

# **Procedural and working rules of the Judicial Council of the United Methodist Church, Central and Southern European Central Conference (CSECC)**

## ***General provisions***

### **Article 1: Jurisdiction of the Judicial Council**

The competences of the Judicial Council shall be those listed in Article 12 of the Organisational Rules of the SCECC.

### **Article 2: Working mode in general**

1 Wherever possible, the Judicial Council shall do its work in writing, in particular with the help of electronic communication (e-mail).

2 If special circumstances require so, the Judicial Council shall hold a meeting. In such a case it shall be able to take decisions if at least three members are present. The president shall decide on the order of the day. In principle, meetings of the Judicial Council shall not be public.

### **Article 3: Procedure**

Without prejudice to the present rules, the Judicial Council shall proceed based on its free decision, provided that equality of treatment and fair hearing are guaranteed.

### **Article 4: Decision-making**

The Judicial Council shall decide with the simple majority of the votes cast. Abstentions shall not be taken into account for these purposes. In the case of equal votes, the president of the Judicial Council shall decide.

### **Article 5: Working languages and languages of procedure**

The working languages and the languages of procedure of the Judicial Council shall be German and English.

## ***Procedure for formal decisions of the Judicial Council***

### **Article 6: Standing**

Applications for a formal legal decision to be taken by the Judicial Council within the meaning of Article 12(4) of the Organisational Rules of the SCECC shall be brought by the persons and groups of persons listed in Article 12(8) of the same Organisational Rules.

### **Article 7: Written submissions**

1 Applications for a formal procedure before the Judicial Council shall be made in writing. The written application is to be sent to the secretary of the SCECC. An application by e-mail shall be deemed to have been received where the secretary has confirmed its receipt within 7 days after the application was sent.

2 The written application shall in any case contain the following information:

- a) Names of the parties

- b) Addresses, telephone numbers, fax numbers and (where applicable) e-mail addresses of the parties
- c) The application
- d) The grounds on which the application is founded.

3 The Judicial Council shall forthwith send to the defendant a copy of the written application. Within 30 days after the receipt of the application the defendant shall to the Judicial Council send a reasoned answer to the application in writing.

3 The Judicial Council shall forthwith send to the applicant a copy of the written submissions of the defendant.

#### **Article 8: Oral procedure and procedure in writing**

1 The formal procedure before the Judicial Council shall be conducted in writing. In special cases, the president shall be entitled to decide in favour of an oral procedure.

2 In the case of an oral procedure, the president shall decide on the place of the session and on the order of the day. At the beginning of the meeting, the Judicial Council shall appoint one of its members as secretary.

#### **Article 9: Communication with the parties**

1 Without prejudice to section 3 of the present article, the communication of the Judicial Council with the parties to the procedure shall, wherever possible, be carried out by e-mail.

2 Parties who receive e-mail messages shall immediately confirm their receipt. Absent such a receipt, the sending party shall repeat the sending of the message in an appropriate manner. Without prejudice to registered mail, the communication shall be deemed to have been received once its receipt has been confirmed.

3 The following documents shall be sent by registered mail as well, where applicable, by e-mail:

- a) The written submissions by the application (to be sent to the defendant)
- b) The written submissions by the defendant (to be sent to the applicant)
- c) The setting of any additional dates for action by the parties by the president of the Judicial Council
- d) The formal decision by the Judicial Council.

#### **Article 10: Participation of experts**

The president of the Judicial Council shall be entitled to appoint experts, in particular from among the members of the United Methodist Church who may be experts in the relevant field.

#### **Article 11: Decisions of the Judicial Council**

1 The decisions of the Judicial Council shall contain information about possibilities of appeal. They shall be sent in writing to the parties, the secretary of the SCECC and to the Bishop of the SCECC.

2 The decisions of the Judicial Council shall numbered consecutively and shall be published according to Article 12(7) of the Organisational Rules of the SCECC in the next protocol of the SCECC.

### ***Further procedures***

#### **Article 12: Further tasks and informal requests**

1 Where the SCECC assigns further tasks to the Judicial Council based on Article 12(5) of the Organisational Rules of the SCECC, the president of the Judicial Council shall decide on the procedure.

2 The president of the Judicial Council shall decide on informal requests put to it by the Bishop or by other leaders of the church.

### ***Entry into force***

#### **Article 13**

The present procedural and working rules shall enter into force on 1 January 2009.

Done by the Judicial Council on 21 December 2008

For the Judicial Council:

The president: Prof. Dr. Christa Tobler, LL.M.