

RULES of DISCIPLINE

THE
EVANGELICAL PRESBYTERIAN CHURCH
IN ENGLAND AND WALES

1. PROCEDURES

1.1. PETITIONS TO SESSIONS AND PRESBYTERIES

- 1.1.1. Any member of a congregation may present a petition to the Session regarding:
 - 1.1.1.1. Any matter affecting the congregation's welfare and the advancement of the Gospel.
 - 1.1.1.2. A proposed amendment of the BCO.
 - 1.1.1.3. A review of its decision(s) in any matter.
- 1.1.2. The Minister or Session Clerk shall advise the petitioner of procedure.
- 1.1.3. It is competent for the Session itself or a Minister or any elder to petition Presbytery on grounds similar to 1.1.1 above.
- 1.1.4. Any person whose application for the Ministry (whether as a student or a Minister) has been declined by Presbytery may petition it to review his case. This right belongs also to a student whom Presbytery has decided not to license on the recommendation of the Committee for Ministry and Eldership Training. In both cases the grounds for a review must be stated.
 - 1.1.4.1. All petitions shall be presented in writing to the Clerk at least 3 weeks before the meeting of Presbytery/Session; the Court has discretion regarding the time limit in cases it considers exceptional.
 - 1.1.4.2. In the case of students for the Ministry petitions to Presbytery shall be forwarded through their own Session.
 - 1.1.4.3. Where a Minister petitions Presbytery upon a matter affecting his congregation or Session, he shall send a copy to the Session Clerk.
- 1.1.5. The Presbytery/Session may require a petitioner to appear before them, due notice being given him. Should a petitioner refuse or fail (unless through unavoidable hindrances) to so appear the petition shall fall without further consideration.
- 1.1.6. Should the Session not grant the petition the petitioner may appeal to the Presbytery in which case the whole matter comes before the higher court for determination.

1.2. APPEALS IN THE CASE OF FAILED PETITIONS

- 1.2.1. A member whose petition to Session has failed may appeal the decision in question to Presbytery.
- 1.2.2. The appellant
 - 1.2.2.1. The appellant must give notice of appeal, with reasons, to the Session within one calendar month of notification of the failure of the petition.
 - 1.2.2.2. The appellant shall forward his appeal in writing to the Clerk of Presbytery together with a copy of his reasons and any other relevant documents within one month of his notice of appeal.
- 1.2.3. An outstanding appeal does not have the effect of suspending a Presbytery.
- 1.2.4. The Clerk of the Session concerned shall submit on the request of the Presbytery Clerk the minutes of its proceedings in the case and all other relevant documents and evidence together with any answers to the reasons adduced.
- 1.2.5. The Clerk of Presbytery shall, at least two weeks beforehand, inform the appellant and the Clerk of the Session concerned of the date, time and place at which the appeal is to be heard.
- 1.2.6. The appellant must prosecute the appeal in person; if he fails to do so the appeal shall fail. Presbytery may re-convene the hearing if it is satisfied that his failure to prosecute it was unavoidable and not intentional.
- 1.2.7. In hearing appeals Presbytery shall proceed as follows:
 - 1.2.7.1. Read the decision appealed against.
 - 1.2.7.2. Read the reasons of appeal.
 - 1.2.7.3. Read the record of the proceedings of the Session in the case including any of that Court's answers to the reasons adduced.
 - 1.2.7.4. Hear and question the appellant(s).
 - 1.2.7.5. Hear and question the Session concerned through its appointed representatives.

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- 1.2.7.6. Presbytery shall then direct the parties to the appeal, including each member of the Session concerned, to withdraw and proceed to consider the case and come to a decision on the matter, affirming, reversing or varying the original decision as it deems right.
- 1.2.7.7. Parties are called in and the judgement of the Presbytery intimated to them.
- 1.2.8. If anything in the conduct of the appellant or the Session concerned be found culpable Presbytery shall admonish, censure or otherwise deal with them as the case may require.

1.3. DISSENT AND “DISSENT AND COMPLAINT”

- 1.3.1. Any member of a Court may enter his dissent from any part of the procedure. He may require his dissent, with or without reasons, to be recorded in the minutes.
- 1.3.2. In order to be received, the dissent must be intimated immediately the decision dissented from is made.
- 1.3.3. The effect of a dissent is to save the dissenter from any censure that may arise out of the procedure, but it does not free him from obligation to submit to the decision until it has been reversed or altered.
- 1.3.4. A member of Session may also dissent and protest for leave to complain to the Presbytery concerning a decision of Session. In this case notice of ‘dissent and complaint’ to the Presbytery must be lodged, with reasons, with the Clerk of Presbytery, within two weeks of the decision dissented from being pronounced.
- 1.3.5. Procedure on ‘dissent and complaint’ is similar to the procedure for Appeals.
- 1.3.6. The purpose of a ‘dissent and complaint’ is to enable a member of Session to have his dissent considered by Presbytery and its effect is to suspend procedure on the matter to which the complaint relates until Presbytery's decision is taken or the complaint is withdrawn.

1.4. REFERRALS BY SESSIONS TO PRESBYTERY

- 1.4.1. A Session, which finds itself in perplexity over any matter, may refer it to the Presbytery for investigation, advice and/or adjudication.
- 1.4.2. The subject referred ought to be transmitted to the Clerk of Presbytery along with all relevant particulars sufficient to make the referral thoroughly understood.
- 1.4.3. Presbytery shall either:
 - 1.4.3.1. Accept the referral and investigate, advise and/or adjudicate on the matter, or
 - 1.4.3.2. Refuse to accept the referral and may administer censure if they find there was no occasion for it.