

Rulings and Opinions Index—summary by subject

Caution: The summaries of rulings and opinions are included here to assist you in locating a particular ruling or opinion. For a full appreciation of the content of any ruling or opinion, please read the ruling or opinion in its entirety.

Explanation of numbering: e.g., 94-001-O 94 = year ruling / opinion was given

001 = number assigned to ruling / opinion in that year

O = opinion or R = ruling

A=addendum to opinion or ruling of same number

This index contains multiple entries of some rulings and opinions for ease of reference.

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ADMISSION FROM ANOTHER DENOMINATION				
No.	Date	Subject(s)	Manual reference	Summary
01-008-R	Oct 23/01	academic requirements	Basis 8.6.3 031 [2001] 505 [2001] 524 [2001]	General Council has no power to grant individual exceptions to prescribed academic requirements for admission to Order of Ministry from another denomination.
03-006-O	Sept 12/03	Appeals	031 (o) 076 077	Presbytery/District Decision not to continue an individual's process of admission from another denomination may be appealed.
98-001-O	Jan 6/98	Conference – duty to consider application and make Decision	031 [1995]; [1998]	Conference must still consider application and make Decision even if Committee does not recommend applicant.
09-003-O	May 26/09	deferral, applicant's responsibility to request position, availability as condition of admission	031(y)	Conference may not admit applicant until a call, settlement, or appointment is in place. Deferral of admission until this condition is satisfied. Applicant must apply for deferral annually.
01-005-R	Jun 5/01	information, relevancy	31 [2001] 462(a) [2001]	When names of applicants for admission to Order of Ministry are read at Presbytery/District meeting, Presbytery/District members may raise any factual matters or opinions formed on firsthand knowledge if relevant to question of applicants' suitability. Information that Presbytery/District member obtained through Conference Education and Students Committee interview of applicants is not confidential.
09-003-O	May 26/09	position, availability as condition of admission deferral, applicant's responsibility to request	031(y)	Conference may not admit applicant until a call, settlement, or appointment is in place. Deferral of admission until this condition is satisfied. Applicant must apply for deferral annually.
04-004-O	Apr 15/04	position, commencement and extension	031	Conference only admits applicant after assurance of call, Settlement, or Appointment. Position may begin either before or after applicant is received but position must extend for some period of time after reception.

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03-007-O	Sept 16/03	termination of Appointment, Appeals	076	Where Presbytery/District has terminated admission process for individual serving in an Appointment, Presbytery/District must still follow procedures for terminating individual's Appointment since individual is no longer eligible for it. Effective date of termination of Appointment is up to Presbytery/District. Both minister and Pastoral Charge have standing to Appeal.
01-006-O	Apr 05/01	weekend supply	031(k) [2001]	Person who is in process of admission to the United Church from another denomination is not eligible to be appointed as weekend supply unless person meets requirements of one of categories listed in 041(b).

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APPEALS				
No.	Date	Subject(s)	Manual reference	Summary
03-006-O	Sept 12/03	admission from another denomination, Decisions	031 (o) 076 077	Presbytery/District Decision not to continue an individual's process of admission from another denomination may be appealed.
03-007-O	Sept 16/03	admission from another denomination. termination	076	Where Presbytery/District has terminated admission process for individual serving in an Appointment, Presbytery/District must still follow procedures for terminating individual's Appointment since individual is no longer eligible for it. Effective date of termination of Appointment is up to Presbytery/District. Both minister and Pastoral Charge have standing to Appeal.
01-005-O	Apr 02/01	Conference President, rulings review process	001 "Decision" 422.1 [2001]	Conference President rules on whether a motion before Conference Executive is out of order. President's ruling may be challenged and Conference Executive would vote on whether it is sustained. In order to take action under Section 422.1, Conference must be of opinion that Presbytery/District's functioning is ineffectual or that Presbytery/District failed to take appropriate action. Conference is entitled to order review process in order to determine whether functioning is ineffectual, etc. After review process is completed, Conference would be in position to take any necessary action in response to review results. Establishing a Review Committee under Section 422.1 is not a "Decision" and cannot be appealed.
03-005-R	Dec 9/03	costs	76	An Appeal Committee that has not yet been discharged by the appointing Court has power to make an award of costs even after it has released its Decision on the Appeal and the time period for appealing the Decision has expired.
95-008-O	Sept 20/95	Decisions, implementation	076 (l) [1993]	Where Decision is under Appeal, Decision should still be implemented pending ruling as to whether it should be implemented. (Note: see change to policy in 076(e) [1998])
99-013-O	Feb 24/99	evidence	076 (s) & (u) [1998]	Appeal Committee has limited power to admit evidence; Appeal Committee may not issue interrogatories.
99-002-O	Jan 12/99	further Appeals	076 (b) [1995] [1998]	Appeal of a Decision of an Appeal Committee is made to the next higher court.
98-016-O	June 23/98	hearings charges arising out of	075 [1995] [1998] 076 [1995] [1998] 072 [1995] [1998]	Charge should not be laid against member of Hearing Committee for matters arising out of the hearing.
95-012-O	Dec 1/95	hearings, nature	076 [1998]	Nature of an Appeal is as an appellate tribunal hearing, not a rehearing of the matter.

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99-019-O	Apr 6/99	laying charge	001 "Decision" [1998] 076 (a) [1998]	Presbytery/District action to lay a charge may not be appealed because it is not a "Decision"; not a disposition of the matter but only an initial step.
95-002-O	Mar 15/95	appendices mail ballots	Appendix III, 7(d) [1998]	Some appendices are mandatory; some are informational only. Mail ballots are permissible since voting by mail ballot is not "voting by proxy." To permit mail ballot, Church Court conducting vote must pass motion specifically authorizing voting by mail ballot.
99-003-O	Jan 19/99	<i>Manual</i> edition	076 [1995] [1998]	Commencement date of Appeal determines which edition of <i>The Manual</i> governs an Appeal.
96-004-O	April 25/96	materials filed after time limits	076 [1995]; [1998]	Appeal Committee must decide whether to consider materials filed after time limits by party to an Appeal.
00-014-O	June 26/00	Notice of Appeal	76(a) [1998] 184(l) [1998] 205 [1998] 221 [1998]	Notice of Appeal should be signed by officer of a Court that has standing to appeal, e.g., Chairperson or Secretary of Official Board, if Official Board is the Court with standing to appeal. If not done, Secretary of appellate Court should request a properly signed Notice of Appeal. If not provided upon request, it could be assumed that no Appeal is being made by the Court that has standing to appeal.
98-007-O	Mar 18/98	related matters joined	076 [1995]; [1998]	Joining of Presbytery/District Formal Hearing and Conference Appeal Hearing that involve related subject matter.
01-003-R	Apr 05/01	Review Committee	076 [2001]	Establishing a Review Committee under Section 422.1 is not a "Decision" and cannot be appealed.
01-005-O	Apr 02/01	Conference President, rulings review process	001 "Decision" 422.1 [2001]	Conference President rules on whether a motion before Conference Executive is out of order. President's ruling may be challenged and Conference Executive would vote on whether it is sustained. In order to take action under Section 422.1, Conference must be of opinion that Presbytery/District's functioning is ineffectual or that Presbytery/District failed to take appropriate action. Conference is entitled to order review process in order to determine whether functioning is ineffectual, etc. After review process is completed, Conference would be in position to take any necessary action in response to review results. Establishing a Review Committee under Section 422.1 is not a "Decision" and cannot be appealed.
98-013-O	June 8/98	submissions considered	076 (d) [1995] 076 (e) [1998]	Officers who make ruling whether Decision should not be implemented pending the Appeal are to consider submissions only from the parties to the Appeal.

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APPENDICES TO THE MANUAL				
No.	Date	Subject(s)	Manual reference	Summary
95-002-O	Mar 15/95	status mail ballots	Appendix III, 7(d) [1998]	<p>Some appendices are mandatory; some are informational only.</p> <p>Mail ballots are permissible since voting by mail ballot is not “voting by proxy.”</p> <p>To permit mail ballot, Church Court conducting vote must pass motion specifically authorizing voting by mail ballot.</p>

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CANDIDACY PROCESS				
No.	Date	Subject(s)	Manual reference	Summary
04-006-O	May 20/04	Candidate's status to appeal Conference, powers	76 424 462	Conference has power to order Education and Students Committee to conduct third final interview of Candidate. Presbytery has no standing to appeal Decision of Conference around Candidate. Only Candidate has status to appeal as "person directly affected" (but only re: process).
04-006-O	May 20/04	Conference, powers Candidate's status to appeal	76 424 462	Conference has power to order Education and Students Committee to conduct third final interview of Candidate. Presbytery has no standing to appeal Decision of Conference around Candidate. Only Candidate has status to appeal as "person directly affected" (but only re: process).
04-007-O	May 27/04	Conference, powers Executive and Transfer Committee	462	Conference may empower Conference Executive to take action on recommendation from Education and Students Committee. Executive may take this action before Transfer Committee acts on transfer application. Transfer Committee may only consider applications at Committee's annual meeting, and only if names had been provided to Committee by April 1 in year of ordination. Executive may establish a Commission to conduct ordination service.
05-001-O	Jan 12/05	conflict of interest one Committee	457 458	One Committee may perform functions of both Conference Interview Board and Conference Education and Students Committee provided the Committee is attentive to conflict of interest concerns.
04-011-O	Nov 18/04	conflict of interest serving on Committees or in Courts	370 371	Candidate or Lay Pastoral Minister-in-Training may serve as member or Chair of a Committee or as presiding officer of Court that has jurisdiction over that person's candidacy or educational status. Must be attentive to conflict of interest concerns.
98-004-O	Jan 22/98	essential agreement	026 (b) and (c) [1995] 026 (c) and (d) [1998]	Determination of whether Candidate is in "essential agreement" with United Church doctrine.
10-004-O	May 5/10	essential agreement	Basis 11.2	It would be speculative for the General Secretary to opine or rule on how the remit on doctrine authorized by the 40 th General Council would affect members of Order of Ministry and Candidates. No opinion or ruling issued.
04-007-O	May 27/04	Executive and Transfer Committee Conference, powers	462	Conference may empower Conference Executive to take action on recommendation from Education and Students Committee. Executive may take this action before Transfer Committee acts on transfer application. Transfer Committee may only consider applications at Committee's annual meeting, and only if names had been provided to Committee by April 1 in year of ordination. Executive may establish a Commission to conduct ordination service.

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95-003-O	Apr 10/95	further study	026(e) [1998]	Candidate may be ordained / commissioned to further study on <i>full-time</i> basis; if study is part-time and Candidate seeks part-time work, transfer and Settlement applies.
01-014-O	Jun 22/01	In Community Program for Ordination	466 [2001]	Appointments under In Community Program for Ordination are responsibility of Internship Committee.
98-002-O	Jan 9/98	material to be considered	22(k) [1995]; [1998] 24(a) [1995], [1998] 24(h) [1995], [1998]	Material to be considered by Presbytery/District in making Decision whether to receive Candidate: includes material relating to discontinued Intended Candidacy in another Presbytery/District.
98-001-R	Jan 27/98	material to be considered	22(k) [1995]; [1998] 24 (a) [1995]; [1998] 24(h) [1995]; [1998]	Material to be considered by Presbytery/District in deciding whether to receive Candidate: includes material relating to discontinued Intended Candidacy in another Presbytery/District.
04-003-R	Jun 10/04	membership in another denomination	012	Membership in another denomination does not necessarily make an individual ineligible for membership in the United Church but it is one of the factors that the Session considers in determining whether the individual may be admitted to membership in the United Church.
04-004-R	Sept 7/04	membership in another denomination	022	Membership in another denomination is not an absolute bar to being a Candidate in the United Church but it raises many serious issues for Presbytery/District to explore in determining the individual's suitability for ministry in the United Church.
05-001-O	Jan 12/05	one Committee conflict of interest	457 458	One Committee may perform functions of both Conference Interview Board and Conference Education and Students Committee provided the Committee is attentive to conflict of interest concerns.
04-011-O	Nov 18/04	serving on Committees or in Courts conflict of interest	370 371	Candidate or Lay Pastoral Minister-in-Training may serve as member or Chair of a Committee or as presiding officer of Court that has jurisdiction over that person's candidacy or educational status. Must be attentive to conflict of interest concerns.
04-002-O	Mar 29/04	Session's powers	22	Session has no power to waive requirement that Inquirer have been a member in a United Church Congregation for at least 24 months.
95-005-O	May 1/95	Testamur	024(c) [1998] 026(b) [1998]	Only United Church students completing required course for Ordained Ministry or Diaconal Ministry should receive Testamur.
05-005-O	Feb 17/05	theological studies requirement, waiver and approval	462 727	Conference (not its Education and Students Committee) has power to waive requirement of one year theological studies in United Church theological school. Approval of "appropriate General Council working unit" is required, which means approval must be given by Unit Leader as an administrative matter.

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COMPLAINTS/CHARGES				
No.	Date	Subject(s)	Manual reference	Summary
98-016-O	June 23/98	members of Hearing Committee	075 [1995] [1998] 076 [1995] [1998] 072 [1995] [1998]	Charge should not be laid against member of Hearing Committee for matters arising out of the hearing.
03-003-O	Jun 6/03	Ministry and Personnel Committee, process	333 505(b)	Where the Chair of a Ministry and Personnel Committee receives a letter of concern about the minister, the Chair would normally put the letter before the Committee for consideration around appropriate action. Some circumstances may require immediate action on the part of the Chair to communicate the letter to Presbytery/District.
13-001-R	Jan 16/13	minutes, Court action on complaints	090 [2010] 092(n) [2010]	Court may decide its own minuting practice for complaints, within bounds of The Manual requirements and any applicable policy. Court is not bound by a lower Court's practice even when acting on behalf of that Court.
01-004-R	Apr 05/01	personal knowledge	072 [2001]	"Personal knowledge" referred to in Section 072 means direct, firsthand knowledge of the act or omission. Complainant must have witnessed act or omission, or have some other direct connection to it.

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CONFERENCE – DUTIES/POWERS – MINISTRY PERSONNEL, STUDENTS, ETC.				
No.	Date	Subject(s)	Manual reference	Summary
98-001-O	Jan 6/98	applications and Decisions	031 [1995]; [1998]	Conference must still consider application and make Decision even if Committee does not recommend applicant.
95-006-O	May 11/95	approval Lay Pastoral Ministers		Conference does not have power to decide not to approve any more Lay Pastoral Ministers.
04-006-O	May 20/04	Candidate's status to appeal	76 424 462	Conference has power to order Education and Students Committee to conduct third final interview of Candidate. Presbytery has no standing to appeal Decision of Conference around Candidate. Only Candidate has status to appeal as "person directly affected" (but only re: process).
04-007-O	May 27/04	Executive, powers Transfer Committee	462	Conference may empower Conference Executive to take action on recommendation from Education and Students Committee. Executive may take this action before Transfer Committee acts on transfer application. Transfer Committee may only consider applications at Committee's annual meeting, and only if names had been provided to Committee by April 1 in year of ordination. Executive may establish a Commission to conduct ordination service.
99-001-R	Mar 23/99	Formal Hearing expenses		Conference is not entitled to reimbursement from another Conference for Formal Hearing expenses incurred by the first Conference re: ordered minister who had transferred from second Conference.
04-009-O	Jul 19/04	Interim Ministers	465.1	Conference Executive makes Decision about individual's eligibility as Interim Minister both before and after first appointment. After second and subsequent appointments, Interim Ministry Committee makes Decision.
95-006-O	May 11/95	Lay Pastoral Ministers approval		Conference does not have power to decide not to approve any more Lay Pastoral Ministers.
05-010-O	Sept 12/05	Lay Pastoral Ministers retirement Staff Associates retirement	001 "Lay Pastoral Minister" "Staff Associate" 310(b) 314 410	Neither Presbytery nor Conference has discretion to retain names of retired LPMs or retired Staff Associates on roll. Retired LPMs and retired Staff Associates may serve as lay Presbytery members under another category, e.g., members at large.
99-021-O	Apr 29/99	sacraments Staff Associates	342 (i) [1998] 343 (j) [1998] 353 [1998]	Staff Associate is not entitled to licence to administer sacraments even where working with member of Order of Ministry.

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05-010-O	Sept 12/05	Staff Associates retirement Lay Pastoral Ministers retirement	001 "Lay Pastoral Minister" "Staff Associate" 310(b) 314 410	Neither Presbytery nor Conference has discretion to retain names of retired LPMs or retired Staff Associates on roll. Retired LPMs and retired Staff Associates may serve as lay Presbytery members under another category, e.g., members at large.
99-021-O	Apr 29/99	Staff associates sacraments	342 (i) [1998] 343 (j) [1998] 353 [1998]	Staff Associate is not entitled to licence to administer sacraments even where working with member of Order of Ministry.
05-005-O	Feb 17/05	theological studies requirements, waiver and approval	462 727	Conference (not its Education and Students Committee) has power to waive requirement of one year theological studies in United Church theological school. Approval of "appropriate General Council working unit" is required, which means approval must be given by Unit Leader as an administrative matter.
99-018-O	Mar 24/99	retirement, guidelines re paid accountable ministry	041 (b) [1998] 350 [1998] 365 [1998]	Conference has no power to set policy limiting number of times that Ministry Personnel may be appointed to paid accountable ministry after retirement; Conference may set guidelines only but must consider each application on merits.
04-007-O	May 27/04	Transfer Committee Executive, powers	462	Conference may empower Conference Executive to take action on recommendation from Education and Students Committee. Executive may take this action before Transfer Committee acts on transfer application. Transfer Committee may only consider applications at Committee's annual meeting, and only if names had been provided to Committee by April 1 in year of ordination. Executive may establish a Commission to conduct ordination service.
95-015-O	Dec 19/95	Volunteer Associate Ministers	Basis 7.6.9	Conference has power to establish category of Volunteer Associate Minister.

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CONFERENCE – DUTIES/POWERS – ANNUAL MEETING, EXECUTIVE				
No.	Date	Subject(s)	Manual reference	Summary
97-002-O	Jan 23/97	Commissioners, election	423 (a) [1995]; [1998]	Conference, not Presbytery/District, has duty to elect Commissioners; practice of allowing Presbytery/District preferential nominations is unacceptable.
97-001-R	May 7/97	Commissioners, election	423(a) [1995]; [1998]	Conference, not Presbytery/District, has duty to elect Commissioners; practice of allowing Presbytery/District preferential nominations is unacceptable.
00-010-O	Jun 5/00	Commissioners, mail ballots	423(a) [1998] 426 [1998]	Conference Executive has no power to elect Commissioners. Conference Executive may authorize a mail ballot so that full Conference may vote for Commissioners by mail ballot.
97-004-O	Apr 4/97	delegates, requirements	Basis 7.6.9 [1995]; [1998] 323 [1995]; [1998]	Conference does not have power to set requirements for delegates in addition to those set out in Section 323.
08-001-R	Apr 15/08	facilities fee, late registration penalty		Conference may not charge facilities fee because all Ministry Personnel have right to participate in Conference annual meeting. Participation should not be limited by an individual's means to pay. Conference may charge a reasonable penalty fee for late registrations.
01-021-O	Nov 28/01	registration deadline		Conference may set registration deadline for annual meeting for administrative purposes but must allow registration after deadline because all members of Conference have right to attend meeting.
13-002-R	Nov 21/13	registration fees		Conference may charge registration fee to help defray meeting cost if it honours principle set out in previous rulings, i.e., Conference must make arrangements to ensure no one is prevented from attending because of financial reasons.
99-027-O	June 23/99	registration fees	400 [1998] 420 [1998] 420.1 [1998]	Based on 1983 ruling by the Judicial Committee, a Conference may not charge a registration fee for its annual meeting.
95-011-O	Nov 15/95	transmission of petitions, voting	Basis 7.6.3 [1998] Appendix III, 7 (b)	Conference does not have power to adopt policy that a Decision to refuse to transmit a petition requires a 2/3 majority vote.

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CONFERENCE – DUTIES/POWERS – OVERSIGHT OF PRESBYTERIES				
No.	Date	Subject(s)	Manual reference	Summary
99-028-O	June 23/99	assessments, failure to pay	422.1 [1998]	Courses of action available to a Conference if a Presbytery/District fails to pay its Conference assessment.
007-002-R	May 16/07	assets of Presbytery, Conference power	422(a) 422.1	<p>Conference has no power to order one Presbytery to share its assets with another Presbytery except (i) within a restructuring of the Presbyteries within the Conference or (ii) to adjudicate where two Presbyteries are disputing entitlement to assets.</p> <p>There are issues of corporate law to consider that go beyond Polity if assets are held by a Presbytery-controlled corporation rather than by the Presbytery directly.</p> <p>General Council has no greater power than the Conference with respect to the foregoing.</p>
01-005-O	Apr 02/01	Conference President, rulings review process	001 “Decision” 422.1 [2001]	<p>Conference President rules on whether a motion before Conference Executive is out of order. President’s ruling may be challenged and Conference Executive would vote on whether it is sustained.</p> <p>In order to take action under Section 422.1, Conference must be of opinion that Presbytery/District’s functioning is ineffectual or that Presbytery/District failed to take appropriate action. Conference is entitled to order review process in order to determine whether functioning is ineffectual, etc. After review process is completed, Conference would be in position to take any necessary action in response to review results.</p> <p>Establishing a review committee under Section 422.1 is not a “Decision” and cannot be appealed.</p>
99-036-0	Oct 28/99	Formal Hearing Committee	75(m) [1998] 422.1 [1998]	If Presbytery/District asks Conference to hold Formal Hearing on Presbytery/District’s behalf, the decision of the Conference Formal Hearing Committee is a Decision of Conference, not the Presbytery/District.

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01-005-O	Apr 02/01	review process Conference President, rulings	001 “Decision” 422.1 [2001]	<p>In order to take action under Section 422.1, Conference must be of opinion that Presbytery/District’s functioning is ineffectual or that Presbytery/District failed to take appropriate action. Conference is entitled to order review process in order to determine whether functioning is ineffectual, etc. After review process is completed, Conference would be in position to take any necessary action in response to review results.</p> <p>Establishing a review committee under Section 422.1 is not a “Decision” and cannot be appealed.</p> <p>Conference President rules on whether a motion before Conference Executive is out of order. President’s ruling may be challenged and Conference Executive would vote on whether it is sustained.</p>
96-006-O	June 6/96	staff, attendance at Presbytery meetings	Basis 7.6.9 [1995]; [1998] 363 (i) [1995]; 363(g) [1998] 422 [1995] 422 – 422.1 [1998]	Entitlement of Conference staff to attend Presbytery/District meetings.

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CONFERENCE – DUTIES/POWERS – STRUCTURE AND STAFF				
No.	Date	Subject(s)	Manual reference	Summary
01-016-O	Aug 29/01	accountability	011 [2001] 067 [2001]	Members of the Order of Ministry are accountable to Presbytery/District for status as members of the Order of Ministry. If members of the Order of Ministry are appointed to a Conference or General Council staff position, they are also accountable to those Courts for matters affecting performance of their job responsibilities under the appointment.
99-012-O	Feb 23/99	alternative structure and role	Basis of Union 7.0 400 to 470	Conference experiment with alternative structure and role: General Council approval required if alternative structure or role different from existing <i>Manual</i> provisions for Conference.
09-001-O	Mar 17/09	alternative structure and role		District model in Newfoundland and Labrador Conference is experimental not permanent model. Model does not comply with <i>The Manual</i> re: election of Conference President, election of Commissioners and delegation of Conference responsibility to ordain and commission. Newfoundland and Labrador Conference must take action to bring its model into compliance or to propose to General Council a permanent change in Conference structure.
01-004-O	Feb 22/01	Conference Interview Board mandate	457 [1998]	Conference Interview Board does not have mandate to interview lay persons for Conference staff positions.
05-001-O	Jan 12/05	conflict of interest	457 458	One Committee may perform functions of both Conference Interview Board and Conference Education and Students Committee provided the committee is attentive to conflict of interest concerns.
09-004-O	June 3/09	personnel policies, Conference staff	434 524(i)	Executive of General Council has right to set policies for Conference staff. Conference may set personnel policies for Conference staff only to the extent they are not inconsistent with policies set by Executive of General Council.
09-003-R Note: this ruling confirms 09-004-O	Oct 7/09	personnel policies, Conference staff	434 524(j)	Executive of General Council has right to set policies for Conference staff. Conference may set personnel policies for Conference staff only to the extent they are not inconsistent with policies set by Executive of General Council.
96-006-O	June 6/96	Presbytery meetings, attendance	Basis 7.6.9 [1995]; [1998] 363 (i) [1995]; 363(g) [1998] 422 [1995] 422 – 422.1 [1998]	Entitlement of Conference staff to attend Presbytery/District meetings.
02-006-O	Mar 18/02	remits voting	162 [2001]	Official Board is body that votes on remits on behalf of Pastoral Charge. Members of Official Board who are not United Church members may not participate in vote.

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99-014-O	Mar 1/99	Settlement Committee Secretary, eligibility	427 (b) [1998] 441(a) [1998]	Conference staff person not eligible to serve as Secretary of Settlement Committee.
05-005-O	Feb 17/05	theological studies requirements, waiver and approval	462 727	Conference (not its Education and Students Committee) has power to waive requirement of one year theological studies in United Church theological school. Approval of "appropriate General Council working unit" is required, which means approval must be given by Unit Leader as an administrative matter.
02-006-O	Mar 18/02	voting remits	162 [2001]	Official Board is body that votes on remits on behalf of Pastoral Charge. Members of Official Board who are not United Church members may not participate in vote.

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CONGREGATION – AMALGAMATION/CEASING TO EXIST				
No.	Date	Subject(s)	Manual reference	Summary
96-009-O	Oct 4/96	definition of terms property disposal upon amalgamation or ceasing to exist	268 [1995]; [1998] 270 [1995]	Definition of terms “surplus,” “metro core developments,” “local unit.” Procedure for disposal of congregational property where Congregation amalgamates or ceases to exist.
03-001-O	Mar 12/03	governance structure Ministry Personnel appointments reconstituting a Congregation	041 200 330 334 337 341 350 351	In new governance structure for Congregation, exact structure is flexible as long as all functions that <i>The Manual</i> requires of a governing body are included and will be performed. Presbytery/District may appoint Ministry Personnel to a Pastoral Charge where Ministry Personnel’s responsibilities will be limited to ministering to one Congregation within that Pastoral Charge. When reconstituting a Congregation, Presbytery/District must consult with Congregation but Congregation’s agreement to reconstitution is not required.
04-010-O	Aug 17/04	Ministry Personnel change in pastoral relations	046.1 049	Where Pastoral Charge seeks reduction of Ministry Personnel positions for financial reasons, or where Congregations amalgamate, the process for a change in pastoral relations must be followed including joint needs assessment and Pastoral Charge’s request for a change in pastoral relations without cause.
97-013-O	Oct 7/97	procedure	268 [1995]; [1998] 334 [1995]; [1998]	Procedures to be followed where Congregations amalgamate; distinction among “amalgamation,” “disbanding,” “ceasing to exist.”
97-015-O	Nov 4/97	procedure	268 – 270 [1995]; [1998]	Congregation “ceasing to exist” and Congregation “disbanding”; procedures for dealing with congregational property.
11-004-O	Nov 17/11	Procedure	268 [2010] 270 [2010] 334 [2010]	Presbytery has authority to make decision to amalgamate or disband without approval by Congregation(s).
96-009-O	Oct 4/96	property disposal upon amalgamation or ceasing to exist definition of terms	268 [1995]; [1998] 270 [1995]	Procedure for disposal of congregational property where Congregation amalgamates or ceases to exist. Definition of terms “surplus,” “metro core developments,” “local unit.”
94-002-O	Nov 11/94	property disposal upon ceasing to exist	263 [1993]	Disposal of congregational property when Congregation has ceased to exist.
96-001-O	Mar 11/96	property disposal upon disbanding	267 [1995]; [1998] 269 [1995]; [1998]	Procedure for disposing of congregational property where Congregation is disbanding.

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04-005-O	May 3/04	property disposition of proceeds of sale	267 270	Presbytery makes Decision as to disposition of proceeds from sale of congregational property, based on proposal from Congregation. No restriction that proceeds must be applied towards organizations within the United Church. Only restriction is that proceeds can't be used for purpose inconsistent with United Church policy.
99-004-O	Jan 21/99	property entitlement	268 (b) & (c) [1998] 334 [1998]	Entitlement to congregational property after an amalgamation and reconstitution of Pastoral Charges.
96-001-R	April 4/96	property real and personal	267 [1995]; [1998] 268 [1995]; [1998] 270 [1995]; [1998]	Definitions of "real property" and "personal property."
97-012-O	Sept 18/97	property surplus	268 (b) (i) [1995]; [1998]	Amalgamating Congregations: property to be declared surplus is property no longer needed by the amalgamating Congregations.
00-009-O	Apr 13/00	property surplus	268(b) [1998]	When Congregations are amalgamating, before amalgamation is completed, Presbytery/District must declare what property is surplus. In some cases, it will not be possible at that time to declare the exact property or dollar amount of assets that are surplus. It is sufficient if Presbytery/District identifies the property in general terms and names process and time frame for specifically determining surplus.
04-002-R	May 19/04	reconfiguring Congregations	268 334	In an amalgamation, Presbytery/District may reconfigure three Congregations into two. Presbytery/District has power to attach whatever conditions it considers appropriate regarding the assumption of congregational liabilities. Portions of liability assumed by amalgamated Congregations do not have to be equal.
03-001-O	Mar 12/03	reconstituting a Congregation governance structure Ministry Personnel appointments	041 200 330 334 337 341 350 351	When reconstituting a Congregation, Presbytery/District must consult with Congregation but Congregation's agreement to reconstitution is not required. In new governance structure for Congregation, exact structure is flexible as long as all functions that <i>The Manual</i> requires of a governing body are included and will be performed. Presbytery/District may appoint Ministry Personnel to a Pastoral Charge where Ministry Personnel's responsibilities will be limited to ministering to one Congregation within that Pastoral Charge.

Rulings and Opinions Index—summary by subject

CONGREGATION – GENERAL				
No.	Date	Subject(s)	Manual reference	Summary
02-009-O	Jun 6/02	Canadian Forces Congregations remits, voting	8.6.2(1) 001 “Pastoral Charge”	A Canadian Forces Congregation does not meet the definition of Pastoral Charge under <i>The Manual</i> because it has not been constituted by the Presbytery into a pastoral unit. Where the General Council has authorized a remit to be sent to Pastoral Charges, the Official Board (or equivalent) of every organization that falls within the definition of a Pastoral Charge is entitled to vote on the remit.
00-001-O	Jan 11/00	congregational investments property Trustees	Basis, 5.3 Basis, 5.13 114 [1998] 166 [1998] 167 [1998] 170 [1998] 184(g) [1998] 187 [1998] 267 [1998] Appendix II, 3 & 7	All congregational property is to be held by the Trustees. Stewards may maintain an operating account for current congregational expenses, but any surplus should be transferred to Trustees. Discussion of different role of Congregation, Trustees and Treasurer regarding congregational investments.
01-007-R	Sept 13/01	disability during time of dissolution of pastoral relationship	037 [2001]	Where a Presbytery/District has taken action to dissolve a pastoral relationship, effective 90 days thereafter, and the Ministry Personnel starts a period of disability during the 90 day period, the Pastoral Charge’s obligation to pay salary and benefits to the Ministry Personnel is limited to the balance of the 90 day period.
03-002-O	May 14/03	financial assistance where minister elected Moderator	510	General Council may give financial assistance to Congregation whose minister has been elected Moderator if the pastoral relationship continues and Congregation incurs costs to cover absence.
01-009-O	Apr 17/01	interest on amounts loaned	267 [2001] Appendix II, Trusts of Model Deed	Trustees are not obligated to charge interest on funds they “lend” to the Congregation’s Finance Committee for congregational purposes (to maintain adequate minimum balance in the Congregation’s bank account).
05-006-O	Mar 17/05	Interim Ministers	052(d) 053.1(a) 058(a) 184(g)	Pastoral Charge (not Official Board) has authority to decide to request appointment of an Interim Minister. Official Board (not Pastoral Charge) has authority to approve Interim Ministry Committee’s recommendation for appointment of particular individual as Interim Minister, and to forward approved recommendation on to Presbytery for consideration.
06-006-R	May 15/06	Joint Needs Assessment Committee, eligibility to serve	052	Ministry Personnel called or appointed in any capacity (including Interim Minister) to a Pastoral Charge is not eligible to serve on the Joint Needs Assessment Committee for that Pastoral Charge.
05-001-R	Jun 6/05	mail ballots voting, one meeting		In order to allow maximum participation in a vote, mail ballot may be used if authorized by the body holding the vote. Voting on a single motion must take place at one meeting and not over a series of meetings.

Rulings and Opinions Index—summary by subject

02-005-O	Feb 12/02	marriages, administrative fee		Congregation may charge an administrative fee for marriages to be registered in the Congregation's register.
03-003-O	Jun 6/03	Ministry and Personnel Committees, letters of concern	333 505(b)	Where the Chair of a Ministry and Personnel Committee receives a letter of concern about the minister, the Chair would normally put the letter before the Committee for consideration around appropriate action. Some circumstances may require immediate action on the part of the Chair to communicate the letter to Presbytery/District.
97-008-O	May 20/97	name, rights and restrictions Presbytery/District: oversight of Pastoral Charges	333 [1995]; [1998]	Congregation has right to use "United Church" as part of its local name but it cannot use the name "The United Church of Canada" without permission. Presbytery/District must act consistently and fairly in oversight of Pastoral Charge.
97-008-O	May 20/97	Presbytery/District: Oversight of Pastoral Charges name, rights and restrictions	333 [1995]; [1998]	Presbytery/District must act consistently and fairly in oversight of Pastoral Charge. Congregation has right to use "United Church" as part of its local name but it cannot use the name "The United Church of Canada" without permission.
00-001-O	Jan 11/00	property Trustees congregational investments	Basis, 5.3 Basis, 5.13 114 [1998] 166 [1998] 167 [1998] 170 [1998] 184(g) [1998] 187 [1998] 267 [1998] Appendix II, 3 & 7	All congregational property is to be held by the Trustees. Stewards may maintain an operating account for current congregational expenses, but any surplus should be transferred to Trustees. Discussion of different role of Congregation, Trustees and Treasurer regarding congregational investments.
02-009-O	Jun 6/02	remits, voting Canadian Forces Congregations	8.6.2(1) 001 "Pastoral Charge"	Where the General Council has authorized a remit to be sent to Pastoral Charges, the Official Board (or equivalent) of every organization that falls within the definition of a Pastoral Charge is entitled to vote on the remit. A Canadian Forces Congregation does not meet the definition of Pastoral Charge under <i>The Manual</i> because it has not been constituted by the Presbytery into a pastoral unit.
00-020-O	Nov 30/00	screening of volunteers	Appendix IV	Screening policy adopted by GCE does not specifically apply to Congregations, but Congregations have legal obligation to screen volunteers. Therefore, it would be wise for Congregations to follow GCE screening policy.
01-012-O	May 18/01	Staff Associates in Congregational Accountable Ministry	001 [2001] "Congregational Accountable Ministry" 041(b) [2001] 041.1 [2001] 062 [2001] 350 [2001]	Presbytery/District has no power to appoint Staff Associate where position involves less than 10 hours per week and is therefore a Congregational Accountable Ministry.

Rulings and Opinions Index—summary by subject

05-001-R	Jun 6/05	voting, one meeting mail ballots		<p>Voting on a single motion must take place at one meeting and not over a series of meetings.</p> <p>In order to allow maximum participation in a vote, mail ballot may be used if authorized by the body holding the vote.</p>
09-001-R	Jan 16/09	voting, pastoral relations matter	046.1	<p>Only members of the Congregation (not Adherents) may vote on a congregational motion concerning the financial compensation to be paid to satisfy the Congregation's obligations to minister when pastoral relationship ends.</p>

Rulings and Opinions Index—summary by subject

CONGREGATION – GOVERNING BODIES				
No.	Date	Subject(s)	Manual reference	Summary
96-003-O	Apr 4/96	Baptism policy membership admission guidelines removal of names from roll	Basis 5.10.1 010(b) [1995] 012(c) [1995] 015 [1995]	Session policy on Baptism must comply with Section 010(b) of <i>The Manual</i> . Session may set guidelines for admitting persons to membership but cannot set mandatory terms for admission to membership other than as per Basis of Union. Session policy on removal of names from membership roll must comply with Section 015 of <i>The Manual</i> .
95-010-O	Oct 6/95	Church Board Chairperson trustees membership	202 [1995]; [1998] 255 [1995]; [1998]	Chairperson (as member of Church Board) must be United Church member. Majority of Trustees must be United Church members. Church Board members must be United Church members.
06-001-O	May 15/06	disciplinary action recommendation taking action	333 337	Under 333 (review of state of Pastoral Charge), Presbytery may recommend that disciplinary action be taken by congregational governing body with respect to members of Congregation. Under 337 (where, in Presbytery's opinion, functioning of Pastoral Charge is ineffectual or Pastoral Charge asks Presbytery to take action on its behalf) Presbytery may take disciplinary action directly with respect to members of Congregation.
06-008-R	Jun 26/06	Executive Quorum	001 "Corresponding Member" "Ex officio membership" 004 123 182.1 (a) 183 (b) 201 (a) 202 (b) 218 (a) 219 (b) 275	The presence of the settled minister or one of the other persons named in 123 is required for Quorum purposes at a meeting of the Executive of the Official Board, Church Board or Council.
01-015-O	Jul 30/01	governance, approval of changes	279 [2001]	Pastoral Charge must obtain Presbytery/District approval for any change in form of Pastoral Charge organization – even where change is from one of the three forms set out in <i>The Manual</i> to another (Official Board; Church Board; Church Council).

Rulings and Opinions Index—summary by subject

05-006-O	Mar 17/05	Interim Ministers	052(d) 053.1(a) 058(a) 184(g)	Pastoral Charge (not Official Board) has authority to decide to request appointment of an Interim Minister. Official Board (not Pastoral Charge) has authority to approve Interim Ministry Committee's recommendation for appointment of particular individual as Interim Minister, and to forward approved recommendation on to Presbytery for consideration.
00-001-O	Jan 11/00	investments property Trustees	Basis, 5.3 Basis, 5.13 114 [1998] 166 [1998] 167 [1998] 170 [1998] 184(g) [1998] 187 [1998] 267 [1998] Appendix II, 3 & 7	All congregational property is to be held by the Trustees. Stewards may maintain an operating account for current congregational expenses, but any surplus should be transferred to Trustees. Discussion of different role of Congregation, Trustees and Treasurer regarding congregational investments.
05-001-R	Jun 6/05	mail ballots voting, one meeting		In order to allow maximum participation in a vote, mail ballot may be used if authorized by the body holding the vote. Voting on a single motion must take place at one meeting and not over a series of meetings.
06-011-R	Nov 10/06	marriage policy, authority to establish	Basis 5.10.1 010(a) 153(a)v.	Congregation's governing body has exclusive authority to establish congregation's marriage policy. All members wishing to marry in the Congregation must comply with the policy. Governing body may refuse to allow marriage to take place if it is not in compliance with Congregation's marriage policy.
03-002-R	Sept 26/03	marriage policy, compliance	153	Where minister is in a pastoral relationship with a Congregation, minister must always comply with that Congregation's policies in all marriages conducted by the minister.
07-003-R	May 16/07	marriage policy, exclusionary	332	Congregation's governing body has authority to establish marriage policy that excludes same-sex couples from marrying. Nothing in the policies adopted by General Council with respect to same-sex marriage restricts this authority.
95-010-O	Oct 6/95	membership Church Board Chairperson Trustees	202 [1995]; [1998] 255 [1995]; [1998]	Church Board members must be United Church members. Chairperson (as member of Church Board) must be United Church member. Majority of Trustees must be United Church members.
01-003-O	Feb 22/01	members of Order of Ministry Ministry Personnel Quorum	123 [1998] 182.1 [1998]	Quorum requirements for Session/Church Board/Church Council must include requirement that all members of Order of Ministry settled in or appointed to the Pastoral Charge be present.

Rulings and Opinions Index—summary by subject

96-003-O	Apr 4/96	membership admission guidelines Baptism policy removal of names from roll	Basis 5.10.1 010(b) [1995] 012(c) [1995] 015 [1995]	Session may set guidelines for admitting persons to membership but cannot set mandatory terms for admission to membership other than as per Basis of Union. Session policy on Baptism must comply with Section 010(b) of <i>The Manual</i> . Session policy on removal of names from membership roll must comply with Section 015 of <i>The Manual</i> .
99-039-0	Nov 30/99	membership admission powers	Basis 5.12 Basis 5.8.1	Session – and not Official Board – has the power to admit members to the Congregation.
99-041-O	Dec 17/99	membership, admission powers	205 [1998]	Church Board was not properly constituted. Action taken by that Church Board to admit new members is therefore invalid.
01-003-O	Feb 22/01	Ministry Personnel members of the Order of Ministry Quorum	123 [1998] 182.1 [1998]	Quorum requirements for Session/Church Board/Church Council must include requirement that all members of Order of Ministry settled in or appointed to the Pastoral Charge be present.
95-009-O	Oct 5/95	Ministry Personnel reduction in number of Ministry Personnel positions, procedure	052 [1995]	Procedure to be followed where Official Board is considering reduction in number of Ministry Personnel positions. (Note: see change to policy in 050(f) [1998])
98-009-O	May 5/98	stewards, employment matters and changes to budget Ministry Personnel voting, Ministry Personnel	122 [1995]; [1998] 165 – 167 [1995]; [1998] 183 [1995]; [1998]	Role of Committee of Stewards re: employment matters and changes to budget approved by Congregation. Entitlement of member of Order of Ministry to vote at meetings of Committee of Stewards and Official Board.
00-014-O	June 26/00	Notice of Appeal	76(a) [1998] 184(l) [1998] 205 [1998] 221 [1998]	Notice of Appeal should be signed by officer of a Court that has standing to appeal, e.g., Chairperson or Secretary of Official Board, if Official Board is the Court with standing to appeal. If not done, Secretary of appellate Court should request a properly signed Notice of Appeal. If not provided upon request, it could be assumed that no Appeal is being made by the Court that has standing to appeal.
96-011-O	June 26, 1996	overturning Congregation Decisions	046 [1995] 046.1 [1998] 148 [1995]; [1998] 164 [1995]; [1998] 184 [1995]; [1998] 202 [1995]; [1998] 219 [1995]; [1998] 257-258 [1995]; [1998]	Congregational governing body has some power to overturn Decision by the Congregation.

Rulings and Opinions Index—summary by subject

04-012-O	Dec 10/04	Pastoral Charges and Congregations Quorum	001 "Quorum"	Quorum requirements in Section 001 of the By-laws apply to meetings of the Court(s) of a Pastoral Charge or Congregation.
02-008-O	Apr 10/02	Presbytery appointee Quorum	182.1 [2001]	Where settled/appointed member of Order of Ministry can't attend Official Board meeting, Presbytery/District appointee must attend instead for Quorum purposes. Presbytery/District – not Official Board – makes that appointment.
01-010-O	May 10/01	property, leases	184(h) [2001] 267 [2001] Appendix II, Trusts of Model Deed	Official Board/Church Board/Church Council oversees negotiation of "leases" of congregational property. Trustees sign leases at direction of Official Board/Church Board/Church Council. Trustees cannot refuse to sign.
00-001-O	Jan 11/00	property Trustees investments	Basis, 5.3 Basis, 5.13 114 [1998] 166 [1998] 167 [1998] 170 [1998] 184(g) [1998] 187 [1998] 267 [1998] Appendix II, 3 & 7	All congregational property is to be held by the Trustees. Stewards may maintain an operating account for current congregational expenses, but any surplus should be transferred to Trustees. Discussion of different role of Congregation, Trustees and Treasurer regarding congregational investments.
06-008-R	Jun 26/06	Quorum Executive	001 "Corresponding Member" "Ex officio membership" 004 123 182.1 (a) 183 (b) 201 (a) 202 (b) 218 (a) 219 (b) 275	The presence of the settled minister or one of the other persons named in 123 is required for Quorum purposes at a meeting of the Executive of the Official Board, Church Board or Council.
01-003-O	Feb 22/01	Quorum members of Order of Ministry Ministry Personnel	123 [1998] 182.1 [1998]	Quorum requirements for Session/Church Board/Church Council must include requirement that all members of Order of Ministry settled in or appointed to the Pastoral Charge be present.
04-012-O	Dec 10/04	Quorum Pastoral Charges and Congregations	001 "Quorum"	Quorum requirements in Section 001 of the By-laws apply to meetings of the Court(s) of a Pastoral Charge or Congregation.
02-008-O	Apr 10/02	Quorum Presbytery appointee	182.1 [2001]	Where settled/appointed member of Order of Ministry can't attend Official Board meeting, Presbytery/District appointee must attend instead for Quorum purposes. Presbytery/District – not Official Board – makes that appointment.

Rulings and Opinions Index—summary by subject

95-009-O	Oct 5/95	reduction in number of Ministry Personnel positions, procedure Ministry Personnel	052 [1995]	Procedure to be followed where Official Board is considering reduction in number of Ministry Personnel positions. (Note: see change to policy in 050(f) [1998])
02-006-O	Mar 18/02	remits, voting	162 [2001]	Official Board is body that votes on remits on behalf of Pastoral Charge. Members of Official Board who are not United Church members may not participate in vote.
96-003-O	Apr 4/96	removal of names from roll Baptism policy membership admission guidelines	Basis 5.10.1 010(b) [1995] 012(c) [1995] 015 [1995]	Session policy on removal of names from membership roll must comply with Section 015 of <i>The Manual</i> . Session policy on Baptism must comply with Section 010(b) of <i>The Manual</i> . Session may set guidelines for admitting persons to membership but cannot set mandatory terms for admission to membership other than as per Basis of Union.
98-009-O	May 5/98	stewards, employment matters and changes to budget Ministry Personnel voting, Ministry Personnel	122 [1995]; [1998] 165 – 167 [1995]; [1998] 183 [1995]; [1998]	Role of Committee of Stewards re: employment matters and changes to budget approved by Congregation. Entitlement of Member of Order of Ministry to vote at meetings of Committee of Stewards and Official Board.
06-001-O	May 15/06	taking action disciplinary action recommendation	333 337	Under 337 (where, in Presbytery's opinion, functioning of Pastoral Charge is ineffectual or Pastoral Charge asks Presbytery to take action on its behalf) Presbytery may take disciplinary action directly with respect to members of Congregation. Under 333 (review of state of Pastoral Charge), Presbytery may recommend that disciplinary action be taken by congregational governing body with respect to members of Congregation.
03-003-R	Oct 17/03	Treasurers information	170	Treasurer must be satisfied that s/he has adequate information in order to complete Treasurer's certificate on Congregation's annual tax return. Official Board decides how much information about individual donors may be made available to Treasurer.
02-007-R	Dec 5/02	Treasurers two	170 187	Pastoral Charge may have two Treasurers to perform separate parts of the responsibilities of the Treasurer under the By-laws.
00-001-O	Jan 11/00	Trustees investments property	Basis, 5.3 Basis, 5.13 114 [1998] 166 [1998] 167 [1998] 170 [1998] 184(g) [1998] 187 [1998] 267 [1998] Appendix II, 3 & 7	All congregational property is to be held by the Trustees. Stewards may maintain an operating account for current congregational expenses, but any surplus should be transferred to Trustees. Discussion of different role of Congregation, Trustees and Treasurer regarding congregational investments.

Rulings and Opinions Index—summary by subject

98-009-O	May 5/98	voting, ministry personnel Ministry Personnel stewards, employment matters and changes to budget	122 [1995]; [1998] 165 – 167 [1995]; [1998] 183 [1995]; [1998]	Entitlement of member of Order of Ministry to vote at meetings of Committee of Stewards and Official Board. Role of Committee of Stewards re: employment matters and changes to budget approved by Congregation.
05-001-R	Jun 6/05	voting, one meeting mail ballots		Voting on a single motion must take place at one meeting and not over a series of meetings. In order to allow maximum participation in a vote, mail ballot may be used if authorized by the body holding the vote.
01-020-O	Nov 22/01	weddings and funerals, charges		Congregation can charge fee for services (weddings and funerals) conducted on church property. Congregation can also charge fee for clergy services if services are considered part of Congregation's Ministry Personnel's pastoral relationship duties.

Rulings and Opinions Index—summary by subject

CONGREGATION – MEMBERSHIP				
No.	Date	Subject(s)	Manual reference	Summary
98-018-O	Sept 17/98	Baptism	5.8.1 Basis 010 (b) [1995] [1998]	Sacrament of Baptism normally to be administered to children whose parent(s) or guardian(s) are “members in good standing” – must be on membership roll of Congregation and not under discipline.
95-010-O	Oct 6/95	Chairperson membership, Church Board Trustees	202 [1995]; [1998] 255 [1995]; [1998]	Chairperson (as member of Church Board) must be United Church member Church Board members must be United Church members. Majority of Trustees must be United Church members.
94-001-O	Jan 3/94	Joint Pastoral Relations Committee, eligibility of children	049 [1993] Basis 5.8.1[1998] 054 [1998]	Children are eligible for appointment to Joint Pastoral Relations Committee if “full members”
99-039-0	Nov 30/99	membership admission	Basis 5.12 Basis 5.8.1	Session – and not Official Board – has the power to admit members to the Congregation.
95-010-O	Oct 6/95	membership Church Board Chairperson Trustees	202 [1995]; [1998] 255 [1995]; [1998]	Church Board members must be United Church members. Chairperson (as member of Church Board) must be United Church member. Majority of Trustees must be United Church members.
96-003-O	Apr 4/96	membership guidelines Baptism removal of names from roll	Basis 5.10.1 010(b) [1995] 012(c) [1995] 015 [1995]	Session may set guidelines for admitting persons to membership but cannot set mandatory terms for admission to membership other than as per Basis of Union. Session policy on Baptism must comply with Section 010(b) of <i>The Manual</i> . Session policy on removal of names from membership roll must comply with Section 015 of <i>The Manual</i> .
00-016-O	Jul 27/00	membership member in good standing	10(b) [1998] 12(d) [1998] 115 [1998]	“Member in good standing” of a Pastoral Charge or Congregation is a member who is not currently under discipline by Court to which member is accountable, and who is not subject to any orders, Decisions or conditions imposed by that Court that remain outstanding.
06-007-R	May 17/06	membership member in good standing	012 015	A person is a “member in good standing” of a Congregation if: 1. admitted to full membership in accordance with 012 (a) and (b); 2. his/her name has not been removed by action of Congregation’s governing body under 015; and 3. not under discipline of Congregation’s governing body.

Rulings and Opinions Index—summary by subject

04-003-R	Jun 10/04	membership membership in another denomination	012	Membership in another denomination does not necessarily make an individual ineligible for membership in the United Church but it is one of the factors that the Session considers in determining whether the individual may be admitted to membership in the United Church.
06-004-R	Apr 24/06	membership signing of covenant	Basis 5.8.1 Basis 8.6.2	Congregation may require signed membership covenant as a condition of membership if all three conditions are met: 1. content of covenant must be consistent with 8.6.2 (no terms of admission to full membership to be prescribed other than as laid out in New Testament). 2. covenant requirement must not exceed “a profession of their faith in Jesus Christ and obedience to him” 3. very requirement of signing membership covenant must be consistent with terms of admission to full membership as laid out in New Testament.
02-004-R	Sept 25/02	reviews under s. 363	505(b) 363 (c)	It is not ultra vires for individual members of a Congregation to petition for a review of Ministry Personnel under Section 363. But a petition would not automatically result in a review. It is still up to the Presbytery/District to decide whether a review is appropriate.
95-010-O	Oct 6/95	Trustees membership, Church Board Chairperson	202 [1995]; [1998] 255 [1995]; [1998]	Majority of Trustees must be United Church members. Church Board members must be United Church members. Chairperson (as member of Church Board) must be United Church member.
97-003-O	Jan 31/97	voting Adherents	113 [1995]; [1998]	Meaning of “contribute regularly to the support of the Congregation” in determining which Adherents may vote on temporal matters.
98-005-O	Jan 22/98	voting Adherents	113 [1995]; [1998]	Meaning of “contribute regularly to the support of the Congregation” in determining which Adherents may vote on temporal matters – not limited to financial contribution. <i>The Manual</i> doesn't permit two classes of Adherents based on type of contribution made.
02-006-O	Mar 18/02	voting remits	162 [2001]	Official Board is body that votes on remits on behalf of Pastoral Charge. Members of Official Board who are not United Church members may not participate in vote.

Rulings and Opinions Index—summary by subject

CORPORATIONS AND OUTREACH MINISTRIES				
No.	Date	Subject(s)	Manual reference	Summary
98-014-O	June 18/98	audited statement	Appendix IV – paragraph 4 (a) [1995] paragraph 5 (b) [1998]	“Audited statement” means statement must be audited as per procedures and standards set by Canadian Institute of Chartered Accountants.
99-037-O	Nov 15/99	bounds of Presbytery/District	001 “Within the bounds” Appendix IV, 5(c)	The bounds of a Presbytery/District are not necessarily confined to a single geographical place but may include two or more geographically separate sites, e.g., may include camp property that is physically located some distance away from the other Presbytery location. Conference determines the bounds of a Presbytery/District.
04-008-O	Jun 11/04	camps, compliance with Sexual Abuse Policy	Appendix IV	United Church related camps must comply with United Church Sexual Abuse Policy as part of United Church Camping Standards accreditation process. Camp may also have its own policy <i>in addition to</i> United Church Sexual Abuse Policy.
99-001-O	Jan 4/99	consultation re appointments	315 (a) [1998] 340 (a) to (d) [1998]	Consultation with Presbytery/District required before appointment of member of Order of Ministry on Presbytery/District’s roll where appointment is other than to Pastoral Charge. Process outlined in Section 340 must be followed in appointment of Interim Minister.
02-001-R	Feb 11/02	General Council powers	Appendix IV, 5(g) [2001]	5(g) of Appendix IV is not ultra vires. General Council has power under The United Church of Canada Act and <i>The Manual</i> to enact it.
99-006-O	Jan 26/99	vacancies	Basis of Union 6.1	Vacancy in Outreach Ministry may be filled by call or appointment.

Rulings and Opinions Index—summary by subject

DISABILITY AND DEATH				
No.	Date	Subject(s)	Manual reference	Summary
02-007-O	Apr 11/02	call, completion of process		<p>To complete call process, several bodies must give approval (Pastoral Charge, minister, Presbytery/District having oversight of that Pastoral Charge, Settlement Committee, etc.). Once a body has approved the call, that body is bound by its Decision. Other bodies involved may decide to approve or not approve the call, and that Decision would prevail.</p> <p>Disability insurance carrier's obligation is limited to paying benefits for the time (part-time or full-time) that minister is unable to work. If Pastoral Charge refuses to let minister return to work gradually through part-time arrangement, Pastoral Charge is responsible for shortfall in benefits to minister.</p>
97-001-O	Jan 21/97	definition of terms	037 (b) [1995] 038 (a) [1998]	Definition of "spouse" and "dependent children" re: entitlement to death benefits.
06-010-R	Nov 01/06	long-term benefits moving expenses right to occupy manse	001 "Total and Permanent Disability" 037(b)	<p>Where minister is receiving long-term disability benefits after Restorative Care period expires:</p> <p>(i) minister would normally be required to pay fair market rental for manse during time minister continues to occupy manse</p> <p>(ii) Pastoral Charge is responsible for paying cost of moving minister to alternative accommodation within same community (all moving costs in excess of that are to be borne by minister)</p> <p>(iii) minister is not obligated to negotiate moving costs with pastoral charge in advance, although this is desirable.</p>
06-010-R	Nov 01/06	moving expenses long-term benefits right to occupy manse	001 "Total and Permanent Disability" 037(b)	<p>Where minister is receiving long-term disability benefits after Restorative Care period expires:</p> <p>(i) minister would normally be required to pay fair market rental for manse during time minister continues to occupy manse</p> <p>(ii) Pastoral Charge is responsible for paying cost of moving minister to alternative accommodation within same community (all moving costs in excess of that are to be borne by minister)</p> <p>(iii) minister is not obligated to negotiate moving costs with pastoral charge in advance, although this is desirable.</p>
98-021-O	Nov 11/98	obligation to pay appointment expiring during disability period	037 (a) and (b) [1998]	Obligation to pay disability benefits to member of Order of Ministry under appointment that expires during disability period – Pastoral Charge and Presbytery/District.
01-007-R	Sept 13/01	obligation to pay limitations	037 [2001]	Where a Presbytery/District has taken action to dissolve a pastoral relationship, effective 90 days thereafter, and the Ministry Personnel starts a period of disability during the 90 day period, the Pastoral Charge's obligation to pay salary and benefits to the Ministry Personnel is limited to the balance of the 90 day period.

Rulings and Opinions Index—summary by subject

97-010-O	July 22/97	obligation to pay Outreach Ministry	037 [1995]; [1998] 038 [1995]; [1998]	Obligation to pay disability and death benefits re: appointment to Outreach Ministry.
03-008-O	Dec 8/03	position held open right to occupy manse	37	Where minister is under a disability and is moving from short-term to long-term disability, minister's position should be held open for minister's possible return for 2 years, which is guideline only. Longer or shorter period may be appropriate depending on circumstances. Minister has right to occupy manse for as long as pastoral relationship continues.
03-008-O	Dec 8/03	right to occupy manse position held open	37	Where minister is under a disability and is moving from short-term to long-term disability, minister's position should be held open for minister's possible return for 2 years, which is guideline only. Longer or shorter period may be appropriate depending on circumstances. Minister has right to occupy manse for as long as pastoral relationship continues.
06-010-R	Nov 01/06	right to occupy manse long-term benefits moving expenses	001 "Total and Permanent Disability" 037(b)	Where minister is receiving long-term disability benefits after Restorative Care period expires: (i) minister would normally be required to pay fair market rental for manse during time minister continues to occupy manse (ii) Pastoral Charge is responsible for paying cost of moving minister to alternative accommodation within same community (all moving costs in excess of that are to be borne by minister) (iii) minister is not obligated to negotiate moving costs with pastoral charge in advance, although this is desirable.
99-033-O	Sept 10/99	short-term benefits	037 [1998]	Short-term benefits to be paid by the Pastoral Charge where pastoral relationship in effect when disability happened.
01-008-O	Apr 11/01	transfer for medical reasons		Presbytery/District may approve a request by member of the Order of Ministry for transfer to another Presbytery/District where member is "retained on the roll and unavailable for call or appointment" due to medical reasons.

Rulings and Opinions Index—summary by subject

DISCONTINUED SERVICE LIST				
No.	Date	Subject(s)	Manual reference	Summary
97-001-O	Jan 21/97	definition of terms	037 (b) [1995] 038 (a) [1998]	Definition of “spouse” and “dependent children” re: entitlement to death benefits.
98-020-O	Nov 9/98	procedural fairness	367 [1998]	Procedural fairness – high degree required in process to place name on DSL, although Formal Hearing may not be essential.
00-007-O	Apr 12/00	readmission process	32 [1998]	Usual process for readmission to the Order of Ministry under Section 32 must be followed even if applicant for readmission is of retirement age.
98-002-R	June 11/98	right to be heard	367 [1998]	Before Conference makes Decision to place name on DSL, member of Order of Ministry must be given opportunity to be heard.

Rulings and Opinions Index—summary by subject

EMPLOYMENT – NON-PASTORAL RELATIONS				
No.	Date	Subject(s)	Manual reference	Summary
00-011-O	Jun 15/00	Acts of Covenant	310(a) [1998]	Act of Covenant does not create entitlement to Presbytery/District membership. Individual must be eligible for membership under Section 310. Presbytery/District has no duty or power to provide Act of Covenant for employment relationship between minister and organization that is not United Church related ministry accountable to Presbytery/District. "United Church related ministry accountable to Presbytery/District" must meet definition of Outreach Ministry under <i>The Manual</i> and also, if incorporated, must comply with Appendix IV.
99-011-O	Feb 17/99	administrative secretary, restrictions re duties	371	Administrative secretary may perform some of elected secretary's duties but elected secretary remains accountable for them; administrative secretary has limited authority to sign documents on behalf of Presbytery/District.
99-040-O	Dec 7/99	call, approval of terms		Presbytery/District has discretion to approve terms of call, including whether or not to give increment credit for service in a ministry personnel position other than as the result of a Presbytery/District Appointment, Call, or action of the Conference Settlement Committee.
05-002-R	Oct 27/05	Chairs of Permanent Committees General Council Ministers	Basis 8.3 521 522	Chair of each Permanent Committee is equivalent to "Chairperson or alternate of each General Council Division." Chairs of Permanent Committees are Commissioners to General Council. General Council Ministers are not equivalent to "General Council Secretaries." General Council Ministers are not Commissioners to General Council.
01-004-O	Feb 22/01	Conference Interview Board mandate	457 [1998]	Conference Interview Board does not have mandate to interview lay persons for Conference staff positions.
01-012-O	May 18/01	Congregational Accountable Ministry Staff Associate in Congregational Accountable Ministry	001 [2001] "Congregational Accountable Ministry" 041(b) [2001] 041.1 [2001] 062 [2001] 350 [2001]	Presbytery/District has no power to appoint Staff Associate where position involves less than 10 hours per week and is therefore a Congregational Accountable Ministry.
04-001-R	Mar 4/04	Congregational Accountable Ministry	001 "Congregational Accountable Ministry"	If ministry position meets definition of "Congregational Accountable Ministry," person appointed to the position is a Congregational Accountable Minister. If the ministry position does not meet that definition, person appointed to the position is required to meet the criteria for Designated Lay Ministers.
97-001-O	Jan 21/97	disability and death benefits definition of terms	037 (b) [1995] 038 (a) [1998]	Definition of "spouse" and "dependent children" re: entitlement to death benefits.

Rulings and Opinions Index—summary by subject

97-010-O	July 22/97	disability and death benefits obligation to pay	037 [1995]; [1998] 038 [1995]; [1998]	Obligation to pay disability and death benefits re: appointment to Outreach Ministry.
05-002-R	Oct 27/05	General Council Ministers Chairs of Permanent Committees	Basis 8.3 521 522	General Council Ministers are not equivalent to "General Council Secretaries." General Council Ministers are not Commissioners to General Council. Chair of each Permanent Committee is equivalent to "Chairperson or alternate of each General Council Division." Chairs of Permanent Committees are Commissioners to General Council.
06-002-R	Mar 9/06	Moderator's budget	511	Moderator's budget may include provision for reasonable costs incurred by Moderator's partner to limit of 10% of monies allocated for travel in Moderator's budget.
01-022-O	Nov 28/01	Overseas Personnel, police records checks		Overseas Personnel are not required to provide police records checks under <i>The Manual</i> .
99-035-O	Oct 18/99	Parish Nurse position	001 "Staff Associate"	Parish Nurse position in Congregation may only be filled by person with designation of Staff Associate (or other existing Ministry Personnel category as appropriate). Otherwise, there may be legal exposure for Congregation, and Presbytery/District may take oversight action.
09-004-O	Jun 3/09	personnel policies, Conference staff	434 524(i)	Executive of General Council has right to set policies for Conference staff. Conference may set personnel policies for Conference staff only to the extent they are not inconsistent with policies set by Executive of General Council.
09-003-R Note: this ruling confirms 09-004-O	Oct 7/09	personnel policies, Conference staff	434 524(j)	Executive of General Council has right to set policies for Conference staff. Conference may set personnel policies for Conference staff only to the extent they are not inconsistent with policies set by Executive of General Council.
10-001-O	Jan 18/09	police records check, right of committee to retain	126 054(d)	Police records check must be provided by Ministry Personnel to designated committee. Committee is entitled to make and keep copy of police records check.
02-003-O	Jan 16/02	Presbytery/District Committees, combination staff positions	332 [2001] 376 [2001]	Presbytery/District Committees may be combined into one Committee as long as mandate of each Committee is fulfilled by the combined Committee. Visiting team for triennial pastoral oversight visits may include people who are not members of the Committee that oversees this work provided they are properly prepared. Presbytery/District staff positions should have job descriptions and hiring process approved by Presbytery/District. Hiring and termination decisions must be made by Presbytery/District, not a Committee.

Rulings and Opinions Index—summary by subject

01-012-O	May 18/01	Staff Associate in Congregational Accountable Ministry Congregational Accountable Ministry	001 [2001] "Congregational Accountable Ministry" 041(b) [2001] 041.1 [2001] 062 [2001] 350 [2001]	Presbytery/District has no power to appoint Staff Associate where position involves less than 10 hours per week and is therefore a Congregational Accountable Ministry.
99-024-O	June 8/99	staff, employment issues		Employment issues re: hiring of Presbytery/District staff.
98-009-O	May 5/98	stewards employment matters and changes to budget voting	122 [1995]; [1998] 165 – 167 [1995]; [1998] 183 [1995]; [1998]	Role of Committee of Stewards re: employment matters and changes to budget approved by Congregation. Entitlement of member of Order of Ministry to vote at meetings of Committee of Stewards and Official Board.

Rulings and Opinions Index—summary by subject

GENERAL COUNCIL – DUTIES AND POWERS				
No.	Date	Subject(s)	Manual reference	Summary
01-008-R	Oct 23/01	academic requirements for admission from another denomination	Basis 8.6.3 031 [2001] 505 [2001] 524 [2001]	General Council has no power to grant individual exceptions to prescribed academic requirements for admission to Order of Ministry from another denomination.
00-002-R	Aug 16/00	Basis of Union By-laws	Basis 8.6.2(1) [1998]	Basis of Union contains permanent law of church. Remit is required to change permanent law. By-laws do not contain permanent law. By-laws may be changed without a remit.
01-010-R	Nov 29/01	business referred		Motion may only be dealt with as “business referred by General Council to General Council Executive” if included as business on agenda of General Council but not if submitted to Business Committee as new business but never included on agenda and/or never brought to the floor of the Court.
99-016-O	Mar 9/99	Commission to conduct business, appointment	526 [1998]	General Council has authority to appoint Commission to conduct business of General Council; General Council Executive has authority to appoint Commission to conduct business of General Council Executive.
02-012-O	Oct 22/02	Designated Lay Ministers		Designated Lay Minister criteria adopted by GC37 not now in effect. Depends on outcome of remit process authorized by GC37 re: change to Basis to permit Designated Lay Ministers.
10-002-O	Feb 19/10	Executive of General Council, powers Proposal, power of Executive of General Council to take action	524(a); (c) 099	Executive of General Council has power to respond to a proposal transmitted by Conference where specifically given by General Council or where matter is of a routine or emergency nature. Executive must be satisfied it has power before acting on proposal.
03-002-O	May 14/03	financial assistance where minister elected Moderator	510	General Council may give financial assistance to Congregation whose minister has been elected Moderator if the pastoral relationship continues and Congregation incurs costs to cover absence.
02-001-R	Feb 11/02	General Council powers	Appendix IV, 5(g) [2001]	5(g) of Appendix IV is not ultra vires. General Council has power under The United Church of Canada Act and <i>The Manual</i> to enact it.
02-002-R	Apr 17/02	General Council powers	Basis 8.6.2(1)	Remit # 2 authorized by 37 th General Council is proper.
00-015-O	Jul 27/00	Ministry Personnel salary limitations	505	General Council has power to adopt a policy of setting limits on the amount of salary that a Pastoral Charge may pay its Ministry Personnel.
06-002-R	Mar 9/06	Moderator’s budget	511	Moderator’s budget may include provision for reasonable costs incurred by Moderator’s partner to limit of 10% of monies allocated for travel in Moderator’s budget.

Rulings and Opinions Index—summary by subject

09-004-O	Jun 3/09	personnel policies, Conference staff	434 524(i)	Executive of General Council has right to set policies for Conference staff. Conference may set personnel policies for Conference staff only to the extent they are not inconsistent with policies set by Executive of General Council.
09-003-R Note: this ruling confirms 09-004-O	Oct 7/09	personnel policies, Conference staff	434 524(j)	Executive of General Council has right to set policies for Conference staff. Conference may set personnel policies for Conference staff only to the extent they are not inconsistent with policies set by Executive of General Council.
10-002-O	Feb 19/10	Proposal, power of Executive of General Council to take action Executive of General Council, powers	524(a); (c) 099	Executive of General Council has power to respond to a proposal transmitted by Conference where specifically given by General Council or where matter is of a routine or emergency nature. Executive must be satisfied it has power before acting on proposal.
02-005-R	Oct 18/02	remits rules for process	Basis 8.6.2	Rules for remit process in Basis (the “safeguards”) may not be amended in any substantive way that would weaken them (and thereby increase General Council legislative power).
01-012-R	Dec 20/01	remits legitimacy of specific remit	Basis 5.10.2 Basis 6.4	Remit # 2 authorized by the 37 th General Council is legitimate in the form issued, including statements contained in the rationale.
00-017-O	Sep 26/00	sexuality decision	Basis 8.6.2 [1998]	Decision by 37 th GC regarding sexuality is not a change to the Basis of Union and therefore does not require a remit.
07-004-R	Jun 29/07	Song of Faith	Basis 8.6.2(1)	A Song of Faith is not inconsistent with doctrine in Basis of Union. No remit is required for the General Council to adopt A Song of Faith.
009-002-R	Mar 2/09	Transfer and settlement, proposed change to requirement	Basis 9.9	Proposed policy change to allow Candidates to choose call or Appointment instead of Settlement requires a remit because it would have effect of creating an exception to Transfer Committee’s authority under Basis of Union.
03-004-R	Nov 2/03	Voices United companion		Re: action by 38 th General Council not to take action requested in Petition 48 to develop and produce <i>Voices United</i> companion. General Council office is already implementing a plan to produce <i>Voices United</i> companion. That work may continue in spite of no action on Petition 48. There is no inconsistency here because the General Council office plan for a VU companion is different than the one outlined in Petition 48.
02-006-O	Mar 18/02	voting remits	162 [2001]	Official Board is body that votes on remits on behalf of Pastoral Charge. Members of Official Board who are not United Church members may not participate in vote.

Rulings and Opinions Index—summary by subject

02-009-O	Jun 6/02	voting remits Canadian Forces congregations	8.6.2(1) 001 “Pastoral Charge”	<p>Where the General Council has authorized a remit to be sent to Pastoral Charges, the Official Board (or equivalent) of every organization that falls within the definition of a Pastoral Charge is entitled to vote on the remit.</p> <p>A Canadian Forces Congregation does not meet the definition of Pastoral Charge under <i>The Manual</i> because it has not been constituted by the Presbytery into a pastoral unit.</p>
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Rulings and Opinions Index—summary by subject

GENERAL COUNCIL – MEMBERSHIP				
No.	Date	Subject(s)	Manual reference	Summary
05-002-R	Oct 27/05	Chairs of Permanent Committees General Council Ministers	Basis 8.3 521 522	Chair of each Permanent Committee is equivalent to "Chairperson or alternate of each General Council Division." Chairs of Permanent Committees are Commissioners to General Council. General Council Ministers are not equivalent to "General Council Secretaries." General Council Ministers are not Commissioners to General Council.
97-002-O	Jan 23/97	Commissioners election	423 (a) [1995]; [1998]	Conference, not Presbytery/District, has duty to elect Commissioners; practice of allowing Presbytery/District preferential nominations is unacceptable.
05-011-O	Sept 21/05	Commissioners term	Basis 8.0 – 8.5	Term of General Council Commissioners extends from convening of regular meeting of General Council to convening of next regular meeting of General Council.
03-002-O	May 14/03	financial assistance where minister elected Moderator	510	General Council may give financial assistance to Congregation whose minister has been elected Moderator if the pastoral relationship continues and Congregation incurs costs to cover absence.
05-002-R	Oct 27/05	General Council Ministers Chairs of Permanent Committees	Basis 8.3 521 522	General Council Ministers are not equivalent to "General Council Secretaries." General Council Ministers are not Commissioners to General Council. Chair of each Permanent Committee is equivalent to "Chairperson or alternate of each General Council Division." Chairs of Permanent Committees are Commissioners to General Council.

Rulings and Opinions Index—summary by subject

HEARINGS – FORMAL HEARINGS				
No.	Date	Subject(s)	Manual reference	Summary
98-016-O	June 23/98	charges against member of Formal Hearing Committee	075 [1995] [1998] 076 [1995] [1998] 072 [1995] [1998]	Charge should not be laid against member of Formal Hearing Committee for matters arising out of the hearing.
99-036-O	Oct 28/99	Conference asked to hold Formal Hearing	75(m) [1998] 422.1 [1998]	If Presbytery/District asks Conference to hold Formal Hearing on Presbytery/District's behalf, the decision of the Conference Formal Hearing Committee is a Decision of Conference, not the Presbytery/District.
01-013-O	Jun 14/01	costs	75(n) [2001]	In cases where a Presbytery/District feels that another Presbytery/District bears some responsibility for issues that resulted in first Presbytery/District holding a Formal Hearing, second Presbytery/District can't be compelled to reimburse first Presbytery/District for part of Formal Hearing costs.
98-017-O	June 25/98	costs	075 [1995] [1998]	Conference is not entitled to reimbursement from another Conference for costs of Formal Hearing involving member of Order of Ministry who was transferred from former to latter Conference.
00-012-O	Jun 15/00	Dispute Resolution Policy	74 [1998] 75 [1998]	Under Dispute Resolution Policy, if the appointed Conflict Resolution Facilitator reports to Court that either of the parties is not participating in the dispute resolution process in good faith, the Court has no option but to order a Formal Hearing. Where respondent is member of the Order of Ministry, Presbytery/District would hold Formal Hearing unless Presbytery/District asked Conference to hold it on the Presbytery/District's behalf.
99-001-R	Mar 23/99	expenses, reimbursement		Conference is not entitled to reimbursement from another Conference for Formal Hearing expenses incurred by the first Conference re: ordered minister who had transferred from second Conference.
99-032-O	Aug 18/99	<i>Manual</i> edition	075 [1998]	Date of commencement of Formal Hearing process determines which edition of <i>The Manual</i> governs. Formal Hearing process commences when party requests Formal Hearing or Court orders Formal Hearing.
98-015-O	June 18/98	rules of evidence nature of Formal Hearing witnesses terms of reference	075 (f) [1995] [1998] 075 (b) [1995] [1998]	Rules of Evidence – whether transcript from another hearing is admissible. Nature of Formal Hearing as “public court of law” – adjudicatory, not investigatory body. Formal Hearing Committee has no power to compel witnesses to testify or to compel production of documents. Terms of Reference – to be established by Court appointing Formal Hearing Committee.

Rulings and Opinions Index—summary by subject

98-015-O	June 18/98	<p>terms of reference</p> <p>rules of evidence</p> <p>nature of Formal Hearing</p> <p>witnesses</p>	<p>075 (f) [1995] [1998]</p> <p>075 (b) [1995] [1998]</p>	<p>Terms of Reference – to be established by Court appointing Formal Hearing Committee</p> <p>Rules of Evidence – whether transcript from another hearing is admissible.</p> <p>Nature of Formal Hearing as “public court of law” – adjudicatory, not investigatory body.</p> <p>Formal Hearing Committee has no power to compel witnesses to testify or to compel production of documents.</p>
98-015-O	June 18/98	<p>witnesses</p> <p>rules of evidence</p> <p>nature of Formal Hearing</p> <p>terms of reference</p>	<p>075 (f) [1995] [1998]</p> <p>075 (b) [1995] [1998]</p>	<p>Formal Hearing Committee has no power to compel witnesses to testify or to compel production of documents.</p> <p>Rules of Evidence – whether transcript from another hearing is admissible.</p> <p>Nature of Formal Hearing as “public court of law” – adjudicatory, not investigatory body.</p> <p>Terms of Reference – to be established by Court appointing Formal Hearing Committee.</p>

Rulings and Opinions Index—summary by subject

HEARINGS – INFORMAL HEARINGS				
No.	Date	Subject(s)	Manual reference	Summary
95-016-O	Dec 19/95	recommendations in report	074(g) [1995]	Recommendations that may be included in Informal Hearing Committee report.
00-003-O	Feb 21/00	Sexual Abuse Policy complaints	75(k) [1998]	It is inappropriate for a Pastoral Charge to pay legal fees of its minister in Informal Hearing of complaint under Sexual Abuse Policy where minister is respondent.

Rulings and Opinions Index—summary by subject

HOUSING ALLOWANCE				
No.	Date	Subject(s)	Manual reference	Summary
10-006-O	Nov 2/10	adjustment	036(f)ii. [2010] 051 [2010]	Housing allowance may be adjusted from time to time to meet criteria set out in 036(f)ii. on an ongoing basis. This is not a change in pastoral relations requiring needs assessment before it may be made.
02-002-O	Jan 16/02	allocation	36 [2001]	Presbytery/District may not permit Pastoral Charge to allocate different amounts to housing allowance for different purposes.
06-001-R	Jan 19/06	allocation	036	Presbytery must require Pastoral Charge to allocate equivalent amounts for housing allowance to different Ministry Personnel in same Pastoral Charge.
99-030-O	Aug 5/99	parity within Pastoral Charge	036 (f) [1998] 041 (b) [1998]	Two Ministry Personnel serving in same Pastoral Charge are entitled to same amount of housing allowance; Presbytery/District has power to refuse to approve appointment where Pastoral Charge does not meet requirements for housing allowance.
95-007-O	Sept 19/95	Presbytery/District, restricted powers	036 (e) [1993] 036 (f) [1998]	Presbytery/District has no power to set mandatory policy of minimum housing allowance; can only require compliance with Section 36.
96-010-O	Oct 22/96	separate component of cost	036 (e) [1993] 036 (f) [1998]	In calculating housing allowance, cost of drapes, etc., <i>may</i> be a separate component in addition to fair rental value.

Rulings and Opinions Index—summary by subject

MEETING PROCEDURE – GENERAL				
No.	Date	Subject(s)	Manual reference	Summary
01-017-O	Sept 4/01	committee members, conflict of interest		Both appearance of impartiality and actual impartiality are important in determining conflict of interest of Committee members.
99-027-O	June 23/99	Conference Annual Meeting	400 [1998] 420 [1998] 420.1 [1998]	Based on 1983 ruling by the Judicial Committee, a Conference may not charge a registration fee for its Annual Meeting.
01-010-R	Nov 29/01	General Council business referred		Motion may only be dealt with as “business referred by General Council to General Council Executive” if included as business on agenda of General Council but not if submitted to Business Committee as new business but never included on agenda and/or never brought to the floor of the Court.
99-016-O	Mar 9/99	General Council Commission appointed to conduct business	526 [1998]	General Council has authority to appoint Commission to conduct business of General Council; General Council Executive has authority to appoint Commission to conduct business of General Council Executive.
03-006-R	Dec 15/03	Joint Needs Assessment Committee, confidentiality	52(c)	Joint Needs Assessment Committee decides whether any information gathered by it should remain confidential; presumption is against confidentiality because Official Board needs adequate information to make informed decision on JNAC's report.
13-001-R	Jan 16/13	minutes, Court action on complaints	090 [2010] 092(n) [2010]	Court may decide its own minuting practice for complaints, within bounds of The Manual requirements and any applicable policy. Court is not bound by a lower Court's practice even when acting on behalf of that Court.
06-008-R	June 26/06	Pastoral Charge, governance executive Quorum	001 “Corresponding Member” “Ex officio membership” 004 123 182.1 (a) 183 (b) 201 (a) 202 (b) 218 (a) 219 (b) 275	The presence of the settled minister or one of the other persons named in 123 is required for Quorum purposes at a meeting of the Executive of the Official Board, Church Board or Council.
02-008-O	Apr 10/02	Pastoral Charge, governance, Presbytery appointee	182.1 [2001]	Where settled/appointed member of Order of Ministry can't attend Official Board meeting, Presbytery/District appointee must attend instead for Quorum purposes. Presbytery/District – not Official Board – makes that appointment.
01-003-O	Feb 22/01	Pastoral Charge, governance, Quorum	123 [1998] 182.1 [1998]	Quorum requirements for Session/Church Board/Church Council must include requirement that all members of Order of Ministry settled in or appointed to the Pastoral Charge be present.

Rulings and Opinions Index—summary by subject

04-012-O	Dec 10/04	Pastoral Charge, governance, Quorum	001 "Quorum"	Quorum requirements in Section 001 of the By-laws apply to meetings of the Court(s) of a Pastoral Charge or Congregation.
01-005-R	Jun 5/01	Presbytery/District applicants from another denomination	31 [2001] 462(a) [2001]	When names of applicants for admission to Order of Ministry are read at Presbytery/District meeting, Presbytery/District members may raise any factual matters or opinions formed on firsthand knowledge if relevant to question of applicants' suitability. Information that Presbytery/District member obtained through Conference Education and Students Committee interview of applicants is not confidential.
02-003-R	May 7/02	Presbytery/District chair appointment	370(a) [2001]	Presbytery/District Chair must be appointed annually. It is not permissible for Chair duties to rotate monthly among members of Presbytery/District Executive instead of annual appointment.
96-006-O	June 6/96	Presbytery/District Conference Staff, attendance	Basis 7.6.9 [1995]; [1998] 363 (i) [1995]; 363(g) [1998] 422 [1995] 422 – 422.1 [1998]	Entitlement of Conference staff to attend Presbytery/District meetings.
98-023-O	Nov 11/98	Presbytery/District minutes s. 363 review	363 (b) and (c) [1998]	Presbytery/District action relating to review under Section 363 (b) – how to include in minutes.
99-010-O	Feb 4/99	Presbytery/District notice		Form of notice of Presbytery/District meetings; member affected by a matter is entitled to specific notice of meeting and to speak to the matter at meeting.
99-007-O	Jan 27/99	Presbytery/District open meetings closed meetings		Presbytery/District meetings are to be open as general rule; may be closed in part to deal with sensitive business.
98-022-O	Nov 11/98	Presbytery/District Quorum	001 – "Quorum" [1998]	Quorum for Presbytery/District Executive meeting is lesser of 20 persons and 1/3 of those entitled to vote.

Rulings and Opinions Index—summary by subject

MEETING PROCEDURE – VOTING				
No.	Date	Subject(s)	Manual reference	Summary
97-003-O	Jan 31/97	Adherents	113 [1995]; [1998]	Meaning of “contribute regularly to the support of the Congregation” in determining which Adherents may vote on temporal matters.
98-005-O	Jan 22/98	Adherents	113 [1995]; [1998]	Meaning of “contribute regularly to the support of the Congregation” in determining which Adherents may vote on temporal matters – not limited to financial contribution. <i>The Manual</i> doesn’t permit two classes of Adherents based on type of contribution made.
02-011-O	Oct 11/02	advanced ballots		Voting by advance ballot permitted if Congregation has passed motion approving it.
00-010-O	Jun 5/00	Commissioners, election	423(a) [1998] 426 [1998]	Conference Executive has no power to elect Commissioners. Conference Executive may authorize a mail ballot so that full Conference may vote for Commissioners by mail ballot.
009-001-R	Jan 16/09	Congregation, voting on pastoral relations matters	046.1	Only members of the Congregation (not Adherents) may vote on a congregational motion concerning the financial compensation to be paid to satisfy the Congregation’s obligations to minister when pastoral relationship ends.
99-041-O	Dec 17/99	constitution of Church Board	205 [1998]	Church Board was not properly constituted. Action taken by that Church Board to admit new members is therefore invalid.
97-014-O	Oct 7/97	mail ballots	Appendix III, 7(d) [1998]	Mail ballots are permissible since voting by mail ballot is not “voting by proxy.” To permit mail ballot, Church Court conducting vote must pass motion specifically authorizing voting by mail ballot.
95-002-O	Mar 15/95	<i>Manual</i> appendices mail ballots	Appendix III, 7(d) [1998]	Some appendices are mandatory; some are informational only. Mail ballots are permissible since voting by mail ballot is not “voting by proxy.” To permit mail ballot, Church Court conducting vote must pass motion specifically authorizing voting by mail ballot.
007-006-R	Nov 26/07	Members, eligibility date	12 113	Members of Congregation are entitled to vote at congregational meeting if their names are on the roll as of date of meeting. Right to vote not limited to those on roll as of date notice of meeting is given.
98-009-O	May 5/98	Ministry Personnel stewards employment matters and changes to budget	122 [1995]; [1998] 165 – 167 [1995]; [1998] 183 [1995]; [1998]	Entitlement of member of Order of Ministry to vote at meetings of Committee of Stewards and Official Board. Role of Committee of Stewards re: employment matters and changes to budget approved by Congregation.

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06-008-R	Jun 26/06	Pastoral Charge, governance Executive Quorum	001 "Corresponding Member" "Ex officio membership" 004 123 182.1 (a) 183 (b) 201 (a) 202 (b) 218 (a) 219 (b) 275	The presence of the settled minister or one of the other persons named in 123 is required for Quorum purposes at a meeting of the Executive of the Official Board, Church Board or Council.
95-011-O	Nov 15/95	petitions, refusal to transmit	Basis 7.6.3 [1998] Appendix III, 7 (b)	Conference does not have power to adopt policy that a Decision to refuse to transmit a petition requires a 2/3 majority vote.

Rulings and Opinions Index—summary by subject

MINISTRY PERSONNEL – PASTORAL RELATIONS – CHANGE/TERMINATION				
No.	Date	Subject(s)	Manual reference	Summary
03-007-O	Sept 16/03	admission process, termination	076	Where Presbytery/District has terminated admission process for individual serving in an Appointment, Presbytery/District must still follow procedures for terminating individual's Appointment since individual is no longer eligible for it. Effective date of termination of Appointment is up to Presbytery/District. Both minister and Pastoral Charge have standing to Appeal.
96-008-O	Sept 19/96	Appointment, termination	041 (b) [1995]; [1998]	Pastoral relationship established by Appointment automatically expires at end of appointment term; no action required to terminate.
04-010-O	Aug 17/04	change for financial reasons or amalgamations, process	046.1 049	Where Pastoral Charge seeks reduction of Ministry Personnel positions for financial reasons, or where Congregations amalgamate, the process for a change in pastoral relations must be followed including Joint Needs Assessment and Pastoral Charge's request for a change in pastoral relations without cause.
01-007-R	Sept 13/01	disability during time of dissolution of pastoral relationship	037 [2001]	Where a Presbytery/District has taken action to dissolve a pastoral relationship, effective 90 days thereafter, and the Ministry Personnel starts a period of disability during the 90 day period, the Pastoral Charge's obligation to pay salary and benefits to the Ministry Personnel is limited to the balance of the 90 day period.
10-006-O	Nov 2/10	housing allowance, adjustment to amount	036(f)ii. [2010] 051 [2010]	Housing allowance may be adjusted from time to time to meet criteria set out in 036(f)ii. on an ongoing basis. This is not a change in pastoral relations requiring needs assessment before it may be made.
00-018-O	Nov 23/00	<i>Manual</i> , application of new edition	340(b)ii [1998]	When a new edition of <i>The Manual</i> comes into force, it automatically applies to all pastoral relationships, regardless of the commencement date of the relationship. The interview to determine suitability of individual to continue serving as an Interim Minister is to be conducted under <i>The Manual</i> edition that is in effect at the time of the interview.
00-013-O	Jun 19/00	minister on leave at Presbytery/District's behest		Where minister is "on leave" at Presbytery/District's – and not the minister's behest, the leave is tantamount to a suspension and minister is entitled to travel allowance portion of salary and benefits.
05-008-O	Jul 26/05	mission, assessment of needs	050 050.1 330	Presbytery has authority to order assessment of needs of a Mission and to determine process to be followed. Process should follow mandated process for needs assessment for Pastoral Charges, modified as necessary for Missions.
99-025-O	June 15/99	multiple ministry staff, changes	051 [1998]	Procedures for change in pastoral relations in multiple ministry staff Pastoral Charge.
99-029-O	June 29/99	multiple ministry staff, changes	053 [1998]	Procedures for change in pastoral relations in multiple ministry staff Pastoral Charge; filling of Vacancy by another Ministry Personnel in same Pastoral Charge.

Rulings and Opinions Index—summary by subject

99-031-O	Aug 5/99	multiple ministry staff, restructuring	052 [1998] 053.1 [1998]	Procedure to be followed in multiple ministry staff Pastoral Charge where ministry positions are restructured. For existing minister to fill new position, either a “change in terms of existing pastoral relationship” or declaration of Vacancy and new call is required; depends on whether new position is substantially different from existing minister’s position.
10-007-O	Dec 15/10	pension, requirements re: removal of commuted value	Basis 9.6.1 041.1 [2010] 051.1 [2010]	This opinion relates to the requirement for Ministry Personnel over age 55 to remove the commuted value of their pensions by terminating their paid accountable service to the United Church by January 1, 2011. They may return to paid accountable ministry after 30 days. They may return to work in the same pastoral charge but only after the usual processes are followed for termination of the pastoral relationship, needs assessment, declaration of a vacancy, search and approval of new call or appointment.
98-003-O	Jan 15/98	reduction of hours	045 [1995] 052 [1995]	Reduction in Ministry Personnel’s hours is “change in pastoral relations” and may also be reduction in number of Ministry Personnel positions. (Note: see change in policy in 046 and 051 [1998])
95-009-O	Oct 5/95	reduction of positions	052 [1995]	Procedure to be followed where Official Board is considering reduction in number of Ministry Personnel positions. (Note: see change to policy in 050(f) [1998])
99-023-O	May 21/99	retired Ministry Personnel, eligibility for call	055 (b) [1998] 040 [1998] 365 (c) [1998]	Retired member of Order of Ministry eligible to return to active standing and accept a call; pastoral relationship would be without time limit but member must still obtain approval annually for active standing (deferral of retirement); if approval not given, pastoral relationship to be dissolved.

Rulings and Opinions Index—summary by subject

MINISTRY PERSONNEL – PASTORAL RELATIONS – GENERAL				
No.	Date	Subject(s)	Manual reference	Summary
01-001-R	Mar 23/01	leave, entitlement to income supplement		Presbytery/District placed minister “on leave” pending effective date of change in pastoral relations. Minister did not request leave. Minister is entitled to receive income supplement in lieu of travel expense reimbursement as part of employment benefits until effective date of change in pastoral relations.
03-002-R	Sept 26/03	marriage policy, compliance	153	Where minister is in a pastoral relationship with a Congregation, minister must always comply with that Congregation’s policies in all marriages conducted by the minister.
98-025-O	Nov 13/98	part time or full time ministry	001 – “Part-time Ministry” [1998]	Where Ministry Personnel holds more than one position in same Pastoral Charge, total number of hours for all positions held by that Ministry Personnel determines whether Ministry Personnel is in “Part-time Ministry” or full-time ministry so that pastoral relations procedures apply.
10-007-O	Dec 15/10	pension, requirements re: removal of commuted value	Basis 9.6.1 041.1 [2010] 051.1 [2010]	This opinion relates to the requirement for Ministry Personnel over age 55 to remove the commuted value of their pensions by terminating their paid accountable service to the United Church by January 1, 2011. They may return to paid accountable ministry after 30 days. They may return to work in the same pastoral charge but only after the usual processes are followed for termination of the pastoral relationship, needs assessment, declaration of a vacancy, search and approval of new call or appointment.
10-001-O	Jan 18/09	police records check, right of committee to retain	126 054(d)	Police records check must be provided by Ministry Personnel to designated committee. Committee is entitled to make and keep copy of police records check.
10-003-O	Mar 4/10	salary, incremental increase	036(a)	Minister moves from one category to another on January 1. Minister’s eligibility for next increment category is determined based on number of hours minister has worked in calendar year that has just ended.
10-003-O-A	Mar 30/10	salary, incremental increase	036(a)	Provides clarification of 10-003-O through a specific example.
00-015-O	Jul 27/00	salary limitations	505	General Council has power to adopt a policy of setting limits on the amount of salary that a Pastoral Charge may pay its Ministry Personnel.
00-005-O	Feb 29/00	security deposit for manse		Pastoral Charge may require a security deposit from its minister for the manse, if permitted under provincial law. Pastoral Charge must comply with the provisions of provincial law.

Rulings and Opinions Index—summary by subject

01-012-O	May 18/01	Staff Associates, appointment	001 [2001] "Congregational Accountable Ministry" 041(b) [2001] 041.1 [2001] 062 [2001] 350 [2001]	Presbytery/District has no power to appoint Staff Associate where position involves less than 10 hours per week and is therefore a Congregational Accountable Ministry.
02-001-O	Jan 16/02	Staff Associates, appointment	41(b) [2001] 345	Staff Associate may be appointed as sole Ministry Personnel in Pastoral Charge if Presbytery/District decides appropriate.
07-001-O	Jun 29/07	study leave, entitlement	039(a)	Pastoral Charge must honour its obligation to pay allowance for study leave of three weeks per year of service to the Pastoral Charge regardless of whether pastoral relationship is continuing or ending.
09-005-O	Jul 6/09	travel allowance, top- up for Ministry Personnel work in other courts	036(h)	Pastoral Charge has no obligation to top up allowance for Ministry Personnel's work in Presbytery/District or Conference even if other court reimburses less than minimum standards set by General Council.
01-006-O	Apr 05/01	weekend supply, eligibility	031(k) [2001]	Person who is in process of admission to the United Church from another denomination is not eligible to be appointed as weekend supply unless person meets requirements of one of categories listed in 041(b).

Rulings and Opinions Index—summary by subject

MINISTRY PERSONNEL – PASTORAL RELATIONS – NEW PASTORAL RELATIONSHIP				
No.	Date	Subject(s)	Manual reference	Summary
02-007-O	Apr 11/02	call process disability insurance benefits		To complete call process, several bodies must give approval (Pastoral Charge, minister, Presbytery/District having oversight of that Pastoral Charge, Settlement Committee, etc.). Once a body has approved the call, that body is bound by its Decision. Other bodies involved may decide to approve or not approve the call, and that Decision would prevail. Disability insurance carrier's obligation is limited to paying benefits for the time (part-time or full-time) that minister is unable to work. If Pastoral Charge refuses to let minister return to work gradually through part-time arrangement, Pastoral Charge is responsible for shortfall in benefits to minister.
00-019-O	Nov 29/00	congregational ministry position, Appointment required	041(b) [1998] 061(b) [1998]	There must be Presbytery/District Appointment for any congregational ministry position filled by a member of the Order of Ministry, regardless of duration of the position – no minimum.
01-001-O	Jan 24/01	congregational ministry position, Appointment required weekend supply ministers from other denominations	001 "Diaconal Supply"; "Ordained Supply" [1998] 041 [1998] 350 [1998]	There must be Presbytery/District Appointment for any congregational ministry position filled by a member of the Order of Ministry, regardless of number of hours in the position – no minimum. Presbytery/District approval is not required for someone to serve as weekend supply in Congregation once or twice. For minister of another denomination to serve on ongoing basis, requirements of "Ordained Supply" or "Diaconal Supply" must be met.
05-009-O	Jul 26/05	covenanting services, best practice		Each Presbytery may discern best practice for holding covenanting services within that Presbytery. Any covenanting service that acknowledges and holds up all parties to the covenant is acceptable.
99-009-O	Feb 4/99	covenanting services, Interim Ministers	389 (a) ix and x [1998]	Pastoral Relations Committee exercises discretion in recommending whether covenanting service should take place for appointment of Interim Minister.
96-007-O	June 12/96	covenanting services. requirement	061[1995]; [1998]	Requirements for covenanting service for new pastoral relationship.
99-008-O	Feb 1/99	covenanting services, warrants	061 (b) [1998]	Covenanting service may not take place until Presbytery/District has warrant to covenant or confirmation of all necessary action for warrant to covenant to be issued.
96-005-O	June 5/96	Interim Ministers, eligibility to serve same Pastoral Charge	340(h) [1995]; [1998]	Interim Minister not available to serve same Pastoral Charge "immediately"; length of time to be determined by Presbytery/District, may vary with circumstances.

Rulings and Opinions Index—summary by subject

00-018-O	Nov 23/00	Interim Ministers, interviews <i>Manual</i> , application of new edition	340(b)ii [1998]	The interview to determine suitability of individual to continue serving as an Interim Minister is to be conducted under <i>The Manual</i> edition that is in effect at the time of the interview. When a new edition of <i>The Manual</i> comes into force, it automatically applies to all pastoral relationships, regardless of the commencement date of the relationship.
03-006-R	Dec 15/03	Joint Needs Assessment Committee confidentiality	52(c)	Joint Needs Assessment Committee decides whether any information gathered by it should remain confidential; presumption is against confidentiality because Official Board needs adequate information to make informed decision on JNAC's report.
06-006-R	May 15/06	Joint Needs Assessment Committee eligibility to serve	052	Ministry Personnel called or appointed in any capacity (including Interim Minister) to a Pastoral Charge is not eligible to serve on the Joint Needs Assessment Committee for that Pastoral Charge.
94-001-O	Jan 3/94	Joint Pastoral Relations Committee, children, eligibility	049 [1993] Basis 5.8.1[1998] 054 [1998]	Children are eligible for appointment to Joint Pastoral Relations Committee if "full members."
00-018-O	Nov 23/00	<i>Manual</i> , application of new edition Interim ministers, interviews	340(b)ii [1998]	When a new edition of <i>The Manual</i> comes into force, it automatically applies to all pastoral relationships, regardless of the commencement date of the relationship. The interview to determine suitability of individual to continue serving as an Interim Minister is to be conducted under <i>The Manual</i> edition that is in effect at the time of the interview.
01-001-O	Jan 24/01	Ministers from other denominations Weekend supply Congregational ministry position, appointment required	001 "Diaconal Supply"; "Ordained Supply" [1998] 041 [1998] 350 [1998]	For minister of another denomination to serve on ongoing basis, requirements of "Ordained Supply" or "Diaconal Supply" must be met. Presbytery/District approval is not required for someone to serve as weekend supply in Congregation once or twice. There must be Presbytery/District appointment for any congregational ministry position filled by a member of the Order of Ministry, regardless of number of hours in the position – no minimum.
00-011-O	Jun 15/00	Ministry accountable to Presbytery/District	310(a) [1998]	Act of Covenant does not create entitlement to Presbytery/District membership. Individual must be eligible for membership under Section 310. Presbytery/District has no duty or power to provide Act of Covenant for employment relationship between minister and organization that is not United Church related ministry accountable to Presbytery/District. "United Church related ministry accountable to Presbytery/District" must meet definition of Outreach Ministry under <i>The Manual</i> and also, if incorporated, must comply with Appendix IV.

Rulings and Opinions Index—summary by subject

98-011-O	May 19/98	Ministry Personnel, priorities	041(b) [1995]; [1998] 053 [1995] 055 – 057 [1995]; [1998] 343(g) [1995]; [1998] 389 (b) v. [1995]; [1998]	In filling a Vacancy, no priority is given to calling a member of the Order of Ministry over appointing a Lay Pastoral Minister.
03-001-O	Mar 12/03	Ministry Personnel serving one Congregation Congregations, reconstitution new governance structure	041 200 330 334 337 341 350 351	Presbytery/District may appoint Ministry Personnel to a Pastoral Charge where Ministry Personnel's responsibilities will be limited to ministering to one Congregation within that Pastoral Charge. When reconstituting a Congregation, Presbytery/District must consult with Congregation but Congregation's agreement to reconstitution is not required. In new governance structure for Congregation, exact structure is flexible as long as all functions that <i>The Manual</i> requires of a governing body are included and will be performed.
05-008-O	Jul 26/05	Missions, needs assessments	050 050.1 330	Presbytery has authority to order assessment of needs of a Mission and to determine process to be followed. Process should follow mandated process for needs assessment for Pastoral Charges, modified as necessary for Missions.
97-007-O	May 5/97	needs assessment	Basis 6.4.1 [1995]; [1998] Basis 6.4.11 [1995]; [1998]	Presbytery/District has power to require needs assessment to be done before Presbytery/District makes decision whether to declare Vacancy. (Note: see change to policy in 051.1 [1998])
99-006-O	Jan 26/99	Outreach Ministry, filling vacancies	Basis of Union 6.1	Vacancy in Outreach Ministry may be filled by call or Appointment.
10-005-O	Nov 2/10	police records check requirement references requirement	Basis 9.1 054(d) [2010] 062 [2010] 126 [2010]	Ministry Personnel who serve the same Pastoral Charge for at least six years, whether in a call, appointment or combination of both, are required to provide a police records check at the end of each six year period. Ministry Personnel only need to provide references to Pastoral Charge when first starting to serve that Pastoral Charge.
99-023-O	May 21/99	retired ministers, accepting call, approval requirement	055 (b) [1998] 040 [1998] 365 (c) [1998]	Retired member of Order of Ministry eligible to return to active standing and accept a call; pastoral relationship would be without time limit but member must still obtain approval annually for active standing (deferral of retirement); if approval not given, pastoral relationship to be dissolved.
01-002-R	Mar 27/01	retired ministers in new pastoral relationship, eligibility to receive pension		Newly retired minister is entitled to receive pension if minister continues to serve same Pastoral Charge through new Presbytery/District appointment, as this will be new pastoral relationship.

Rulings and Opinions Index—summary by subject

99-040-O	Dec 7/99	terms of call, approval		Presbytery/District has discretion to approve terms of call, including whether or not to give increment credit for service in a Ministry Personnel position other than as the result of a Presbytery/District Appointment, call, or action of the Conference Settlement Committee.
01-001-O	Jan 24/01	weekend supply ministers from other denominations congregational ministry position, appointment required	001 "Diaconal Supply"; "Ordained Supply" [1998] 041 [1998] 350 [1998]	Presbytery/District approval is not required for someone to serve as weekend supply in Congregation once or twice. For minister of another denomination to serve on ongoing basis, requirements of "Ordained Supply" or "Diaconal Supply" must be met. There must be Presbytery/District Appointment for any congregational ministry position filled by a member of the Order of Ministry, regardless of number of hours in the position – no minimum.

Rulings and Opinions Index—summary by subject

MINISTRY PERSONNEL – STATUS – DESIGNATED LAY MINISTER [STAFF ASSOCIATE/LAY PASTORAL MINISTER ETC.]				
No.	Date	Subject(s)	Manual reference	Summary
04-001-R	Mar 4/04	Congregational Accountable Ministry Designated Lay Ministers	001 "Congregational Accountable Ministry"	If ministry position meets definition of "Congregational Accountable Ministry," person appointed to the position is a Congregational Accountable Minister. If the ministry position does not meet that definition, person appointed to the position is required to meet the criteria for Designated Lay Ministers.
02-012-O	Oct 22/02	Designated Lay Ministers		Designated Lay Minister criteria adopted by GC37 not now in effect. Depends on outcome of remit process authorized by GC37 re: change to Basis to permit Designated Lay Ministers.
04-001-R	Mar 4/04	Designated Lay Ministers Congregational Accountable Ministry	001 "Congregational Accountable Ministry"	If ministry position meets definition of "Congregational Accountable Ministry," person appointed to the position is a Congregational Accountable Minister. If the ministry position does not meet that definition, person appointed to the position is required to meet the criteria for Designated Lay Ministers.
09-002-O	Mar 19/09	Designated Lay Ministry policy, implementation	343	Presbytery must ensure compliance to the extent possible with the new Designated Lay Ministry policy. During this interim transition time, compliance with the former lay ministry policies is adequate. Presbytery is the decision-making body with respect to assessing equivalencies under the Designated Lay Ministry policy. Full compliance with the Designated Lay Ministry policy is required as of January 1, 2010.
14-001-O	Oct 7/14	good standing	J.4 [2013]	Ministry Personnel is in good standing unless and until (i) presbytery has made an order following due process under The Manual, and (ii) the Ministry Personnel has not yet complied with the order.
95-006-O	May 11/95	Lay Pastoral Ministers, Conference powers		Conference does not have power to decide not to approve any more Lay Pastoral Ministers
99-035-O	Oct 18/99	Parish Nurses, Staff Associate designation	001 "Staff Associate"	Parish Nurse position in Congregation may only be filled by person with designation of Staff Associate (or other existing Ministry Personnel category as appropriate). Otherwise, there may be legal exposure for Congregation, and Presbytery/District may take oversight action.
95-013-O	Dec 18/95	Staff Associates appointment under previous policy		Appointment of Staff Associate who qualified under previous policy may continue, even though she does not comply with new policy for Staff Associates (not a United Church member).
99-021-O	Apr 29/99	Staff Associates licence to administer sacraments	342 (i) [1998] 343 (j) [1998] 353 [1998]	Staff Associate is not entitled to licence to administer sacraments even where working with member of Order of Ministry.

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01-006-O	Apr 05/01	weekend supply	031(k) [2001]	Person who is in process of admission to the United Church from another denomination is not eligible to be appointed as weekend supply unless person meets requirements of one of categories listed in 041(b).
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Rulings and Opinions Index—summary by subject

MINISTRY PERSONNEL – STATUS – INTERIM MINISTER				
No.	Date	Subject(s)	Manual reference	Summary
99-015-O	Mar 4/99	Appointment approval	340 (a) & (b) [1998]	Approval for Appointment of Ministry Personnel as Interim Minister must be given by Presbytery/District where Ministry Personnel is currently a member; that Presbytery/District also conducts suitability interview.
99-001-O	Jan 4/99	Appointment Consultation process	315 (a) [1998] 340 (a) to (d) [1998]	Consultation with Presbytery/District required before Appointment of member of Order of Ministry on Presbytery/District's roll where Appointment is other than to Pastoral Charge. Process outlined in Section 340 must be followed in Appointment of Interim Minister.
96-002-O	Mar 20/96	Appointment procedure	340 (b) [1995]; [1998]	Procedure for Appointment of Interim Minister who has previously served (but is not currently serving) as Interim Minister.
07-005-R	Nov 9/07	Presbytery Pastoral Relations Committee, membership	389(a), (b)	Presbytery-appointed Interim Minister has no automatic entitlement to membership on Presbytery Pastoral Relations Committee by virtue of appointment. Not essential for Interim Minister to be member of Pastoral Relations Committee.
05-007-O	Jun 16/05	designation, scope of inquiry	465.1(b)	In making recommendation for designation of applicant as Interim Minister, Presbytery Pastoral Relations Committee's scope of inquiry may vary. Consideration may be given to whether applicant is in good standing or applicant is suitable for Interim Ministry. Practice varies among Conferences; either approach is correct.
04-009-O	Jul 19/04	eligibility, Decisions	465.1	Conference Executive makes Decision about individual's eligibility as Interim Minister both before and after first appointment. After second and subsequent appointments, Interim Ministry Committee makes Decision.
00-018-O	Nov 23/00	interviews, application of new edition of <i>Manual</i>	340(b)ii [1998]	When a new edition of <i>The Manual</i> comes into force, it automatically applies to all pastoral relationships, regardless of the commencement date of the relationship. The interview to determine suitability of individual to continue serving as an Interim Minister is to be conducted under <i>The Manual</i> edition that is in effect at the time of the interview.

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MINISTRY PERSONNEL – STATUS – ORDER OF MINISTRY				
No.	Date	Subject(s)	Manual reference	Summary
01-016-O	Aug 29/01	Conference or General Council positions, accountability to Courts of Church	011 [2001] 067 [2001]	Members of the Order of Ministry are accountable to Presbytery/District for status as members of the Order of Ministry. If members of the Order of Ministry are appointed to a Conference or General Council staff position, they are also accountable to those Courts for matters affecting performance of their job responsibilities under the appointment.
01-002-O	Feb 13/01	diaconal ministers, using “Reverend”		Diaconal Ministers may use title “Reverend.”
01-011-O	May 16/01	diaconal ministers using “Reverend”		Diaconal Ministers may use title “Reverend.” Previous opinion affirmed – 01-002-O
97-005-O	Apr 22/97	further study	026(d) [1995]; 026(e) [1998] 029 [1995]; [1998]	Members of Order of Ministry who were ordained / commissioned to further study are not eligible for part-time appointment during that time; transfer and Settlement applies.
14-001-O	Oct 7/14	good standing	J.4 [2013]	Ministry Personnel is in good standing unless and until (i) presbytery has made an order following due process under The Manual, and (ii) the Ministry Personnel has not yet complied with the order.
01-001-O	Jan 24/01	ministers from other denominations weekend supply congregational ministry position, Appointment required	001 “Diaconal Supply”; “Ordained Supply” [1998] 041 [1998] 350 [1998]	For minister of another denomination to serve on ongoing basis, requirements of “Ordained Supply” or “Diaconal Supply” must be met. Presbytery/District approval is not required for someone to serve as weekend supply in Congregation once or twice. There must be Presbytery/District Appointment for any congregational ministry position filled by a member of the Order of Ministry, regardless of number of hours in the position – no minimum.
15-001-R	May 5/15	review under s. J.9, theological concerns	Basis 11.3 [2013] J.9	Ordination/Commissioning questions in Basis 11.3 go to suitability of person to serve in ministry in United Church. Where a question is raised about a Ministry Personnel’s suitability, Presbytery/District may consider this to raise a question of “effectiveness” and initiate a review under J.9. Note: this ruling is currently under appeal to the Judicial Committee of the General Council.

Rulings and Opinions Index—summary by subject

MINISTRY PERSONNEL – STATUS – OTHER CATEGORIES NOT INCLUDED IN DEFINITION OF MINISTRY PERSONNEL				
No.	Date	Subject(s)	Manual reference	Summary
01-022-O	Nov 28/01	Overseas Personnel		Overseas Personnel are not required to provide police records checks under <i>The Manual</i> .
95-015-O	Dec 19/95	Volunteer Associate Ministers	Basis 7.6.9	Conference has power to establish category of Volunteer Associate Minister.

Rulings and Opinions Index—summary by subject

MINISTRY PERSONNEL – STATUS – RETAINED				
No.	Date	Subject(s)	Manual reference	Summary
02-010-O	Sept 26/02	covenanting requirement	314(d) 001 "Presbytery/District Recognized Ministry"	Ordered minister serving Presbytery/District Recognized Ministry will be eligible to be retained on the roll only if Presbytery/District chooses to create covenant relationship with minister. Presbytery/District also has complete discretion to make exception re covenanting requirement.
05-010-O	Sept 12/05	retired Lay Pastoral Ministers or retired Staff Associates	001 "Lay Pastoral Minister" "Staff Associate" 310(b) 314 410	Neither Presbytery nor Conference has discretion to retain names of retired LPMs or retired Staff Associates on roll. Retired LPMs and retired Staff Associates may serve as lay Presbytery members under another category, e.g., members at large.
01-008-O	Apr 11/01	transfer to another Presbytery/District		Presbytery/District may approve a request by member of the Order of Ministry for transfer to another Presbytery/District where member is "retained on the roll and unavailable for call or appointment" due to medical reasons.

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MINISTRY PERSONNEL – STATUS – RETIRED				
No.	Date	Subject(s)	Manual reference	Summary
99-023-O	May 21/99	call, eligibility to accept and approval requirement	055 (b) [1998] 040 [1998] 365 (c) [1998]	Retired member of Order of Ministry eligible to return to active standing and accept a call; pastoral relationship would be without time limit but member must still obtain approval annually for active standing (deferral of retirement); if approval not given, pastoral relationship to be dissolved.
01-007-O	Apr 06/01	marriages		Retired minister in association with a Congregation may not perform marriages without knowledge of that congregation. Those marriages must be recorded in congregation's register; minister should not retain own register apart from congregation's register.
00-006-O	Mar 29/00	membership in congregation of another denomination	314(d) [1998] 317 [1998]	There is no provision in <i>The Manual</i> that prohibits retired minister on roll of Presbytery/District from becoming member of congregation of another denomination, but Presbytery/District may consider recommending that minister's name be placed on Discontinued Service List.
00-007-O	Apr 12/00	readmission to Order of Ministry	32 [1998]	Usual process for readmission to the Order of Ministry under Section 32 must be followed even if applicant for readmission is of retirement age.
05-010-O	Sept 12/05	retired Lay Pastoral Ministers and retired Staff Associates	001 "Lay Pastoral Minister" "Staff Associate" 310(b) 314 410	Neither Presbytery nor Conference has discretion to retain names of retired LPMs or retired Staff Associates on roll. Retired LPMs and retired Staff Associates may serve as lay Presbytery members under another category, e.g., members at large.

Rulings and Opinions Index—summary by subject

MINISTRY PERSONNEL – STATUS – SUSPENSION				
No.	Date	Subject(s)	Manual reference	Summary
95-001-O	Jan 18/95	financial support	307 [1993]	Presbytery/District obligation to provide financial support to Ministry Personnel if Presbytery/District decides that Ministry Personnel is ineligible for call or Appointment.
02-008-R	Dec 12/02	“Ministry Personnel” and “Order of Ministry,” effect of suspension	001 “Ministry Personnel” 363 (d)	Terms “Ministry Personnel” and “Order of Ministry” have different meanings, but both apply to an ordained minister. Suspending ordained minister from functioning as Order of Ministry under Section 363 is equivalent to suspending him/her from functioning as Ministry Personnel.
03-005-O	Sept 9/03	salary and benefits, entitlement	363(d) vi.	A minister under suspension as a result of a review under Section 363 is entitled to minimum salary and benefits for the duration of the suspension (to a maximum of six months). That includes continuing education allowance and book allowance, as these are benefits forming part of the minister's compensation.
03-004-O	Sept 4/03	scope of suspension	363(d)vi.	Where a minister is under suspension as a result of a review under Section 363, the suspension extends to all roles that the minister performs in the church for the duration of the suspension period.

Rulings and Opinions Index—summary by subject

ORDINATION/COMMISSIONING				
No.	Date	Subject(s)	Manual reference	Summary
95-003-O	Apr 10/95	further study	026(e) [1998]	Candidate may be ordained / commissioned to further study on <i>full-time</i> basis; if study is part-time and Candidate seeks part-time work, transfer and Settlement applies.
97-005-O	Apr 22/97	further study	026(d) [1995]; 026(e) [1998] 029 [1995]; [1998]	Members of Order of Ministry who were ordained / commissioned to further study are not eligible for part-time appointment during that time; transfer and Settlement applies.
98-006-O	Feb 24/98	questions	Basis 11.3	Questions set out in 11.3 must be asked; alternative wording cannot be used.
95-005-O	May 1/95	Testamur	024(c) [1998] 026(b) [1998]	Only United Church students completing required course for Ordained Ministry or Diaconal Ministry should receive Testamur.
99-038-0	Nov 23/99	wording of preamble	Basis 11.3	Exact wording of preamble in 11.3 must be used in ordination / commissioning service.

Rulings and Opinions Index—summary by subject

PRESBYTERY/DISTRICT – DUTIES AND POWERS				
No.	Date	Subject(s)	Manual reference	Summary
11-004-O	Nov 17/11	amalgamation disbanding	268 [2010] 270 [2010] 334 [2010]	Presbytery has authority to make decision to amalgamate or disband without approval by Congregation(s).
01-001-R	Mar 23/01	change in pastoral relations, employment benefits		Presbytery/District placed minister “on leave” pending effective date of change in pastoral relations. Minister did not request leave. Minister is entitled to receive income supplement in lieu of travel expense reimbursement as part of employment benefits until effective date of change in pastoral relations.
10-001-R	Feb 10/10	Commission, use by Presbytery/District	001 “Commission” 374	Presbytery/District may conduct any of its business through a Commission.
01-012-O	May 18/01	Congregational Accountable Ministry	001 [2001] “Congregational Accountable Ministry” 041(b) [2001] 041.1 [2001] 062 [2001] 350 [2001]	Presbytery/District has no power to appoint Staff Associate where position involves less than 10 hours per week and is therefore a Congregational Accountable Ministry.
00-019-O	Nov 29/00	congregational ministry positions, appointment required	041(b) [1998] 061(b) [1998]	There must be Presbytery/District appointment for any congregational ministry position filled by a member of the Order of Ministry, regardless of duration of the position – no minimum.
05-009-O	Jul 26/05	covenanting services, best practice		Each Presbytery may discern best practice for holding covenanting services within that Presbytery. Any covenanting service that acknowledges and holds up all parties to the covenant is acceptable.
97-004-O	Apr 4/97	delegates, requirements	Basis 7.6.9 [1995]; [1998] 323 [1995]; [1998]	Conference does not have power to set requirements for delegates in addition to those set out in Section 323.
09-002-O	Mar 19/09	Designated Lay Ministry policy, implementation	343	<p>Presbytery must ensure compliance to the extent possible with the new Designated lay Ministry policy.</p> <p>During this interim transition time, compliance with the former lay ministry policies is adequate.</p> <p>Presbytery is the decision-making body with respect to assessing equivalencies under the Designated Lay Ministry policy.</p> <p>Full compliance with the Designated Lay Ministry policy is required as of January 1, 2010.</p>

Rulings and Opinions Index—summary by subject

00-012-O	Jun 15/00	Dispute Resolution Policy	74 [1998] 75 [1998]	Under Dispute Resolution Policy, if the appointed Conflict Resolution Facilitator reports to Court that either of the parties is not participating in the dispute resolution process in good faith, the Court has no option but to order a Formal Hearing. Where respondent is member of the Order of Ministry, Presbytery/District would hold Formal Hearing unless Presbytery/District asked Conference to hold it on the Presbytery/District's behalf.
00-008-O	Apr 12/00	financial obligations	328 [1998]	Presbytery/District has power to assess Congregations within its bounds to meet financial obligations resulting from agreement that Presbytery/District entered into. Presbytery/District also has power to borrow funds to meet financial obligations on interim basis.
01-013-O	Jun 14/01	Formal Hearings, costs	75(n) [2001]	In cases where a Presbytery/District feels that another Presbytery/District bears some responsibility for issues that resulted in first Presbytery/District holding a Formal Hearing, second Presbytery/District can't be compelled to reimburse first Presbytery/District for part of Formal Hearing costs.
99-009-O	Feb 4/99	Interim Ministers, covenanting services	389 (a) ix and x [1998]	Pastoral Relations Committee exercises discretion in recommending whether covenanting service should take place for Appointment of Interim Minister.
95-007-O	Sept 19/95	housing allowance	036 (e) [1993] 036 (f) [1998]	Presbytery/District has no power to set mandatory policy of minimum housing allowance; can only require compliance with Section 36.
11-001-O	Jan 20/11	Licensed Lay Worship Leaders, minimum compensation		Presbytery/District has authority to set minimum compensation for Licensed Lay Worship Leaders.
00-011-O	Jun 15/00	ministry accountable to Presbytery/District	310(a) [1998]	Act of Covenant does not create entitlement to Presbytery/District membership. Individual must be eligible for membership under Section 310. Presbytery/District has no duty or power to provide Act of Covenant for employment relationship between minister and organization that is not United Church related ministry accountable to Presbytery/District. "United Church related ministry accountable to Presbytery/District" must meet definition of Outreach Ministry under <i>The Manual</i> and also, if incorporated, must comply with Appendix IV.
95-001-O	Jan 18/95	Ministry Personnel, financial support	307 [1993]	Presbytery/District obligation to provide financial support to Ministry Personnel if Presbytery/District decides that Ministry Personnel is ineligible for call or Appointment.
99-030-O	Aug 5/99	Ministry Personnel, housing allowance	036 (f) [1998] 041 (b) [1998]	Two Ministry Personnel serving in same Pastoral Charge are entitled to same amount of housing allowance; Presbytery/District has power to refuse to approve Appointment where Pastoral Charge does not meet requirements for housing allowance.
97-016-O	Nov 4/97	Ministry Personnel, transfers to another Conference	316 [1995]; [1998] 713 (g) [1995]; [1998]	Role of Church Courts and appropriate procedure re: transfer of Ministry Personnel to a Presbytery/District in another Conference.

Rulings and Opinions Index—summary by subject

05-008-O	Jul 26/05	Missions, needs assessments	050 050.1 330	Presbytery has authority to order assessment of needs of a Mission and to determine process to be followed. Process should follow mandated process for needs assessment for Pastoral Charges, modified as necessary for Missions.
01-002-R	Mar 27/01	retired minister in new pastoral relationship, entitlement to pension		Newly retired minister is entitled to receive pension if minister continues to serve same Pastoral Charge through new Presbytery/District appointment, as this will be new pastoral relationship.
99-021-O	Apr 29/99	Staff Associates, licence to administer sacraments	342 (i) [1998] 343 (j) [1998] 353 [1998]	Staff Associate is not entitled to licence to administer sacraments even where working with member of Order of Ministry.
99-024-O	June 8/99	Staff, employment issues		Employment issues re: hiring of Presbytery/District staff.
95-005-O	May 1/95	Testamur	024(c) [1998] 026(b) [1998]	Only United Church students completing required course for Ordained Ministry or Diaconal Ministry should receive Testamur.
97-007-O	May 5/97	Vacancies, needs assessments	Basis 6.4.1 [1995]; [1998] Basis 6.4.11 [1995]; [1998]	Presbytery/District has power to require needs assessment to be done before Presbytery/District makes decision whether to declare Vacancy. (Note: see change to policy in 051.1 [1998])
01-006-R	Apr 05/01	weekend supply	031(k) [2001]	Person who is in process of admission to the United Church from another denomination is not eligible to be appointed as weekend supply unless person meets requirements of one of categories listed in 041(b).

Rulings and Opinions Index—summary by subject

PRESBYTERY/DISTRICT – MEMBERSHIP				
No.	Date	Subject(s)	Manual reference	Summary
99-011-O	Feb 17/99	administrative secretary, duties	371	Administrative secretary may perform some of elected secretary's duties but elected secretary remains accountable for them; administrative secretary has limited authority to sign documents on behalf of Presbytery/District.
04-011-O	Nov 18/04	Candidates or Lay Pastoral Ministers in Training, conflicts of interest	370 371	Candidate or Lay Pastoral Minister-in-Training may serve as member or Chair of a Committee or as presiding officer of Court that has jurisdiction over that person's candidacy or educational status. Must be attentive to conflict of interest concerns.
02-003-R	May 7/02	Chair	370(a) [2001]	Presbytery/District Chair must be appointed annually. It is not permissible for Chair duties to rotate monthly among members of Presbytery/District Executive instead of annual appointment.
98-019-O	Sept 29/98	determination	317 [1995] [1998]	Member of Order of Ministry under Appointment in two different Presbyteries – Presbyteries and Member to determine together where membership will be.
06-003-R	Apr 8/06	Executive	322	Presbytery Executive may consist entirely of lay persons. "Lay persons" means lay members of the United Church, i.e., members who are not ordered members.
98-024-O	Nov 12/98	lay members	310 (b)	All lay members of Presbytery/District must be members of the United Church, including those appointed from interdenominational Congregations and Outreach Ministries.
97-009-O	June 24/97	one Presbytery	317 [1995]; [1998] 340(g) [1995]; [1998]	A person may not be a member of two Presbyteries at the same time; there is no exception for Interim Ministers.
03-001-R	May 12/03	participation and attendance		Presbytery/District members are expected to participate in life and work of Presbytery/District through attendance at meetings and participation in Committee work, as they are able. Presbytery/District may not establish absolute rule on minimum requirements for attendance and Committee participation of members.
05-010-O	Sept 12/05	retired Lay Pastoral Ministers and retired Staff Associates	001 "Lay Pastoral Minister" "Staff Associate" 310(b) 314 410	Neither Presbytery nor Conference has discretion to retain names of retired LPMs or retired Staff Associates on roll. Retired LPMs and retired Staff Associates may serve as lay Presbytery members under another category, e.g., members at large.

Rulings and Opinions Index—summary by subject

00-006-O	Mar 29/00	retired ministers, membership in congregation of another denomination	314(d) [1998] 317 [1998]	There is no provision in <i>The Manual</i> that prohibits retired minister on roll of Presbytery/District from becoming member of congregation of another denomination, but Presbytery/District may consider recommending that minister's name be placed on Discontinued Service List.
99-026-O	June 21/99	Secretary	371 [1998]	Elected Presbytery/District Secretary does not have to be a member of the United Church.
99-005-O	Jan 21/99	transfer of retired members of Order of Ministry	316	Transfer of retired member of the Order of Ministry may be initiated by member or by Presbytery/District.
01-008-O	Apr 11/01	transfer to another Presbytery/District		Presbytery/District may approve a request by member of the Order of Ministry for transfer to another Presbytery/District where member is "retained on the roll and unavailable for call or appointment" due to medical reasons.
97-016-O	Nov 4/97	transfer, role of Church Courts and procedure	316 [1995]; [1998] 713 (g) [1995]; [1998]	Role of Church Courts and appropriate procedure re: transfer of Ministry Personnel to a Presbytery/District in another Conference.
01-019-O	Nov 12/01	Treasurer	372 [2001]	Presbytery/District Treasurer need not be Presbytery/District member or member of United Church.

Rulings and Opinions Index—summary by subject

PRESBYTERY/DISTRICT – OVERSIGHT OF MINISTRY PERSONNEL				
No.	Date	Subject(s)	Manual reference	Summary
05-003-O	Feb 2/05	appropriate action	363	Since Presbytery/District has oversight of members of the Order of Ministry on its roll, it may take appropriate action in response to any concerns it has about members. Presbytery/District determines appropriate course of action.
14-001-O	Oct 7/14	good standing	J.4 [2013]	Ministry Personnel is in good standing unless and until (i) presbytery has made an order following due process under The Manual, and (ii) the Ministry Personnel has not yet complied with the order.
97-006-O	Apr 29/97	non-compliance with General Council policy	363(c) [1995]; 363(b) [1998]	Non-compliance by Ministry Personnel with General Council policy positions as a basis for a review under s. 363.
03-001-R	May 12/03	participation and attendance		Presbytery/District members are expected to participate in life and work of Presbytery/District through attendance at meetings and participation in committee work, as they are able. Presbytery/District may not establish absolute rule on minimum requirements for attendance and committee participation of members.
02-013-O	Oct 28/02	review under s. 363, discretion	363 (c)	Presbytery/District has complete discretion to decide whether actions of Ministry Personnel justify a review under Section 363 in any particular case.
98-023-O	Nov 11/98	review under. s. 363, minutes	363 (b) and (c) [1998]	Presbytery/District action relating to review under Section 363 (b) – how to include in minutes.
02-004-R	Sept 25/02	review under s. 363, petitions	505(b) 363 (c)	It is not ultra vires for individual members of a Congregation to petition for a review of Ministry Personnel under Section 363. But a petition would not automatically result in a review. It is still up to the Presbytery/District to decide whether a review is appropriate.
03-005-O	Sept 9/03	review under s. 363, salary and benefits	363(d) vi.	A minister under suspension as a result of a review under Section 363 is entitled to minimum salary and benefits for the duration of the suspension (to a maximum of six months). That includes continuing education allowance and book allowance, as these are benefits forming part of the minister's compensation.
03-004-O	Sept 4/03	review under s. 363, suspension	363(d)vi.	Where a minister is under suspension as a result of a review under Section 363, the suspension extends to all roles that the minister performs in the church for the duration of the suspension period.
15-001-R	May 5/15	review under s. J.9, theological concerns	Basis 11.3 [2013] J.9	Ordination/Commissioning questions in Basis 11.3 go to suitability of person to serve in ministry in United Church. Where a question is raised about a Ministry Personnel's suitability, Presbytery/District may consider this to raise a question of "effectiveness" and initiate a review under J.9. Note: this ruling is currently under appeal to the Judicial Committee of the General Council.

Rulings and Opinions Index—summary by subject

95-004-O	Apr 18/95	suspension, fitness for employment	305 (a) iv [1993] 363 [1998] 307 (f) [1993] 363(c) – (f) [1998]	Presbytery/District Decision to suspend Ministry Personnel, require psychiatric evaluation, etc.: Ministry Personnel cannot be transferred to another Presbytery/District until first Presbytery/District decides Ministry Personnel is fit for employment.
02-008-R	Dec 12/02	suspension, from functions	001 “Ministry Personnel” 363 (d)	Terms “Ministry Personnel” and “Order of Ministry” have different meanings, but both apply to an ordained minister. Suspending ordained minister from functioning as Order of Ministry under Section 363 is equivalent to suspending him/her from functioning as Ministry Personnel.

Rulings and Opinions Index—summary by subject

PRESBYTERY/DISTRICT – OVERSIGHT OF PASTORAL CHARGES				
No.	Date	Subject(s)	Manual reference	Summary
99-017-O	Mar 18/99	appropriate action	333 [1998]	Presbytery/District must take appropriate action where Presbytery/District has concern about the state of a Pastoral Charge; appropriate action may include review.
03-001-O	Mar 12/03	Congregations reconstituting new governance structure Ministry Personnel appointed to one Congregation	041 200 330 334 337 341 350 351	When reconstituting a Congregation, Presbytery/District must consult with Congregation but Congregation's agreement to reconstitution is not required. In new governance structure for Congregation, exact structure is flexible as long as all functions that <i>The Manual</i> requires of a governing body are included and will be performed. Presbytery/District may appoint Ministry Personnel to a Pastoral Charge where Ministry Personnel's responsibilities will be limited to ministering to one Congregation within that Pastoral Charge.
97-008-O	May 20/97	consistency names, rights and restrictions	333 [1995]; [1998]	Presbytery/District must act consistently and fairly in oversight of Pastoral Charge. Congregation has right to use "United Church" as part of its local name but it cannot use the name "The United Church of Canada" without permission.
09-006-O	Dec 2/09	Sacrament Elder, circumstances for appointing	347(a)	Presbytery may appoint Sacrament Elder if Pastoral Charge is without settled or appointment member of the Order of Ministry or appointment Designated Lay Minister. This includes situation where minister is on authorized medical, sabbatical, parental, or other extended leave of absence.
00-004-O	Feb 29/00	s. 333 powers	333 [1998]	If Presbytery/District is concerned about activities conducted by Congregation, Presbytery/District may intervene under its oversight power under Section 333. If Presbytery/District's concern about Congregation's activities is such that Presbytery/District is of opinion that functioning of Pastoral Charge is ineffectual, or that Pastoral Charge has failed to take appropriate action, Presbytery/District may adopt such measures as it considers necessary.
06-001-O	May 15/06	s. 333 powers s. 337 powers	333 337	Under 333 (review of state of Pastoral Charge), Presbytery may recommend that disciplinary action be taken by congregational governing body with respect to members of Congregation. Under 337 (where, in Presbytery's opinion, functioning of Pastoral Charge is ineffectual or Pastoral Charge asks Presbytery to take action on its behalf) Presbytery may take disciplinary action directly with respect to members of Congregation.
01-006-R	Apr 05/01	weekend supply	031(k) [2001]	Person who is in process of admission to the United Church from another denomination is not eligible to be appointed as weekend supply unless person meets requirements of one of categories listed in 041(b).

Rulings and Opinions Index—summary by subject

PROPERTY				
No.	Date	Subject(s)	Manual reference	Summary
96-009-O	Oct 4/96	Congregations, amalgamation Congregations, ceasing to exist surplus, defined metro core developments, defined local unit, defined	268 [1995]; [1998] 270 [1995]	Procedure for disposal of congregational property where Congregation amalgamates or ceases to exist. Definition of terms “surplus,” “metro core developments,” “local unit.”
97-012-O	Sept 18/97	Congregations, amalgamation	268 (b) (i) [1995]; [1998]	Amalgamating Congregations: property to be declared surplus is property no longer needed by the amalgamating Congregations.
97-013-O	Oct 7/97	Congregations, amalgamation Congregations, ceasing to exist Congregations, disbanding	268 [1995]; [1998] 334 [1995]; [1998]	Procedures to be followed where Congregations amalgamate; distinction among “amalgamation,” “disbanding,” “ceasing to exist.”
00-009-O	Apr 13/00	Congregations, amalgamation	268(b) [1998]	When Congregations are amalgamating, before amalgamation is completed, Presbytery/District must declare what property is surplus. In some cases, it will not be possible at that time to declare the exact property or dollar amount of assets that are surplus. It is sufficient if Presbytery/District identifies the property in general terms and names process and time frame for specifically determining surplus.
94-002-O	Nov 11/94	Congregations ceasing to exist	263 [1993]	Disposal of congregational property when Congregation has ceased to exist.
96-009-O	Oct 4/96	Congregations, ceasing to exist Congregations, amalgamation surplus, defined metro core developments, defined local unit, defined	268 [1995]; [1998] 270 [1995]	Procedure for disposal of congregational property where Congregation amalgamates or ceases to exist. Definition of terms “surplus,” “metro core developments,” “local unit.”
97-013-O	Oct 7/97	Congregations, ceasing to exist Congregations, amalgamation Congregations, disbanding	268 [1995]; [1998] 334 [1995]; [1998]	Procedures to be followed where Congregations amalgamate; distinction among “amalgamation,” “disbanding,” “ceasing to exist.”

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97-015-O	Nov 4/97	Congregations ceasing to exist Congregations, disbanding	268 – 270 [1995]; [1998]	Congregation “ceasing to exist” and Congregation “disbanding”: procedures for dealing with congregational property.
06-009-R	Jul 11/06	Congregations ceasing to exist Presbytery approval requirement	Basis 5.3 and 5.4	Property of congregations that were formerly Presbyterian (other than in Alberta and Saskatchewan) are governed by Basis 5.3. Such property is held in trust for the Congregation as part of the United Church, and Presbytery approval is required for property sale, mortgage, etc. If Congregation ceases to exist, property is applied for benefit of United Church as Conference determines. Congregation ceases to exist by action of the Presbytery.
96-001-O	Mar 11/96	Congregations disbanding	267 [1995]; [1998] 269 [1995]; [1998]	Procedure for disposing of congregational property where Congregation is disbanding.
97-013-O	Oct 7/97	Congregations, disbanding Congregations, amalgamation Congregations, ceasing to exist	268 [1995]; [1998] 334 [1995]; [1998]	Procedures to be followed where Congregations amalgamate; distinction among “amalgamation,” “disbanding,” “ceasing to exist.”
97-015-O	Nov 4/97	Congregations, disbanding Congregations ceasing to exist	268 – 270 [1995]; [1998]	Congregation “ceasing to exist” and Congregation “disbanding”: procedures for dealing with congregational property.
04-005-O	May 3/04	Congregations, disposition of proceeds of sale of property	267 270	Presbytery makes Decision as to disposition of proceeds from sale of congregational property, based on proposal from Congregation. No restriction that proceeds must be applied towards organizations within the United Church. Only restriction is that proceeds can't be used for purpose inconsistent with United Church policy.
01-020-O	Nov 22/01	Congregations, fees for services		Congregation can charge fee for services (weddings and funerals) conducted on church property. Congregation can also charge fee for clergy services if services are considered part of Congregation's Ministry Personnel's pastoral relationship duties.
01-009-O	Apr 17/01	Congregations, interest on loans	267 [2001] Appendix II, Trusts of Model Deed	Trustees are not obligated to charge interest on funds they “lend” to the congregation's Finance Committee for congregational purposes (to maintain adequate minimum balance in congregation's bank account).
00-001-O	Jan 11/00	Congregations, investments Congregations, surplus in operating accounts	Basis, 5.3 Basis, 5.13 114 [1998] 166 [1998] 167 [1998] 170 [1998] 184(g) [1998] 187 [1998] 267 [1998] Appendix II, 3 & 7	Discussion of different role of Congregation, Trustees and Treasurer regarding congregational investments. All congregational property is to be held by the Trustees. Stewards may maintain an operating account for current congregational expenses, but any surplus should be transferred to Trustees.

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01-010-O	May 10/01	Congregations, leases	184(h) [2001] 267 [2001] Appendix II, Trusts of Model Deed	Official Board/Church Board/Church Council oversees negotiation of “leases” of congregational property. Trustees sign leases at direction of Official Board/Church Board/Church Council. Trustees cannot refuse to sign.
00-001-O	Jan 11/00	Congregations, surplus in operating accounts Congregations, investments	Basis, 5.3 Basis, 5.13 114 [1998] 166 [1998] 167 [1998] 170 [1998] 184(g) [1998] 187 [1998] 267 [1998] Appendix II, 3 & 7	All congregational property is to be held by the Trustees. Stewards may maintain an operating account for current congregational expenses, but any surplus should be transferred to Trustees. Discussion of different role of Congregation, Trustees and Treasurer regarding congregational investments.
02-001-R	Feb 11/02	General Council powers	Appendix IV, 5(g) [2001]	5(g) of Appendix IV is not ultra vires. General Council has power under The United Church of Canada Act and <i>The Manual</i> to enact it.
00-005-O	Feb 29/00	manse, security deposit		Pastoral Charge may require a security deposit from its minister for the manse, if permitted under provincial law. Pastoral Charge must comply with the provisions of provincial law.
99-020-O	Apr 8/99	Mission bequests		Bequest to Mission: Mission could elect Board of Trustees same as Trusts of Model Deed to hold bequest but more preferable to have bequest held by an Extension Council.
99-022-O	May 13/99	Mission bequests		Bequest to Mission: Structure of Board of Trustees that would hold bequest on behalf of Mission.
99-004-O	Jan 21/99	Pastoral Charges reconstitution	268 (b) & (c) [1998] 334 [1998]	Entitlement to congregational property after an amalgamation and reconstitution of Pastoral Charges.
06-009-R	Jul 11/06	Presbytery approval requirement Congregations ceasing to exist	Basis 5.3 and 5.4	Property of congregations that were formerly Presbyterian (other than in Alberta and Saskatchewan) are governed by Basis 5.3. Such property is held in trust for the Congregation as part of the United Church, and Presbytery approval is required for property sale, mortgage, etc. If Congregation ceases to exist, property is applied for benefit of United Church as Conference determines. Congregation ceases to exist by action of the Presbytery.
96-001-R	April 4/96	Real Property, defined Personal Property, defined	267 [1995]; [1998] 268 [1995]; [1998] 270 [1995]; [1998]	Definitions of “real property” and “personal property.”
06-003-O	Dec 19/06	records, ownership records, responsibility to maintain	090(a) 107 329 334(f) 337 421	Church archival records are owned by The United Church of Canada. Each court is responsible for safely and accurately securing its own records on behalf of the church as a whole. If any court of the church cannot fulfil its financial obligations for the maintenance of its archival records, it is up to the next higher court – as court of oversight – to take appropriate action.

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06-003-O	Dec 19/06	records, responsibility to maintain records, ownership	090(a) 107 329 334(f) 337 421	Church archival records are owned by The United Church of Canada. Each Court is responsible for safely and accurately securing its own records on behalf of the Church as a whole. If any Court of the Church cannot fulfil its financial obligations for the maintenance of its archival records, it is up to the next higher Court – as Court of oversight – to take appropriate action.
96-009-O	Oct 4/96	surplus, defined metro core developments, defined local unit, defined Congregations amalgamation Congregations ceasing to exist	268 [1995]; [1998] 270 [1995]	Definition of terms “surplus,” “metro core developments,” “local unit.” Procedure for disposal of congregational property where Congregation amalgamates or ceases to exist.
95-010-O	Oct 6/95	trustees Chair membership, Church Board	202 [1995]; [1998] 255 [1995]; [1998]	Majority of Trustees must be United Church members. Chairperson (as member of Church Board) must be United Church member. Church Board members must be United Church members.
07-001-R	Mar 10/07	Trustees, minister's entitlement to serve as Chair	261	Minister of Congregation is entitled to serve as Chair of Trustees at minister's sole discretion, or to appoint a deputy. Neither minister nor deputy is required to be elected.

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SACRAMENTS				
No.	Date	Subject(s)	Manual reference	Summary
05-004-O	Feb 16/05	administration	153	Conference determines who may administer sacraments, within prescribed range of Ministry Personnel. Session has oversight of administration of sacraments, including how and when they are to be administered.
08-001-O	Jul 24/08	administration	427.1	A lay person may administer sacraments only if Conference has granted a licence. The presence of an Ordained Minister or person with licence to administer sacraments does not confer any authority on a non-licensed person to administer sacraments. Ordained Minister or person with licence must actually preside.
98-018-O	Sept 17/98	Baptism	5.8.1 Basis 010 (b) [1995] [1998]	Sacrament of Baptism normally to be administered to children whose parent(s) or guardian(s) are “members in good standing” – must be on membership roll of Congregation and not under discipline.
00-002-O	Feb 2/00	Baptism formula	Basis 2.16.1	Since remit is required to alter the wording of baptismal formula in Basis of Union [as per Judicial Committee ruling], alternative baptismal formulae may not be included in worship resource book.
96-003-O	Apr 4/96	Baptism Session policy membership guidelines for admission membership removal of names	Basis 5.10.1 010(b) [1995] 012(c) [1995] 015 [1995]	Session policy on Baptism must comply with Section 010(b) of <i>The Manual</i> . Session may set guidelines for admitting persons to membership but cannot set mandatory terms for admission to membership other than as per Basis of Union. Session policy on removal of names from membership roll must comply with Section 015 of <i>The Manual</i> .
99-034-O	Oct 13/99	licences to administer sacraments, categories	342(i) [1998] 343(j) [1998] 353 [1998]	<i>The Manual</i> sets out the specific categories of Ministry Personnel to whom a licence to administer sacraments may be issued. There is no provision in <i>The Manual</i> for granting a licence to administer sacraments to a Candidate Supply.
01-011-R	Dec 5/01	licences to administer sacraments, categories		Licence to administer sacraments may be granted only to the categories of Ministry Personnel specifically named in <i>The Manual</i> as eligible. Not Candidate Supply.
98-026-O	June 17, 1998	licences to administer sacraments, Lay Pastoral Ministers	343(j)	Lay Pastoral Minister may only be granted licence to administer sacraments in the Pastoral Charge to which the Lay Pastoral Minister was appointed.
99-021-O	Apr 29/99	licences to administer sacraments, Staff Associates	342 (i) [1998] 343 (j) [1998] 353 [1998]	Staff Associate is not entitled to licence to administer sacraments even where working with member of Order of Ministry.

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09-006-O	Dec 2/09	Sacrament Elder, circumstances for appointing	347(a)	Presbytery may appoint Sacrament Elder if Pastoral Charge is without settled or appointment member of the Order of Ministry or appointment Designated Lay Minister. This includes situation where minister is on authorized medical, sabbatical, parental, or other extended leave of absence.
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Rulings and Opinions Index—summary by subject

TRANSFER AND SETTLEMENT				
No.	Date	Subject(s)	Manual reference	Summary
05-012-O	Nov 23/05	Appointments	Basis 9.7 041 425	Presbytery may – but is not required – to wait until rise of Settlement Committee before filling Vacancies and other needs by Appointment.
06-005-R	May 5/06	Appointments	Basis 9.7 041 425	Presbytery may – but is not required – to wait until rise of Settlement Committee before filling Vacancies and other needs by appointment.
98-008-O	Apr 6/98	Candidates, determination re agreement	26(c) [1995] 26(d) [1998] 712(c) [1995]; [1998]	Determination of whether Candidate “will agree to be subject to transfer and settlement in the United Church.”
97-016-O	Nov 4/97	Church Courts, role and procedure	316 [1995]; [1998] 713 (g) [1995]; [1998]	Role of Church Courts and appropriate procedure re: transfer of Ministry Personnel to a Presbytery/District in another Conference.
06-002-O	Sept 29/06	completion, requirements	026(e) 029(a) and (f) 041(a)	In order to meet Settlement requirements, minister must (i) undertake responsibilities of the pastoral relationship and attempt to fulfil them for a reasonable period of time; (ii) live out those responsibilities in good faith; and (iii) demonstrate intent to create and maintain a successful ongoing pastoral relationship.
98-003-R	Sept 8/98	Conference Education and Students Committee, role Transfer Committee, role	026 (c) [1995] 026 (d) [1998] 712 (c) [1995] [1998]	Role of Conference Education and Students Committee in discerning Candidate’s willingness to be subject to transfer and settlement. Role of Transfer Committee in determining whether limiting conditions can be met.
04-007-O	May 27/04	Conference Executive, action	462	Conference may empower Conference Executive to take action on recommendation from Education and Students Committee. Executive may take this action before Transfer Committee acts on transfer application. Transfer Committee may only consider applications at Committee’s annual meeting, and only if names had been provided to Committee by April 1 in year of ordination. Executive may establish a Commission to conduct ordination service.
01-018-O	Oct 3/01	Exemptions	29(f) [2001] 29(j) [2001]	Persons who have served as Diaconal or Ordained Ministers for at least 5 years are exempt from transfer and settlement if they are subsequently ordained or commissioned.
95-003-O	Apr 10/95	further study	026(e) [1998]	Candidate may be ordained / commissioned to further study on <i>full-time</i> basis; if study is part-time and Candidate seeks part-time work, transfer and Settlement applies.

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97-005-O	Apr 22/97	further study	026(d) [1995]; 026(e) [1998] 029 [1995]; [1998]	Members of Order of Ministry who were ordained / commissioned to further study are not eligible for part-time appointment during that time; transfer and settlement applies.
04-003-O	Apr 6/05	further study	029 713	For ministers ordained to further study, Transfer Committee determines whether there is sufficient evidence that minister has completed further study. Transfer Committee may only take action to transfer minister when further study has been completed. If minister requests deferral of transfer, Transfer Committee decides whether to grant request. Minister must fulfil obligations for transfer and settlement.
00-021-O	Dec 04/00	further study	029(e)	Where Candidate is ordained to further study, Candidate must return to Transfer and Settlement Committee upon completion of that study. Assumption is that first pastoral relationship of ordinand/commissionand is through transfer and settlement. A faculty position at a United Church related theological school would be eligible as a settlement position only if designated as a "specialized ministry" by the General Council.
05-002-O	Jan 17/05	half –time positions in two different Pastoral Charges	Basis 9.4.1 Basis 9.6.2	Settlement Committee may settle a member of the Order of Ministry to two half-time positions in two different Pastoral Charges.
11-003	Apr 13/11	position, eligibility	022(l) [2010] 029(e)[2010]	Call or appointment of ordinand/commissionand as alternative to transfer and settlement: determination of whether a position is eligible. Position must be for a minimum of eight hours.
98-010-O	May 7/98	position, eligibility	026 (d) [1995] 026(e) [1998] 443 [1995]; [1998]	Settlement of ordinand / commissionand: determination of whether a position is eligible.
98-012-O	May 21/98	position, eligibility	026 (d) [1995] 026(e) [1998] 443 [1995]; [1998]	Settlement of ordinand/commissionand: determination of whether position is eligible.
95-014-O	Dec 18/95	priority not provided		"No Bumping" – there is no policy that would allow priority to be given to one category of Ministry Personnel over another.
09-002-R	Mar2/09	requirement, ordinands/commissionands	Basis 9.9	Proposed policy change to allow Candidates to choose call or appointment instead of settlement requires a remit because it would have effect of creating an exception to Transfer Committee's authority under Basis of Union.
02-004-O	Feb 11/02	Restrictions	Basis 9.4.1	Settlement Committee may not settle ordinands or commissionands to any other kind of Presbytery/District/District Recognized ministry except as per 9.4.1 of current Basis. Change to 9.4.1 not effective until/unless remit passes and next General Council enacts it.
99-005-O	Jan 21/99	retired members of Order of Ministry	316	Transfer of retired member of the Order of Ministry may be initiated by member or by Presbytery/District.

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99-014-O	Mar 1/99	Settlement Committee, eligibility to serve as Secretary	427 (b) [1998] 441(a) [1998]	Conference staff person not eligible to serve as Secretary of Settlement Committee.
11-002-O	Mar 30/10	Settlement Committee, role	Basis 9.1 Basis 9.4.2	Role of Settlement Committee in appointing candidate who has chosen call or appointment instead of transfer and settlement: no action required by Settlement Committee.
11-002-O-A	Apr 8/11	Settlement Committee, role	389 [2010] 449 [2010]	Role of Settlement Committee in appointing candidate who has chosen call or appointment instead of transfer and settlement: Presbytery must consult Settlement Committee but no decision required by Settlement Committee.
98-003-R	Sept 8/98	Transfer Committee, role Conference Education and Students Committee, role	026 (c) [1995] 026 (d) [1998] 712 (c) [1995] [1998]	Role of Transfer Committee in determining whether limiting conditions can be met. Role of Conference Education and Students Committee in discerning Candidate's willingness to be subject to transfer and settlement.