

VI. REPORT

OF THE LEGAL ADVICE & PROPERTY COMMITTEE

Introduction

The Committee are conscious of the inordinate time it is taking to establish denominational recognition for ministers under the government's prescribed body status for performing marriage ceremonies. Frustratingly, we are at the mercy of slow-moving government bureaucracy. Also, our denomination's safeguarding protocol, although correct in its stated principles, has been shown to have shortcomings and is in need of comprehensive review.

1. Marriage Authorisation – Prescribed Body Status

At the time of writing this Report, the Scottish Government has considered the material submitted to them regarding the denomination's application to be prescribed under the Marriage (Scotland) Act 1977, as a result of which Mr Simon Stockwell, Head of Family and Property Law, requested further information of a general nature to which the Committee have formally responded. It is hoped that the Convener will have further information when he delivers his Report to the General Assembly.

The Committee are once again indebted to Mr Maurice Grant for his assistance in this matter.

2. Church's Law Agents

As reported at last year's General Assembly, the Committee have become increasingly concerned with the performance of Drummond Miller LLP in effectively representing the denomination. In the past year, the only legal work that Drummond Miller has been involved in has been the transfer of property title requests from two of our Congregations. Having monitored these cases closely, past concerns have not been alleviated; rather, they have been confirmed.

The Committee therefore recommend to the General Assembly that Lindsays Solicitors, Edinburgh, be appointed as the Church's Law Agents. The Committee have worked closely with Lindsays during the Kiltarn dispute with the Bank of Scotland and found them to be both competent and professional. They have offered legal services in Edinburgh for over 200 years, with its solicitors offering a complete range of services to businesses and charities.

In the event of the General Assembly's approval of the Committee's recommendation, existing business with Drummond Miller will continue until it is brought to a conclusion.

3. Safeguarding

The *Safeguarding Statement and Safeguarding Procedure* policy is currently under review by the Committee. To ensure that the denomination's safeguarding policies, procedures and measures are fit for purpose, the Committee have forwarded all relevant documentation to Lindsays. Initial feedback from the law agent has confirmed the Committee's own opinion that the safeguarding protocol requires a root and branch review. The Committee are committed to a thorough review as soon as is practicable.

4. Panel of Consultants

The Committee were requested by the Assembly Arrangements & Nominations Committee to review the *Panel of Consultants anent Allegations of Sexual Impropriety involving Adults* with a view to giving clarity as to its need, purpose, procedures and how it fits into the *Safeguarding Policy*.

Due to the close relationship the panel has with the *Safeguarding Statement and Safeguarding Procedure* policy, the Committee have deferred the matter until the safeguarding review is complete.

IAIN SMITH, *Convener*
MURDO MACIVER, *Vice-convener*

PROPOSED DELIVERANCE

1. The General Assembly receive and adopt the Report of the Legal Advice & Property Committee and thank the Committee, and in particular the Convener and Clerk, for their diligence;
2. The General Assembly bear with the Committee as they seek for the denomination to be prescribed under the Marriage (Scotland) Act 1977;
3. The General Assembly appoint Lindsays Solicitors, Edinburgh, as the Church's law agents as from the rising of the Assembly;
4. The General Assembly, having overall responsibility for Safeguarding within the Church, instruct the Committee to ensure that a thorough review of the Safeguarding policy and practice is undertaken timeously for the 2023 General Assembly;
5. The General Assembly instruct the Committee to review the role of the *Panel of Consultants anent Allegations of Sexual Impropriety involving Adults* once the safeguarding review is complete.