

## DRAFT BASIS OF DEFERRED UNION

### Dysart and Pathhead Parish Church of Scotland

The congregation of Dysart St Clair Church of Scotland (SC008991) and the congregation of Pathhead Parish Church of Scotland (SC002858) shall be united on a date to be appointed by Presbytery, and on the following terms and conditions:

1. Name: The name of the united charge shall be Dysart and Pathhead Parish Church of Scotland and Scottish Charity Number SC008991 will be retained.
2. Implementation: On the demission, retirement or translation of Rev Andrew Donald as minister of Pathhead Church of Scotland, the union shall immediately be effective under the minister appointed and inducted as referred to in clause 8 below.
3. Transference of Property and Funds: The property and funds belonging to or held on behalf of each congregation shall belong to or be held on behalf of the united charge and any transference necessary shall be duly effected.
4. Places of Worship: The churches at present used and occupied by the congregations shall be the places of worship of the united charge. Worshipping as a united congregation, Sunday Services shall be conducted in Dysart or Pathhead churches at times to be decided by the Minister and Kirk Session.

It is noted that although both churches are at present categorised A in the Presbytery Mission Plan, the categorisation is subject to review to determine the local building needs, in accordance with the Presbytery Mission Planning process, and as such the status of categorisation of either building may change following such review.

Following that review, any building not being retained shall be sold, let or otherwise disposed of subject to the titles on which it is held, subject to the approval of the Presbytery and, if necessary, the General Trustees or the General Assembly. The free proceeds of any such sale or let shall: (a) if falling within the scope of the Church of Scotland General Trustees (Properties, Funds and Endowments) Act (Act V 2024) be credited to the benefit of the congregation in the Consolidated Fabric Fund; or (b) if not falling within the scope of the said Act, be held and applied for fabric purposes in connection with the properties of the congregation.

5. Territorial Responsibility: The bounds to be served by the united charge shall be the bounds at present served by the congregations of Dysart St Clair and Pathhead or as the Presbytery shall determine.

6. Kirk Session: The elders of both Kirk Sessions shall form with the minister the Kirk Session of the united charge.

7. Congregational Management: The temporal affairs of the united charge shall be administered by the Kirk Session in terms of the Unitary Constitution, the Delegation of Assembly being authorised to issue the appropriate Deed of Constitution to the said congregation.

8. Minister: The congregations to be united shall proceed to the appointment of a minister, in terms of the Call, Election and Appointment of Ministers of Word and Sacrament Act (Act XI, 2025), who shall be inducted in the first instance as minister of Dysart St Clair, provided that on the demission, retirement or translation of the Rev Andrew Donald as minister of Pathhead, the union shall immediately be effective under the minister so appointed and inducted. The minister shall be called on a Basis of Reviewable Charge in terms of section 9.1.1 of the Presbytery Mission Plan Act (Act VIII, 2021).

9. Manse: In the first instance, the manse of the congregation of Dysart St Clair will be the manse of the united charge.

Within three months of the union being effected as per section 2, the Kirk Session shall meet to decide, with the minister, and subject to the approval of presbytery, which manse shall serve as the manse of the united charge, or else that both be sold to enable another property to be purchased which will then serve as the said manse.

Following that decision, any remaining manses shall be sold, let or otherwise disposed of, subject to the titles on which they are held, and subject to the approval of the Presbytery and, if necessary, of the General Trustees or the General Assembly. The free proceeds of any such sale or let: (a) if falling within the scope of the Church of Scotland General Trustees (Properties, Funds and Endowments) Act (Act 5, 2024), shall be credited to the benefit of the united congregation in the Consolidated Fabric Fund; or (b) if not falling within the scope of the said Act, shall be held and

applied for fabric purposes in connection with the properties of the united congregation.

10. Ministerial Support: The Stipend of the Minister shall be payable in terms of the National Stipend Scale.

11. Power to Readjust: While the articles and terms shall form the Basis of Union for the two congregations to be united, the united charge shall be free, like other congregations, to adjust arrangements under the authority of Presbytery as need may arise.