



## Westminster Presbytery

Unofficial items to be sent to Presbyteries for advice  
and consent from the 53<sup>rd</sup> General Assembly.

**Table of Contents**

*ITEM 1: Amend BCO 12-7, 13-9, and 25-5.....3*  
*ITEM 2: Amend BCO 12-8.....4*  
*ITEM 3: Amend BCO 15-2.....5*  
*ITEM 4: Amend BCO 32-18.....6*  
*ITEM 5: Amend BCO 34-1.....8*  
*ITEM 6: Amend BCO 42-4 and 43-3.....9*  
*ITEM 7: Amend BCO 43.....11*  
*Special note regarding BCO 43-3.....13*

**Note about this document:**

*The Stated Clerk of Westminster Presbytery has prepared this document based on the onsite edition of the Overtures Committee Report presented to the 53<sup>rd</sup> General Assembly in Louisville, Kentucky. Please note that this is **not** the official numbering provided by the Administration Committee of the General Assembly. Instead, the numbering follows a traditional pattern, arranging the items in the order of the BCO changes.*

*This document is intended to assist the presbyters of Westminster Presbytery, and any others who may receive it, in reading through the proposed amendments carefully and voting faithfully.*

***PLEASE NOTE THE ITEM NUMBER MIGHT NOT BE THE SAME WHEN THE AC SENDS OUT THE VOTING FORM TO PRESBYTERIES.***

**ITEM 1: Amend *BCO* 12-7, 13-9, and 25-5**

**(Overture 57)** “Amend *BCO* 12-7, 13-9, and 25-5 to Explicitly Require Minutes of Congregational Meetings Be Included in Session Records.”

**12-7.** Every Session shall keep an accurate record of its proceedings and the proceedings of congregational meetings, which record shall be submitted at least once in every year to the inspection of the Presbytery.

**13-9.b.** To review the records of church Sessions (including minutes of congregational meetings), redress whatever they may have done contrary to order and take effectual care that they observe the Constitution of the Church;

**25-5.** A clerk shall be elected by the congregation to serve at that meeting or for a definite period, whose duty shall be to keep correct minutes of the proceedings and of all business transacted and to preserve these minutes in a permanent form, after they have been attested by the moderator and the clerk of the meeting. He shall also send a copy of these minutes to the Session of the church to be included in the record of the church Session.

So that *BCO* 12-7, 13-9.b and 25-5 as amended would read:

**12-7.** Every Session shall keep an accurate record of its proceedings and the proceedings of congregational meetings, which record shall be submitted at least once in every year to the inspection of the Presbytery.

**13-9.b.** To review the records of church Sessions (including minutes of congregational meetings), redress whatever they may have done contrary to order and take effectual care that they observe the Constitution of the Church;

**25-5.** A clerk shall be elected by the congregation to serve at that meeting or for a definite period, whose duty shall be to keep correct minutes of the proceedings and of all business transacted and to preserve these minutes in a permanent form, after they have been attested by the moderator and the clerk of the meeting. He shall also send a copy of these minutes to the Session of the church to be included in the record of the church Session.

**ITEM 2: Amend *BCO* 12-8**

**(Overture 72)** “Add a New *BCO* 12-8 to Require Recording of Session and Diaconate Members in Session Minutes.”

**12-8.** Every Session shall annually record in its minutes a list of all persons who comprise the Session and the Diaconate.

**12-89.** Every Session shall keep an accurate record of baptisms, of communing members, of non-communing members, and of the deaths and dismissions of church members.

**12-910.** Meetings of the Sessions shall be opened and closed with prayer.

So that *BCO* 12-8, 9, and 10 as amended, would read:

**12-8.** Every Session shall annually record in its minutes a list of all persons who comprise the Session and the Diaconate.

**12-9.** Every Session shall keep an accurate record of baptisms, of communing members, of non-communing members, and of the deaths and dismissions of church members.

**12-10.** Meetings of the Sessions shall be opened and closed with prayer.

**ITEM 3: Amend BCO 15-2**

**(Overture 13)** “Amend *BCO* 15-2 Regarding Session Commissions.”

Amend *BCO* 15-2 to be modified such that the following language be added as a third paragraph:

Every commission appointed by a Session shall consist of at least two elders, with any combination of teaching or ruling elders, and the quorum for such a commission shall be the greater of a) two elders or b) one-half of the membership of the commission.

So, the full text of *BCO* 15-2 would read;

**15-2.** Among the matters that may be properly executed by commissions are the taking of the testimony in judicial cases, the ordination of ministers, the installation of ministers, the visitation of portions of the church affected with disorder, and the organization of new churches.

Every commission appointed by Presbytery shall consist of at least two teaching elders and two ruling elders, and the quorum shall be one more than half its membership unless otherwise determined by the Presbytery. However, should a Presbytery clothe a commission with judicial powers and authority to conduct judicial process, or with power to ordain or install a teaching elder of the Gospel, the quorum of such commission shall not be less than two teaching elders and two ruling elders. The quorum for a commission appointed as an interim session need not conform to the requirements of a judicial commission, but only to those of a session (*BCO* 12-1). When the ordination of a minister is committed to a commission, the Presbytery itself shall conduct the previous examination.

Every commission appointed by a Session shall consist of at least two elders, with any combination of teaching or ruling elders, and the quorum for such a commission shall be the greater of a) two elders or b) one-half of the membership of the commission.

**ITEM 4: Amend BCO 32-18**

**(Overture 69)** “Amend BCO 32-18 and 42-5 to Clarify the Contents of the Record of the Case in Judicial Cases.”

**Summary:** This proposal would reconcile various parts of the Rules of Discipline and bring greater clarity regarding how the Record of the Case in a case of process is to be created by a court of original jurisdiction and transmitted to the higher courts.

**Amend BCO 32-18 and BCO 42-5 as follows:**

**32-18.**

- a. Minutes of the trial shall be kept by the clerk, which shall exhibit the charges, the answer, record of the ~~testimony proceedings~~, as defined by BCO 35-9, the citations and returns thereto, the documents or other materials submitted to or admitted to the court in the trial proceedings (all of which should be properly marked and identified), and all such acts, orders, and decisions of the court relating to the case, as either party may desire, and also the judgment.
- b. The clerk shall without delay assemble the Record of the Case ~~which shall consist of the charges, the answer, the citations and returns thereto, and the minutes herein required to be kept~~ as defined by BCO 42-5.
- c. The parties shall be allowed copies of the Record of the Case at their own expense if they demand them.
- d. When a case is removed by appeal or complaint, the lower court shall transmit “the Record” thus prepared to the higher court with the addition of the notice of appeal or complaint, and the reasons therefor, if any shall have been filed.
- e. Nothing which is not contained in this “Record” shall be taken into consideration by the higher court.
- f. On the final decision of a case in a higher court, the judgment shall be sent down to the court in which the case originated.

**42-5.**

- a. It shall be the duty of the clerk of the lower court to file with the clerk of the higher court, not more than thirty (30) days after receipt of notice of appeal, a copy of all ~~proceedings in connection with the case~~ minutes of the trial proceedings as prescribed by BCO 32-18 (including a transcription of the trial proceedings), including minutes of any meeting of the court pursuant to BCO 32-3 and 32-5, the notice of appeal, and reasons therefor, the response of the lower court, the evidence, and any papers bearing on the case submitted to or admitted by the court before the conclusion of the trial, and minutes pertaining to any censure imposed, which together shall be known as “the Record of the Case.” ~~and~~

- b. ~~¶~~The higher court shall not admit or consider anything not found in this “Record” without the consent of the parties in the case.
- c. Should new evidence come to light the case shall be remanded to the lower court from which the appeal was made, unless both parties consent to admit the new evidence and proceed with the case.

So that the new provisions would read as follows:

**32-18.**

- a. Minutes of the trial shall be kept by the clerk, which shall exhibit the charges, the answer, record of the proceedings, as defined by *BCO 35-9*, the citations and returns thereto, the documents or other materials submitted to or admitted to the court in the trial proceedings (all of which should be properly marked and identified), and all such acts, orders, and decisions of the court relating to the case, as either party may desire, and also the judgment.
- b. The clerk shall without delay assemble the Record of the Case as defined by *BCO 42-5*.
- c. The parties shall be allowed copies of the Record of the Case at their own expense if they demand them.
- d. When a case is removed by appeal or complaint, the lower court shall transmit “the Record” thus prepared to the higher court with the addition of the notice of appeal or complaint, and the reasons therefor, if any shall have been filed.
- e. Nothing which is not contained in this “Record” shall be taken into consideration by the higher court.
- f. On the final decision of a case in a higher court, the judgment shall be sent down to the court in which the case originated.

**42-5.**

- a. It shall be the duty of the clerk of the lower court to file with the clerk of the higher court, not more than thirty (30) days after receipt of notice of appeal, a copy of all minutes of the trial proceedings as prescribed by *BCO 32-18* (including a transcription of the trial proceedings), minutes of any meeting of the court pursuant to *BCO 32-3* and *32-5*, the notice of appeal, any papers submitted to or admitted by the court before the conclusion of the trial, and minutes pertaining to any censure imposed, which together shall be known as “the Record of the Case.”
- b. The higher court shall not admit or consider anything not found in this “Record” without the consent of the parties in the case.
- c. Should new evidence come to light the case shall be remanded to the lower court from which the appeal was made, unless both parties consent to admit the new evidence and proceed with the case.

**ITEM 5: Amend BCO 34-1**

**(Overture 27)** “Amend BCO 34-1 Regarding GA Assuming Original Jurisdiction.”

**Amend BCO 34-1** as follows:

**34-1.** Process against a minister shall be entered before the Presbytery of which he is a member. However, if the Presbytery finds no strong presumption of guilt or otherwise declines to indict ~~refuses to act~~ in doctrinal cases or cases of public scandal and ~~two~~ twenty percent (20%) of the other Presbyteries request the General Assembly to assume original jurisdiction (to first receive and initially hear and determine), the General Assembly shall do so.

So that *BCO 34-1* would read as follows:

**34-1.** Process against a minister shall be entered before the Presbytery of which he is a member. However, if the Presbytery finds no strong presumption of guilt or otherwise declines to indict in doctrinal cases or cases of public scandal and twenty percent (20%) of the other Presbyteries request the General Assembly to assume original jurisdiction (to first receive and initially hear and determine), the General Assembly shall do so.

**ITEM 6: Amend BCO 42-4 and 43-3**

**(Overture 15)** “Amend BCO 42-4 and 43-3 to Clarify the Deadline for Filings.”

Amend *BCO* 42-4 and 43-3 as follows:

**42-4.** Notice of appeal may be given the court before its adjournment. Written notice of appeal, with supporting reasons, shall be filed by the appellant with both the clerk of the lower court and the clerk of the higher court, within thirty (30) days of written notification of the last court’s decision.

Notification of the last court’s decision ~~shall be deemed to have occurred~~ occurs on the day of mailing (if certified, registered or express mail of a national postal service or any private service where verifying receipt is utilized), the day of hand delivery, or the day of confirmed receipt in the case of e-mail or facsimile. Furthermore, compliance with such requirements shall be deemed to have been fulfilled if a party cannot be located after diligent inquiry or if a party refuses to accept delivery. No attempt should be made to circularize the courts to which appeal is being made by either party before the case is heard.

**43-3.** If, after considering a complaint, the court alleged to be delinquent or in error is of the opinion that it has not erred, and denies the complaint, the complainant may take that complaint to the next higher court. If the lower court fails to consider the complaint against it by or at its next stated meeting, provided that the complaint has been filed with the clerk at least ten (10) days in advance, the complainant may take that complaint to the next higher court. If the complaint is filed with less than ten (10) days’ notice, the court may consider the complaint at a later meeting not more than 60 days later. Written notice thereof shall be filed with both the clerk of the lower court and the clerk of the higher court within thirty (30) days of written notification of the last court’s decision.

Notification of the last court’s decision ~~shall be deemed to have occurred~~ occurs on the day of mailing (if certified, registered or express mail of a national postal service or any private service where verifying receipt is utilized), the day of hand delivery, or the day of confirmed receipt in the case of e-mail or facsimile. Furthermore, compliance with such requirements shall be deemed to have been fulfilled if a party cannot be located after diligent inquiry or if a party refuses to accept delivery.

So, that *BCO* 42-4 and 43-3 would read as follows:

**42-4.** Notice of appeal may be given the court before its adjournment. Written notice of appeal, with supporting reasons, shall be filed by the appellant with both the clerk of the lower court and the clerk of the higher court, within thirty (30) days of written notification of the last court’s decision.

Notification of the last court’s decision occurs on the day of mailing (if certified, registered or express mail of a national postal service or any private service where verifying receipt is utilized), the day of hand delivery, or the day of confirmed receipt in the case of e-mail or facsimile. Furthermore, compliance with such requirements shall be deemed to have been

fulfilled if a party cannot be located after diligent inquiry or if a party refuses to accept delivery. No attempt should be made to circularize the courts to which appeal is being made by either party before the case is heard.

**43-3.** If, after considering a complaint, the court alleged to be delinquent or in error is of the opinion that it has not erred, and denies the complaint, the complainant may take that complaint to the next higher court. If the lower court fails to consider the complaint against it by or at its next stated meeting, provided that the complaint has been filed with the clerk at least ten (10) days in advance, the complainant may take that complaint to the next higher court. If the complaint is filed with less than ten (10) days' notice, the court may consider the complaint at a later meeting not more than 60 days later. Written notice thereof shall be filed with both the clerk of the lower court and the clerk of the higher court within thirty (30) days of written notification of the last court's decision.

Notification of the last court's decision occurs on the day of mailing (if certified, registered or express mail of a national postal service or any private service where verifying receipt is utilized), the day of hand delivery, or the day of confirmed receipt in the case of e-mail or facsimile. Furthermore, compliance with such requirements shall be deemed to have been fulfilled if a party cannot be located after diligent inquiry or if a party refuses to accept delivery.

**ITEM 7: Amend BCO 43**

**(Overture 16)** “Amend BCO 43 to Clarify Circularizing the Court.”

**Amend BCO 43-2 and 43-3 as follows:**

**43-2.** A complaint shall first be made to the court whose act or decision is alleged to be in error. Written notice of complaint, with supporting reasons, shall be filed with the clerk of the court within sixty (60) days following the meeting of the court. The court shall consider the complaint at its next stated meeting, or at a called meeting prior to its next stated meeting, provided that the complaint has been filed with the clerk at least ten (10) days in advance. If the complaint is filed with less than ten (10) days’ notice, the court may consider the complaint at a later meeting not more than 60 days later. ~~No attempt should be made to circularize the court to which complaint is being made by either party.~~

**43-3.** If, after considering a complaint, the court alleged to be delinquent or in error is of the opinion that it has not erred, and denies the complaint, the complainant may take that complaint to the next higher court. If the lower court fails to consider the complaint against it by or at its next stated meeting, provided that the complaint has been filed with the clerk at least ten (10) days in advance, the complainant may take that complaint to the next higher court. If the complaint is filed with less than ten (10) days’ notice, the court may consider the complaint at a later meeting not more than 60 days later. Written notice thereof shall be filed with both the clerk of the lower court and the clerk of the higher court within thirty (30) days of notification of the last court’s decision.

Notification of the last court’s decision shall be deemed to have occurred on the day of mailing (if certified, registered or express mail of a national postal service or any private service where verifying receipt is utilized), the day of hand delivery, or the day of confirmed receipt in the case of e-mail or facsimile. Furthermore, compliance with such requirements shall be deemed to have been fulfilled if a party cannot be located after diligent inquiry or if a party refuses to accept delivery.

No attempt should be made by any party to circularize a higher court reviewing a complaint.

So that BCO 43-2 and 43-3, as amended, would read:

**43-2.** A complaint shall first be made to the court whose act or decision is alleged to be in error. Written notice of complaint, with supporting reasons, shall be filed with the clerk of the court within sixty (60) days following the meeting of the court. The court shall consider the complaint at its next stated meeting, or at a called meeting prior to its next stated meeting, provided that the complaint has been filed with the clerk at least ten (10) days in advance. If the complaint is filed with less than ten (10) days’ notice, the court may consider the complaint at a later meeting not more than 60 days later.

**43-3.** If, after considering a complaint, the court alleged to be delinquent or in error is of the opinion that it has not erred, and denies the complaint, the complainant may take that complaint to the next higher court. If the lower court fails to consider the complaint against it by or at its

next stated meeting, provided that the complaint has been filed with the clerk at least ten (10) days in advance, the complainant may take that complaint to the next higher court. If the complaint is filed with less than ten (10) days' notice, the court may consider the complaint at a later meeting not more than 60 days later. Written notice thereof shall be filed with both the clerk of the lower court and the clerk of the higher court within thirty (30) days of notification of the last court's decision.

Notification of the last court's decision shall be deemed to have occurred on the day of mailing (if certified, registered or express mail of a national postal service or any private service where verifying receipt is utilized), the day of hand delivery, or the day of confirmed receipt in the case of e-mail or facsimile. Furthermore, compliance with such requirements shall be deemed to have been fulfilled if a party cannot be located after diligent inquiry or if a party refuses to accept delivery.

No attempt should be made by any party to circularize a higher court reviewing a complaint.

**Special note regarding BCO 43-3.**

*Special note: if both Items 6 and 7 are ratified by the 54<sup>th</sup> General Assembly, BCO 43-3 would read as follows:*

**43-3.** If, after considering a complaint, the court alleged to be delinquent or in error is of the opinion that it has not erred, and denies the complaint, the complainant may take that complaint to the next higher court. If the lower court fails to consider the complaint against it by or at its next stated meeting, provided that the complaint has been filed with the clerk at least ten (10) days in advance, the complainant may take that complaint to the next higher court. If the complaint is filed with less than ten (10) days' notice, the court may consider the complaint at a later meeting not more than 60 days later. Written notice thereof shall be filed with both the clerk of the lower court and the clerk of the higher court within thirty (30) days of written notification of the last court's decision.

Notification of the last court's decision occurs on the day of mailing (if certified, registered or express mail of a national postal service or any private service where verifying receipt is utilized), the day of hand delivery, or the day of confirmed receipt in the case of e-mail or facsimile. Furthermore, compliance with such requirements shall be deemed to have been fulfilled if a party cannot be located after diligent inquiry or if a party refuses to accept delivery.

No attempt should be made by any party to circularize a higher court reviewing a complaint.