

ELLON BAPTIST CHURCH CONSTITUTION

CONSTITUTION OF ELLON BAPTIST CHURCH

Adopted on [] (insert date)

1 ADOPTION OF THE CONSTITUTION

The Church and the property of the Church will be administered and managed in accordance with the provisions in this Constitution.

2 NAME

The Church is called Ellon Baptist Church ("the Church").

3 AIMS

The Church's aims are the advancement of the Christian faith primarily in Ellon, throughout Scotland and the rest of the World by all means consistent with the teachings of the Christian Scriptures, including worship, ministry, mission, prayer, witness, education, community service and the support of agencies and individuals and other charitable organisations involved in Christian missionary work and the relief of poverty or other social needs.

4 FORM

4.1 The Church is congregational in its form of church government and is in membership with the Baptist Union of Scotland, which is Registered Scottish Charity Number SC004960 ("the Union"). The Church subscribes to the Declaration of Principle of the Union, the text of which appears below.

DECLARATION OF PRINCIPLE OF THE BAPTIST UNION OF SCOTLAND ("the Union")

The basis of the Union is:

- 1. That the Lord Jesus Christ our God and Saviour is the sole and absolute Authority in all matters pertaining to faith and practice, as revealed in the Holy Scriptures, and that each Church has liberty under the guidance of the Holy Spirit, to interpret and administer His laws.*
- 2. That Christian Baptism is the immersion in water into the name of the Father, the Son and the Holy Spirit, of those who have professed repentance towards God and faith in the Lord Jesus Christ, who died for our sins according to the Scriptures; was buried and rose again the third day.*
- 3. That it is the duty of every disciple to bear witness to the Gospel of Jesus Christ, and to take part in the evangelisation of the world.*

4.2 The sacrament of communion will be observed regularly by the church.

5 POWERS

In pursuance of the aims set out in clause 3 (but not otherwise), the Church shall have the following powers:

5.1 To carry on any other activities which further any of the aims.

5.2 To purchase, take on lease, hire, or otherwise acquire, any property or rights which are suitable for the activities of the Church.

- 5.3 To improve, manage, develop, or otherwise deal with, all or any part of the property and rights of the Church.
- 5.4 To sell, let, hire out, license, or otherwise dispose of, all or any part of the property and rights of the Church.
- 5.5 To borrow money, and to give security in support of any such borrowings by the Church.
- 5.6 To employ such staff as are considered appropriate for the proper conduct of the ministries of the Church, and to make reasonable provision for the payment of pension and/or other benefits for members of staff.
- 5.7 To engage such consultants and advisers as are considered appropriate from time to time.
- 5.8 To effect insurance of all kinds (which may include Trustees' liability insurance).
- 5.9 To invest any funds which are not immediately required for the activities of the Church in such investments as may be considered appropriate (and to dispose of, and vary, such investments).
- 5.10 To liaise with other voluntary sector bodies, local authorities, UK or Scottish government departments and agencies, and other bodies, all with a view to furthering the aims.
- 5.11 To establish and/or support any other charitable body, and to make donations for any charitable purpose falling within the aims.
- 5.12 To form any charitable company (or Scottish charitable incorporated organisation) with similar aims to those of the Church, and if considered appropriate, to transfer to any such company or organisation (without payment being required from the company or organisation) the whole or any part of the assets and undertaking of the Church.
- 5.13 To take such steps as may be deemed appropriate for the purpose of raising funds for the activities of the Church.
- 5.14 To accept grants, donations and legacies of all kinds provided they are compatible with the churches aims, (and to accept any reasonable conditions attaching to them).
- 5.15 To do anything which may be incidental or conducive to the furtherance of any of the aims.

6 AMENDMENTS

Any provision contained in this Constitution may be amended provided that:

- 6.1 A resolution is passed by not less than two thirds of those voting at a Church Meeting called for the purpose by special intimation from the pulpit on four preceding Sundays, or by not less than twenty eight days' written notice to all of the members of the Church.
- 6.2 No amendment may be made that would have the effect of making the Church cease to be a Church.
- 6.3 The notice of the Church Meeting includes the full wording of the resolution setting out the terms of the amendment proposed.
- 6.4 The Trustees of the Church keep a copy of any such amendment with this Constitution.
- 6.5 Consent to the amendment is obtained from the Office of the Scottish Charity Regulator ("OSCR"), if required in terms of the Charities and Trustee Investment (Scotland) Act 2005 or any amendment, re-enactment or legislation in replacement thereof ("the Act").
- 6.6 Notification of the amendment is given to OSCR.

[NB Sections 11 and 16 of the Act prohibit taking certain steps (eg change of name, alteration of constitutional purposes, amalgamation or winding-up or dissolution) without the consent of OSCR. In terms of Section 17 of the Act, all changes to the Constitution must be notified to OSCR.]

7 OPERATION OF ACCOUNTS AND HOLDING OF PROPERTY

7.1 All heritable properties of the Church shall be held on behalf of the Church by the Trustees, as specified in Clause 10.2.

7.2 The Church and the property of the Church shall be managed and administered by Deacons/Elders elected in accordance with this Constitution.

7.3 On the bank and building society accounts held by the Church, the signatures of the signatories appointed by the Deacons/Elders shall be required in relation to all operations (other than lodgement of funds). There must be a minimum of two signatories and at least one of the signatories must be a Trustee. Items of expenditure exceeding five hundred pounds (£500) Sterling must be specifically authorised by the Deacons/Elders unless made in implementation of a budget or other decision approved by a Church Meeting.

8 ACCOUNTING RECORDS AND ANNUAL ACCOUNTS

8.1 The Trustees of the Church shall ensure that proper accounting records are maintained in accordance with all applicable statutory requirements.

8.2 The Trustees shall prepare annual accounts, complying with all relevant statutory requirements. If an audit is required under any statutory provisions, or if the Trustees otherwise think fit, the Trustees shall ensure that an audit of such accounts is carried out by a qualified auditor.

9 FINANCIAL YEAR

The Church's financial year shall end on 31st March.

10 OFFICE-BEARERS AND TRUSTEES

10.1 The office bearers of the church shall normally be the Pastor, Secretary and Treasurer.

10.2 The Trustees of the church will normally be the Pastor plus Deacons/Elders and in this Constitution are together called "the Trustees".

10.3 The first Trustees shall be those persons named at the meeting at which this Constitution is adopted.

11 ELECTIONS AND APPOINTMENTS

11.1 Trustees

11.1.1 The Church in Annual General Meeting shall elect the Trustees provided that the people concerned are not disqualified from acting as Trustees of a charity in terms of the Act.

11.1.2 Each of the Trustees shall retire with effect from the conclusion of the Annual General Meeting next after his or her appointment but shall be eligible for re-election at that Annual General Meeting.

11.1.3 The maximum number of Church Trustees is 12.

11.1.4 The minimum number of Church Trustees is 3.

11.2 Deacons/Elders

11.2.1 A number of Deacons and or Elders as determined by the Church Meeting shall be appointed. Appointees shall be members of the Church and shall be subject to periodic re-election.

11.2.2 In the event of the Pastor being unable to fulfil his/her responsibilities, the Deacons/ Elders shall be responsible for arranging pulpit ministry and general management of the church.

11.3 Pastor

11.3.1 In the event of a pastoral vacancy, an Interim Moderator shall be appointed by the Church. A Search Committee will normally also be appointed.

11.3.2 A Call to the Pastorate of the Church shall be issued only if at least two-thirds of those voting at a properly constituted Church Meeting are in favour of the candidate.

12 ANNUAL GENERAL MEETINGS

12.1 The church must hold an Annual General Meeting within twelve months of the date of adoption of this Constitution.

12.2 An Annual General Meeting must be held in each subsequent year and not more than fifteen months may elapse between successive Annual General Meetings.

12.3 Prior to the Annual General Meeting, the Church accounts and the accounts of all the organisations of the Church, including details of salaries or other remuneration and allowances paid to the staff of the Church and of expenses reimbursed to such staff and/or to other members of the Church, shall be independently examined or audited by suitably qualified persons in accordance with the requirements of current legislation.

13 CHURCH MEETINGS

13.1 Church meetings shall be held at least quarterly, one of these meetings being the Annual General Meeting (AGM), with the Pastor normally presiding, although it will be competent for the members present at the meeting to elect an alternative Chair. The minimum period of notice required to hold any Church Meeting will be two Sundays' prior intimation

13.2 The notice must specify the date, time and place of the meeting and the general nature of the business to be transacted. If the meeting is to be an Annual General meeting, the notice must say so.

13.3 For any Church Meeting notice must be given to all the members of the church as far as is practicable.

13.4 No business shall be transacted at any Church Meeting unless a quorum is present.

13.5 A quorum is 25 percent of members entitled to vote upon the business to be conducted at the meeting.

13.6 If a quorum is not present within half an hour after the time appointed for the meeting, or during a meeting a quorum ceases to be present, the meeting shall be adjourned to such time and place as the Deacons/Elders shall determine.

13.7 The Deacons/Elders must reconvene the meeting and must give at least seven clear days' notice of the reconvened meeting stating the date, time and place of the meeting.

13.8 If no quorum is present at the reconvened meeting within fifteen minutes after the time specified for the start of the meeting the members present at that time shall constitute the quorum for that meeting.

13.9 Church Meetings shall normally be chaired by the Pastor or the person who has been elected as Chair. (see 13.1)

13.10 If the Chair is not present within fifteen minutes after the time appointed for holding the meeting, the members present and entitled to vote must choose one of their number to chair the meeting.

13.11 Business at Church Meetings shall include:

13.11.1 a statement of the finances of the Church, including presentation to the AGM of full accounts duly audited or externally examined in accordance with the requirements of current legislation.

13.11.2 consultation/discussion about the work and policy of the Church.

13.11.3 the pastoral care of the members of the Church.

13.11.4 business remitted from the Trustees or Deacons and/or Elders.

13.12 Members introducing new business are normally required to give two weeks previous notice in writing to the Church Secretary/Administrator.

13.13 Should the need arise, a Special Church Meeting may be called at any time by the Pastor and Deacons/Elders or by 25 percent of members, but only after two Sundays' prior intimation.

13.14 Every member at a Church Meeting shall have one vote and if there are an equal number of votes for and against any resolution, the Chair of the meeting shall be entitled to a casting vote.

14 PERSONAL INTERESTS

14.1 Any person who has a personal interest in any transaction or arrangement which the Church is proposing to enter into, must declare that interest at a Church Meeting, and will be debarred from voting on whether or not the Church should enter into that transaction or arrangement.

14.2 Provided that he/she has declared his/her interest (and has not voted on the question of whether the Church should enter into the relevant arrangement), a Trustee will not be debarred from entering into an arrangement with the Church in which he/she has a personal interest and may retain any benefit which he/she gains from his/her participation in that arrangement.

15 REMUNERATION

Any remuneration paid to a Trustee of the Church must satisfy the criteria laid down in Section 67 of the Charities and Trustee Investment (Scotland) Act 2005.

[Section 67 should be referred to for its detailed terms, but in brief summary it permits remuneration of a Trustee or Trustees provided that the basis of the remuneration is set out in a written agreement and that a majority of the Trustees must be unremunerated.]

16 MEMBERSHIP

16.1 All applicants for membership shall be accepted only upon satisfying the Church as to the reality of their personal faith in Christ.

16.2 By joining the Church, members shall come under the following obligations:

16.2.1 to attend the weekly Worship Services regularly;

16.2.2 to participate in the Sacrament of the Lord's Supper, which shall be observed regularly by the Church;

16.2.3 to contribute systematically to the Church's finances as the Lord has prospered them;

16.2.4 to use their Spiritual Gifts and Talents in the service of Christ and His Church;

16.2.5 to maintain the spirit of Christian love and unity;

16.2.6 to show evidence of their Christian character;

16.2.7 to share in the fulfilment of the Lord's Commission in Matthew 28:19-20.

16.3 For any member who has moved away or consistently fails to fulfil their obligations, the Pastoral Team shall recommend to the Church leadership that their names be transferred to the Non-Active Members' Roll. This "Non-Active Members' Roll" will be established simultaneously with the ratification of this Constitution. For Pastoral sensitivity, the numbers, but not the names of those transferred will be shared with the whole church. Those moved to the Non-Active Roll will forfeit Voting Rights and will be informed of this by the deacons/elders.

16.4 In the event of a person (s) demonstrating a renewed commitment to the life of the church, they shall be restored in full to the Membership Register at the discretion of the Deacons/Elders.

16.5 In case of private offences between members of the Church, the instructions prescribed by Christ in Matthew 18:15-17 shall be faithfully observed.

16.6 In cases of glaring inconsistency of life or grave doctrinal error, the Church shall exercise discipline according to the Scriptures, particularly Galatians 6:1.

16.7 Where there are serious difficulties involving the Pastor and/or the Leaders of the Church, the Ministry Advisor of the Union shall normally be consulted.

16.8 All matters private to the Church shall be treated by members as strictly confidential.

16.9 This Constitution shall be printed and a copy given to each member. Applicants for membership shall be made fully aware of its content before acceptance into membership.

17 LIABILITY OF MEMBERS

17.1 The members of the Church have no liability to pay any sums to help to meet the debts (or other liabilities) of the Church, if it is wound up. Accordingly, if the Church is unable to meet its debts, the members will not be held responsible.

17.2 The Trustees of the Church have certain legal duties under the Charities and Trustee Investment (Scotland) Act 2005; the church may take out insurance to cover the liabilities of the trustees, this does not apply to any personal liabilities the Trustees might incur if they are in breach of those duties.

18 DISSOLUTION

18.1 If 25 percent or more members of the Church are of the opinion that it is necessary or advisable to dissolve the Church, they shall call a meeting of all the members of the Church of which not less than 28 days' notice (stating the terms of the resolution to be proposed) shall be given.

18.2 In the event of the Church being dissolved or otherwise ceasing to exist the Trustees will remain in office as Trustees of the Church and will be responsible for winding up the affairs of the Church in accordance with this clause.

18.3 The Trustees must collect in all the assets of the Church and must make provision for all the liabilities of the Church.

18.4 The Trustees must apply the assets of the Church for charitable purposes.

18.5 In the absence of any contrary decision by a majority vote of two-thirds of the members present and voting at a properly constituted Church Meeting, the assets of the Church shall on the dissolution of the Church become the property of the Union (or should the Union not then exist, the association of Baptist Churches which may then be engaged in promoting objects similar to those of the Union ("the Association")), to be applied in accordance with the charitable purposes of the Union or the Association (if applicable).

18.6 If the Church is to be dissolved, the winding-up process will be carried out in accordance with the procedures set out in the Act.

Signatures [these should include the signatures of the Chair of the meeting at which the Constitution is adopted and of all the initial Trustees of the Church]

_____ [Chair of Meeting]

_____ [Trustee]

_____ [Trustee]

_____ [Trustee]

_____ [Trustee]

_____ [Trustee]