropriate member of EPCEW can provide assistance and can accompany the person to any meeting of the session.³⁶
- 4.9** The accused person is to be notified of a date, place and time at which he or she is expected to attend a disciplinary meeting, to which witnesses will also be summoned. This meeting cannot be less than 10 days after the accused has received the above written request of the meeting, as well as the details of the charges and specifications, unless it is agreed otherwise by all involved, including accuser(s), accused, witnesses, and the judicatory.³⁷

5. *How is the disciplinary process to proceed?*

- 5.1** When a member of EPCEW is about to present a charge he or she shall be solemnly warned by the session that a censure may be given if it is found that grounds do not exist for proceeding with the trial of the case *and in addition* it appears that the charge has been brought with malice.³⁸ No censure stronger than a rebuke may be given without a trial.
- 5.2** The session³⁹ must consider in each case whether there is sufficient evidence to warrant a trial; the accuracy and appropriateness of the specifications from the Word of God and the confessional standards; and whether the alleged offence is serious enough for a trial in terms of 3.1 and/or 3.2 above. Upon these considerations it may proceed with a trial in accordance with the provisions of 4.9 above, or else dismiss the charge.

6. *WHAT GENERAL PRINCIPLES AFFECT THE TRIAL?*

6.1 *General factors*

- 6.1.1** At the start of every trial the moderator shall pronounce:

³³ This provision assumes that the law concerned is not hostile to the legitimate exercise of religious freedom.

³⁴ A written record is essential for the protection of the one accused, so that he or she may know what the offence is, together with its seriousness. It is also essential for the just process of the case, otherwise additional charges may creep in without warning and to the detriment of the accused.

³⁵ No judicial discipline is ever justified unless, if true and upheld, it would constitute a violation of membership vows, the subordinate standards of the church, and – pre-eminently – holy Scripture.

³⁶ It is essential that EPCEW provide all help necessary to vulnerable persons. This may also be necessary in the case of a woman who may require to be accompanied to a meeting with the session.

³⁷ The accused must be given every chance to be able, if appropriate, to answer the charges by bringing evidence to bear, including witnesses, that establishes that he or she has not been in violation of their vows.

³⁸ Deut. 19:16ff.

³⁹ All references to the session in this book are also applicable to a presbytery or General Assembly in a case referred to those courts, or in an appeal from a verdict by a session.

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The session is about to sit in a judicial capacity. I exhort the members of the session to remember your solemn duty to minister the Word of God faithfully and to submit all your judgments to its infallible rule.

This announcement shall be repeated at each sitting of the session in the course of the trial. A sitting shall end when the session recesses. A meeting is ended by adjournment.

- 6.1.2** When in a judicial capacity, the session or presbytery shall normally be in open session. This shall always be the case when a charge of false doctrine is brought. In other cases, where the needs of discipline or the delicacy of the charge warrants it, the trial can proceed in closed session.
- 6.1.3** At no stage in the trial shall anyone be prevented from setting forth the provisions of the Word of God or the secondary standards of the church.
- 6.1.4** In unusual circumstances, a session may deny an accused person the right of participating in the Lord's Supper or the exercise of the functions of his office until the case is concluded. On such unusual occasions, it shall be the duty of the session to conclude the case as soon as possible, consistent with a thorough examination of its details.
- 6.1.5** If the accused fails to appear at the trial and does not have a satisfactory reason for his absence, he shall be cited again, and warned that if he does not appear the trial will proceed without him.

6.2 *The Clerk and the record of the trial*

- 6.2.1** The clerk shall keep an accurate roll of the members attending each sitting of the trial judicatory. The session shall preserve a complete and accurate record of the trial. In the minutes the following must be included: (1) the charge and specifications; (2) objections made and exceptions taken; (3) a list of witnesses who testified and a summary of their testimony; (4) all rulings and decisions of the session; and (5) the minutes of any private deliberations. Reproductions of either part or the whole of the trial may be incorporated into the minutes of the trial judicatory. These minutes, together with all relevant papers, shall be certified by the trial judicatory and must be transmitted to the presbytery if there is an appeal.
- 6.2.2** All citations shall be served in person, but if that is not possible, they shall be sent by certified mail.

6.3 *The accused*

- 6.3.1** The accused shall be entitled to the assistance of an advisor and must be permitted to have someone to accompany him or her. The advisor must be a member in good standing of EPCEW. Where the accused does not identify an advisor the session may appoint one.
- 6.3.2** The accused may not sit in judgment on his own case at any stage, including the preliminary investigation. No advisor may sit in judgment on the same case in any stage following the preliminary investigation. A member of the trial session who has a personal interest in the case must not sit in judgment on the case, may not speak in the trial, and must not vote at any stage in the proceedings.
- 6.3.3** The accused may take exception to any and all rulings or decisions made by the session.
- 6.3.4** The accused shall be allowed one copy of the minutes at the session's expense. Additional copies may be obtained by him at cost.

6.4 *The witnesses*

- 6.4.1** Any person may be a witness in a judicial case if the trial judicatory is satisfied that he has sufficient competence to make the affirmation required of witnesses.
- 6.4.2** The moderator shall require each witness before he testifies to make the following affirmation: "I solemnly swear, that by the grace of God, I will speak the truth, the whole truth, and nothing but the truth concerning the matters on which I am called to testify."
- 6.4.3** If it becomes necessary to obtain testimony from witnesses who are under the jurisdiction of another session, such testimony may be obtained either by the taking of depositions, or by having

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- the session, at the request of the trial session, issue citations directing such persons to appear and testify before the trial session.
- 6.4.4** The trial session can direct the taking of testimony of witnesses by a commission it appoints if unusual circumstances require it. This commission could be another session of an EPCEW congregation. A representative of the session and the accused, or his advisor, may examine and cross-examine such witnesses, and make objections concerning (1) the admissibility of any oral testimony, (2) the competency of the witnesses, (3) the authenticity, admissibility, and relevancy of any documents, records, and recordings identified by the witnesses. The commissioners must be communicant members of EPCEW. They shall record such testimony and objections as may be offered, and, without ruling upon the objections, shall transmit to the trial session a complete transcript of the proceedings.
- 6.4.5** If a witness who is a member of the church fails to obey a lawful citation, he shall be cited again and warned that if he does not appear, or give satisfactory reason for his absence, he may be charged with contempt. The time allowed for appearance on a citation shall be determined by the session bearing in mind the circumstances and should ordinarily be not less than two weeks after receipt of the citation.
- 6.4.6** If a member of the church under the jurisdiction of another session has been cited as a witness, and refuses to appear, the trial session will communicate the facts to the session having oversight over him.

7. WHAT ARE THE RULES FOR EVIDENCE?

- 7.1** Evidence must be factual in nature. It may be direct or circumstantial. Great caution should be exercised in giving weight to circumstantial evidence, so as to rule out hearsay.
- 7.2** The accused may object to the competence of any witness and the authenticity, admissibility, and relevance of any testimony or evidence produced in support of the charge and specifications. The trial session shall decide on all such objections *after* allowing the accused to be heard.
- 7.3** A specification presented in support of a charge may be established by the testimony of witnesses or by validly authenticated documents. The testimony of one witness shall be insufficient to establish the truth of any specification. Certain allegations must be reported to the civil authorities.
- 7.4** No witness, unless a member of the trial session, called to witness regarding facts in support of any specification shall testify in the presence of another witness who is to testify concerning the same specification.
- 7.5** The trial session shall appoint one of its members to conduct the examination of witnesses on its behalf, but other members shall also have the right to take part in the examination.
- 7.6** Witnesses produced in support of the charge and specifications shall testify in the presence of the accused unless the accused has failed to present himself after citation. Witnesses named in the specifications shall first be examined by the session. The accused may then cross-examine. If the session asks any further questions, the accused shall be able to cross-examine again. Witnesses summoned at the request of the accused shall first be examined by the accused. If the session cross-examines, the accused shall be able to conduct a redirect examination. Leading questions shall be permitted only under cross-examination.
- 7.7** Certified records of a trial session shall be received in evidence in any other court of the church if their relevance is first established.
- 7.8** All questions concerning the competence of any witness and the authenticity, admissibility, and relevance of any testimony or evidence taken by a commission shall be determined by the trial session after the accused has been given an opportunity to be heard.
- 7.9** New evidence discovered during the trial may be offered, but, if such evidence is produced against the accused, he shall be given reasonable time to investigate it and to supplement his defence and to consult with his advisor.
- 7.10** If new evidence is produced by the accused after he has been found guilty, the trial session shall examine the proposed evidence. If it is satisfied that there was good reason for not producing it at the

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trial, it shall grant a new trial, or, in case an appeal has been lodged, it shall certify these facts to the presbytery and the record of the case shall then be returned to the session for the purpose of a new trial.

8. (8) HOW SHOULD THE TRIAL PROCEED?

8.1 *First Meeting of the Trial*

8.1.1 At the first meeting of the trial only the following actions shall be taken:

- (1) The charges and specifications shall be read and formally presented to the accused together with the names of any witnesses and copies of any documents which may be presented against him.
- (2) The session shall fix the time, date, and place for the second meeting of the trial, which shall not be less than ten days later, and shall issue citations directing all relevant persons to appear at that time.
- (3) The accused shall be granted citations in which he may insert the names of the witnesses whom he wishes the session to summon.

8.1.2 No meeting of the trial held prior to the time at which it proceeds with the previously mentioned actions shall be considered the first meeting of the trial.

8.2 *Second Meeting of the Trial*

8.2.1 At the second meeting of the trial the accused may interpose objections concerning (1) the regularity of the proceedings up to this point and (2) the form of the charge, the form and relevance of the specifications, the competence of the witnesses named in the specifications, and the authenticity, admissibility, and relevance of any documents, records, and recordings submitted in support of the charge and specifications. The session shall determine the validity of any objections. If the accused requests the session to do so, it shall determine whether the proof of the charge and specifications would show the commission of an offence serious enough to warrant a trial. It may dismiss the case, or permit amendments of the charge and specifications, providing they do not alter their essential nature. If the session decides that the trial should proceed, the accused shall be required to plead "guilty" or "not guilty," and his plea shall be entered upon the record. If the accused pleads "guilty," the session shall treat him as coming before it as his own accuser, and shall determine the censure, bearing in mind that he has confessed his sin. If the accused pleads "not guilty," or refuses to plead, the trial shall proceed. The following proceedings may extend over as many meetings as needed for their completion.

8.2.2 Absence from any sitting of the second or of a subsequent meeting of the trial shall disqualify a member from voting and from being counted in the computation of a quorum, but shall not deprive him of any other right as a member of the trial session. If there is not a quorum, the trial shall either recess or be adjourned.

8.2.3 When all the evidence against the accused has been presented and he has had an opportunity to cross-examine the witnesses testifying against him, the accused shall have the right to move for the dismissal of the charges. If this motion is denied by the session, the accused may then present the evidence in support of his defence.

8.3 *Conclusion of the Trial*

8.3.1 After all the evidence has been presented, the accused may make his final argument with respect to the evidence and the law of the church. The session, after deliberating, shall vote on each charge and each specification separately. If the trial judicatory decides that the accused is guilty, it shall proceed to determine the censure.

8.3.2 In order for a guilty verdict to be pronounced on any charge or specification, the evidence must be such as to put the conclusion beyond reasonable doubt.

8.3.3 When the session has completed its deliberation, the moderator shall announce its decision on each charge and each specification. If the accused has been found guilty, the session shall state what censure it will pronounce against the accused. The censure shall not be pronounced before the expiration of the time in which the accused may file notice of appeal. If notice of appeal is

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filed and an appeal is taken within the time prescribed in this Book of Discipline, the session may not issue the censure unless and until its verdict is affirmed by the court of the church to which final appeal is taken.

8.4 Trial in Absentia

8.4.1 If the session proceeds with the trial in the absence of the accused, a representative shall be appointed at the first meeting of the trial to present a case to the session in defence of the accused. Such a representative, although not acting directly in behalf of the accused, shall be entitled to present evidence, interview witnesses, interpose objections, and otherwise act in his defence. The session shall deliver copies of the charge, specifications, and names of witnesses either personally or by certified mail to the accused along with notification that the trial is proceeding without him and the time, date, and place of the second meeting of the trial judicatory. The second meeting of the trial judicatory shall proceed as though the accused had pleaded "not guilty." The trial shall then proceed according to the provisions of this chapter. When the session has completed its deliberations, the moderator shall announce its decisions according to this chapter, and shall communicate such decisions to the accused in writing, either personally or by certified mail.

[A suggested form for citing a witness is found below]

9. WHAT SHOULD HAPPEN WHEN A MEMBER COMES BEFORE THE SESSION AS HIS OWN ACCUSER?

9.1 When a person comes before the session as his own accuser, confessing a sin that would warrant judicial discipline according to the criteria listed in 3.1. and/or 3.2. above, the session may proceed to judgment without full process.

9.2 The session must determine what sin, if any, has been committed. If a serious sin has been committed, it must decide what censure shall be pronounced. Bearing in mind that the purpose of judicial discipline is the restoration of a fallen member, the session must evaluate to what extent repentance has occurred and how far the confession of sin demonstrates it. Its censure should be guided by these considerations.

10. WHAT CENSURES CAN BE PRONOUNCED?

10.1 In judicial discipline there are five degrees of censure: admonition, rebuke, suspension, deposition, and excommunication. Censures shall be pronounced in the name and by the authority of the Lord Jesus Christ, as an act of the whole church, by the moderator on behalf of the trial judicatory.

10.2 If a person who has been adjudged guilty refuses or fails to present himself for censure at the time appointed, the trial judicatory shall cite him to appear at another time. If he does not appear after this citation, the censure shall be pronounced in his absence.

10.3 DEGREES OF CENSURE

10.3.1 Admonition

Admonition consists in tenderly and solemnly confronting the offender with his sin, warning him of his danger, and exhorting him to repentance and to greater fidelity to the Lord Jesus Christ.

10.3.2 Rebuke

Rebuke is a more severe censure than admonition. It consists in setting forth the serious character of the offence, reproving the offender, and exhorting him to repentance and to more perfect faithfulness to the Lord Jesus Christ.

10.3.3 Suspension

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a. Suspension is a form of censure by which one is deprived of the privileges of membership in the church, of office, or both. It may be for a definite or an indefinite period. Suspension of an officer from the privileges of membership shall always be accompanied by suspension from office, but the latter does not necessitate the former.

b. An officer or other member of the church, while under suspension, shall be the object of prayer and earnest counsel with the aim of repentance and restoration. When the judicatory which pronounced the censure is satisfied of the offender's penitence, or when the time of suspension has ended, the censure shall be removed and the offender restored. Restoration shall be accompanied by a solemn admonition. Restoration to membership may take place without restoration to office.

c. When a minister has been indefinitely suspended, the judicatory shall immediately notify all the presbyteries of the church.

10.3.4 Deposition

a. Deposition is a form of censure more severe than suspension. It consists in a solemn declaration by the trial judicatory that the offender is no longer an officer in the church.

b. When a minister is deposed from his office, the presbytery shall erase his name from the roll of the ministerial members of the presbytery.

c. Deposition of a pastor or his suspension for an indefinite time entails the dissolution of the pastoral relationship. The declaration of deposition or suspension shall be read before the congregation, and the pulpit shall be declared vacant. Where suspension is for a definite period the presbytery, after giving the session an opportunity to be heard, shall decide whether the pastoral relation shall be dissolved.

d. When a minister has been deposed, the judicatory shall immediately notify all the presbyteries of the church.

10.3.5 Excommunication

Excommunication is the most severe form of censure and is resorted to only in cases of offences aggravated by persistent impenitence. It consists in a solemn declaration by an ecclesiastical judicatory that the offender is no longer considered a member of the body of Christ.

10.4 PROCEDURAL CONSIDERATIONS

10.4.1 Pronouncement of Censure

The indefinite suspension, deposition, or excommunication of an officer or other member of the church shall be announced to the church in which the officer holds office, or in which the member holds membership. All communicant members of that congregation, *and only those*, shall be informed. These censures shall always be accompanied by prayer to God that he may graciously use the discipline for the restoration of the offender, the edification of the church, and his own glory.

10.4.2 Review of Suspension

a. In case of indefinite suspension, the original judicatory shall review the suspension, within twelve months after imposition of censure, to determine whether or not the offender has shown repentance and may be restored.

b. When, in its review of suspension, the original judicatory is not satisfied that the offender has shown repentance, it shall decide if the suspension should be continued or increased to deposition, or excommunication, or both.

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c. If, in the case in 10.4.2.b, the indefinite suspension is continued, it shall be reviewed again within twelve months of the conclusion of the previous review.

10.4.3 Increase of Censure

a. No further trial is necessary to increase the censure of indefinite suspension from office to deposition, or the censure of indefinite suspension from church membership to excommunication.

b. If an increase of censure is imposed without further trial, the judicatory is obliged to record the circumstances in its minutes.

c. The judgment to increase censure shall in all cases be subject to appeal.

11. WHAT STEPS ARE TO BE TAKEN IN RESTORING A REPENTANT SINNER?

11.1 An officer deposed because of a commonly known offence shall be restored when the judicatory has assured itself that the restoration will not be attended by injury to the cause of the gospel.

11.2 A deposed officer can resume his former office only after again being ordained.

11.3 Restoration shall always be accompanied by a prayer of thanksgiving to God for his redeeming grace.

**SECTION 2
COMPLAINTS**

12. What is a Complaint?

12.1 A complaint is a written representation, other than an appeal or a protest, charging a judicatory with delinquency (having failed to do what it was responsible to do) or error (for having acted contrary to its responsibilities). It may be brought by an officer or other member of the church against the session or the presbytery to which he is subject, by one session against another session, by a session against the presbytery which has jurisdiction over it, or by one presbytery against another presbytery.

13. How should a complaint be presented?

13.1 A complaint shall first be presented to the judicatory which is alleged to be delinquent or in error, and this judicatory shall be asked to make amends. The complaint shall be presented as soon as possible after the alleged delinquency or error, and always within three months, unless it is shown that it could not have been presented within that time.

14. What if the judicatory maintains it has not been delinquent or erred?

14.1 If, after considering a complaint, the judicatory alleged to be delinquent or in error is not convinced that it has been delinquent or has erred, and refuses to make amends, the complainant may appeal to the next higher judicatory having jurisdiction. The appeal shall carry the complaint to that judicatory. Appeal shall be entered at the earliest possible time. Before this action is taken, notice of intention to appeal must be given to the judicatory against which the complaint is directed. The complaint carried to the higher judicatory must be the same complaint presented to the lower judicatory.

14.2 When a complaint has been carried to a higher judicatory, the clerk of the judicatory which is charged with delinquency or error shall submit to the clerk of the higher judicatory the relevant papers, including a statement of the facts of the case arranged by date in the form of a chronology, and a certified copy of any minutes or other documents evidencing the alleged delinquency or error. The clerk of the higher judicatory shall give the complainant and the judicatory against which the

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complaint is directed reasonable notice of the time, date, and place fixed for the hearing of the complaint by the higher judicatory. Neither the complainant nor any member of the judicatory whose alleged delinquency or error is complained of shall propose or second motions, or vote in any decisions concerning the matter.

14.3 If a complaint against a session has been carried to the presbytery which has jurisdiction over it, and the presbytery has rendered a decision, either the complainant or the session may appeal the decision to the general assembly. The appeal shall carry the complaint against the session to the general assembly and the general assembly shall adjudicate the case as constituted by that complaint. Appeal shall be entered at the earliest possible time. Notice of intention to appeal, and copies of the appeal itself, shall be given to both lower judicatories, and the clerks of those judicatories shall submit the relevant papers to the clerk of the general assembly. Reasons may be appended to the appeal. These reasons may include alleged delinquencies in the presbytery's handling of the case and other matters germane to the issues of the case as constituted by the complaint against the session.

15. *What verdicts are possible?*

15.1 A complaint, carried by appeal to a higher judicatory, may be sustained; or, denied; or, remanded, with grounds, to the next lower judicatory. A decision to remand shall state whether jurisdiction in the matter is being returned to the lower judicatory, or retained by the higher judicatory.

15.2 If a judicatory is adjudged delinquent or in error by a higher judicatory, the higher judicatory shall determine what amends are to be made.

**SECTION THREE
GRIEVANCES**

16. *What is a Grievance?*

16.1 A grievance is a claim by an individual that a member or members of the session have behaved in a manner contrary to the standards laid down in Scripture. A grievance relates to conduct of lesser gravity than would warrant a charge. It may involve overbearing behaviour towards the congregation or its members, or requiring actions that fall within the bounds of Christian liberty or are the province of the family.⁴⁰

16.2 A grievance must refer to conduct that is verifiable, whether by documents or at least two or three independent witnesses. In no circumstances can it be held to be a valid grievance if the subject cannot be substantiated in this manner; attitudes, body language, hurt feelings, or phrases in a sermon are not appropriate bases for such claims.

17. *What processes should be followed with a grievance?*

17.1 In each case, before a judicatory can consider a grievance, the aggrieved person must deal with the matter in accordance with the requirements of Matthew 18:15-20. He or she must approach the person(s) concerned privately, point out the conduct that warrants such action and seek amends, remembering the Biblical requirements laid down in Galatians 6:1-2. If this fails, the aggrieved person must repeat the process accompanied by one or two witnesses. On no account can a grievance be addressed if this procedure has not been followed.

17.2 If private attempts to resolve the problem, such as those mentioned in 17.1, are ineffective, the grievance may be brought to the judicatory. In this case, the general procedures outlined in section one

⁴⁰ Matt. 20:24ff, Ezk. 34:1ff, 2 Cor. 4:1ff, Ti. 1:7ff, 1Pet. 5:1ff.

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(from 3.1. onwards) relating to judicial discipline should be followed. This does not make the grievance a case of judicial discipline; rather, it provides a framework for the case to be heard in a way that protects the rights of all parties.

18. *What outcomes are possible?*

18.1 If the judicatory considers the grievance to be without foundation it will dismiss the case. If it considers the grievance to be malicious it can bring judicial charges against the aggrieved person. On the other hand, the aggrieved person has the right of appeal against the rejection of the case to the presbytery and the General Assembly in turn.

18.2 If the judicatory considers the grievance to be genuine, it should call on the person(s) who have occasioned it to repent and be reconciled to the offended party. If such repentance is not forthcoming, it will consider whether to bring judicial charges against the person(s) who occasioned the grievance.

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SUMMONING OF A WITNESS

The trial of [NAME] is to be held before [Presbytery, Session],at [place] on [date] at [time].

The court hereby calls you to attend in order to give evidence on [date] at [time]

Please confirm that you will be present.

Signed

Clerk

Moderator

Date