

4 October 2012

Dear Members of Glasgow Presbytery

We are aware there has been much confusion concerning St George's Tron since June, and a number of presbyters have asked us to clarify various matters. We would like to take this opportunity of doing so.

Events since June 11th

At the time of our Secession we said that we very much hoped to work for a peaceable and reasonable settlement of outstanding issues. In the same week we therefore visited the Chairman and Secretary of the General Trustees personally to assure them of our best intentions, and we handed over a cheque for our then outstanding loan repayment as an act of good faith. We also made early contact with David Lunan and agreed to co-operate fully with his committee. This we have done, meeting Mr Lunan several times, and providing all requested information. We also strongly encouraged them to attend Sunday and Wednesday services to see something of what our congregational life and witness involves, surely crucial in any discussion of the future of the building and its use.

In short, we have sought to do what we can to seek a constructive way forward.

Unfortunately, in return we have been met with a very hostile response from the Church of Scotland. The solicitor of the denomination immediately put pressure on our banks to freeze our bank accounts, which they did, notwithstanding that no proper court order was obtained. As a result, we have been unable to use our own congregational funds, given by our own members, for the legitimate running costs of the congregation (including paying salaries and stipends). In addition, our minister and his wife received a letter at home stating that he and his family now had no right to remain in the manse, even though the manse clearly belongs to the congregation, not the denomination, and Dr Philip remains the minister of the congregation. More recently, court proceedings have now also been launched personally against our minister, our treasurer and myself by the new "Interim Moderator" and "Kirk Session of St George's Tron Church of Scotland" (claiming to be trustees of our charity and using our charity number). The Summons we received claims that the action is raised with "the full concurrence of the Presbytery of Glasgow" (although it has to be said that several presbyters we have spoken to knew nothing of this).

All these things have been very stressful, as you can imagine, and also very disappointing, since we have sought to make clear at every stage that we hoped our situation could be resolved amicably, away from public dispute in the courts.

This is still our strong intention and hope. As well as being disappointing, it is also

very surprising that such court action should have been raised in the civil courts, since we duly informed OSCR of this change, giving them a copy of our new constitution, and nearly four months on OSCR has raised no objection to us operating as the same charitable entity outwith the denomination. Thus, we have been advised that we could have sued for damages on grounds of illegal interference in the lawful operation of a charity.

But we have not done so because we still seek peace.

- We would therefore urge Presbytery to withdraw this court action, which can only end up escalating matters to higher courts, so that we may still all work for a reasonable and peaceful solution.

Legal issues under dispute

The competency of our secession is a key point of law over which our view is clearly different to that being expressed currently by the solicitor of the Church of Scotland. Our own lawyers are very clear that it is perfectly legal and competent for a congregation to secede as a corporate entity, whereas the Church solicitor says this is impossible. That such congregational realignment is clearly not impossible is evident from the fact that the Church of Scotland has an agreed protocol for *congregations* moving between the Church of Scotland and the United Free Church, and congregations have done this in recent years. So there is both procedure and precedent for this within the Church of Scotland itself (not to mention other congregations which have moved out of or into other denominations).

The court proceedings which have been launched are for the recovery of our church records, including our minute books, congregational roll, and accounting records. It may seem that we are being unnecessarily belligerent by not handing them over, but please be assured this is not the case. These items are not only necessary for the ongoing operation of our congregational life, but are also symbolic of our right to exist as the congregation we believe we are, and remain. If our secession as a body was competent, as we believe it to have been, then the records rightly belong to us as the same continuing congregation now detached from the Church of Scotland. (We will, of course, hand over historical Kirk Session minutes to the central record keeping body in due time as is usual practice.)

But, even if our secession *were* proved to have been incompetent, (and this would require a successful, though no doubt lengthy and costly, legal pursuit, and a judgment against us in the Court of Session), then these records *still* belong to our congregation, because in that case no secession would then have been effected on 11 June. Our members have not resigned as members of St George's Tron, nor have our office bearers at any time intimated their resignation as office bearers. So, in that case they would remain as office-bearers and trustees of a congregation still

in the Church of Scotland, because we would have remained a congregation of the Church of Scotland all along.

- So, either we have successfully seceded *as a congregation*, or we have not seceded at all. The one thing we have not under any circumstances done is to form a *new* congregation of individuals who have resigned membership of an existing congregation.

Clearly therefore if we were thus proven to be wrong, both we and the Presbytery would find ourselves with a very complicated and messy situation to resolve. But we reiterate that our intention is not to win legal arguments and waste large amounts of time and resources in the courts. Our genuine desire is still to be able to clear up all issues amicably and peaceably and to be able to focus on our Christian witness in the centre of Glasgow.

We have tried to act reasonably, repeatedly requesting the opportunity to meet with church officials at 121 so we could try to discuss some of these issues face to face in an attempt to avoid litigation. Regrettably the Church solicitor has refused all such offers unless we first of all entirely capitulate to her view—the very point requiring such discussion to take place if resolution is to be reached.

St George's Tron Church building

We know Presbytery must make decisions soon about the future use of our church building in Buchanan Street. For the sake of the effective and fruitful ministry of Christ in the city centre, we would urge you to allow the General Trustees to work with us to enable our ministry to continue on Buchanan Street in the long term.

The ministry we have has been built up for over 60 years since Tom Allan became minister, and any effective ministry, particularly a city centre one, takes many years to establish. If we are forced to move out of our building, it is hard to imagine another ministry will be easily replicated in the building, given the fact that there is not one member of our congregation who wishes to remain in the building as part of a Church of Scotland congregation.

If the Buchanan Street building is no longer functioning as a living church, the home to a living congregation, it will be a very sad situation which will be noticed by the whole city, and will surely reflect badly on the Presbytery as much as ourselves. And, those who are hurt most by this will not be our core church family; it will be the outsiders to whom we are ministering from the building as a base—not least those caught up in addictions, those far from home as asylum seekers, students needing a spiritual family away from home and others, often destitute and hopeless, who come through the church doors regularly day by day, and week by week.

- We would plead with you, therefore, when deciding about our church building not to think that this is about us and our comfort. Rather, the focus must be on those in the city centre who need the gospel of Christ, and on how a living and effective ministry can be resourced, sustained, and developed without a large, committed congregation there.

You will not be surprised at us imploring you to allow us to continue our 7-days a week ministry in Buchanan Street. Our folk have a real vision for the gospel in the city centre, and a real commitment to the building as a vehicle for that mission. Within the last 5 years they have backed that up by *already* giving over £2.6 million of their own money to fit the building for its missionary purpose (some elderly members going without holidays, some families re-mortgaging their homes and children giving their pocket money to make what contributions they could). They did this because it provides us with so many gospel opportunities day by day. It is true, some £0.5 million of the £3.14m project remains to be financed, presently covered by a loan from the General Trustees. However, were the building denied to our congregation's future use, the gain to the General Trustees in the improvement and enhancement of the building at our expense would plainly dwarf the outstanding amount of the loan. Our people would quite reasonably consider they were due fair compensation.

Clearly there are still financial issues to resolved. We have always said that we recognise this, and the General Trustees know we want to deal constructively with all of these, and that we are willing to do all we can realistically do on our part.

We realise this is not easy for any of us to deal with. We know our own failings only too well; we know that these are also difficult times for the Presbytery in all sorts of ways. But would plead with you to make of first importance not denominational issues, but the primary concern of how best the city centre of Glasgow can be served by the Christian Church for the sake of the gospel.

- We ask that a primary desire for the Kingdom of Christ, and ongoing vision to serve the gospel in the centre of our city, will encourage you to let the General Trustees negotiate a mutually acceptable solution which will allow us continuing use of the building for Christian ministry long term.

Thank you for taking the time to read this and for giving it due consideration.

Yours sincerely in Christ

Richard Henry
Session Clerk

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