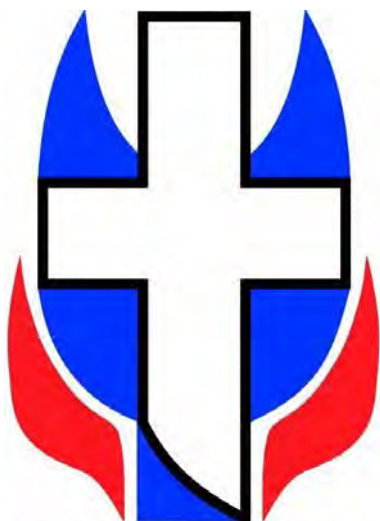


The
Manual of Faith and Order
of
The Uniting Presbyterian Church
in Southern Africa



NEC TAMEN CONSUMEBATUR

2007

Includes Revisions up to 2017



PREFACE

The Uniting Presbyterian Church in Southern Africa was constituted in the Centenary Hall in New Brighton, Port Elizabeth, on Sunday 26th September 1999. (See *the Papers, Proceedings and Decisions of General Assembly 1999*, page 54.)

The first General Assembly resulted from resolutions to unite adopted by the Presbyterian Church of Southern Africa (PCSA) and the Reformed Presbyterian Church in South Africa (RPCSA).

Both of these Churches had previously approved a Basis of Union. This Basis of Union included the following paragraph on "The Polity of the Church":

The Presbyterian form of Church government is held to be founded upon and agreeable to the Word of God. The form of Government of the Uniting Church shall be determined in all matters by a book to be named "The Manual of Law and Procedure of the Uniting Presbyterian Church in Southern Africa". In the interim this will be the Manual of Law and Procedure, as amended, of the former PCSA. It will be given a new cover and the title and all references in it to the PCSA will be replaced by references to the Uniting Church. After union the General Assembly of the Uniting Church will set up a Manual Committee to draw up the new Manual of Law and Procedure of the Uniting Church.

The Uniting Church appointed a Manual Committee in 1999. The members of this Committee prepared the chapters of this Manual in draft form.

The chapters were sent out to all Presbyteries to consider in terms of the agreed procedures of the Church. They were then revised in the light of comments from Presbyteries and finally enacted by the General Assembly or its Executive Commission. This work was completed in 2007 when the Executive Commission enacted the final chapters.

What appears hereafter as the First Edition is the new Manual under the title "*The Manual of Faith and Order of the Uniting Presbyterian Church in Southern Africa*", a new name approved by the General Assembly in 2004.

At the time of the completion of the work, the members of the Committee, in alphabetical order, are:

Dr O M M Banda (with particular thanks for perceptive comments); the Revd D S Bax (with particular thanks for drafting Chapter 16 and for many comments on the use of language and punctuation); the Revd T Groeneveld; the Revd CJ Judelsohn (with particular thanks for drafting Chapters 7, 8 and 12 on bases provided by the Revd RM Samson); Professor AJ Kerr (Convener); Professor DS Koyana (with particular thanks for perceptive comments); Mr L Mbandazayo; the Revd GT Mcoteli; Adv PV Msiwa; Mrs C Pina and Professor S Ridge. In earlier years Dr B Hans, the late Revd LJ Larsen, Mr KD Madike, Professor S Manaka, the Revd GW Marchinkowski, the Revd J O'Brien, the Revd RM Samson, the Revd

Dr DM Soga, the Revd Dr NS Stevenson, and the Revd RD Spence also participated in its work.

The special thanks of the Church are due to three people in particular whose work throughout the period of preparing this Manual cannot be overestimated:

Professor Alastair Kerr was Convener of the Manual Committee for most of this time. He gave of his experience and expertise in legal and Church matters unstintingly in seeing to the preparation of the draft Chapters and their final approval through the Councils of the Church.

Mrs Jeanette Craig, of Grahamstown, provided first class secretarial work year in and year out for the Committee and never missed a deadline. She typed many of the draft Chapters and prepared all the Reports and Memoranda for the General Assembly or its Executive Commission up to the end of 2004.

The Revd RM Samson, with particular thanks for the bases of Chapters 4, 7, 8 and 12, for frequent and perceptive comments on each Chapter in turn, for his work as Clerk of Assembly when the first batch of Chapters was enacted and for inserting the approved amendments in all the Chapters for the printing of the first full edition.

Grateful thanks are also due to Mr TW Coulter for his willing and painstaking work on Manual matters since he became Clerk of Assembly in 2005 which has involved preparatory work and seeing the Manual through the press; and to Ms MG Dickson for secretarial work from 2005 onwards.

Each Chapter in this Manual is preceded by an Explanatory Note which indicates what the Chapter contains and describes how the subject(s) of the Chapter in question contributes to the work of the Church as a whole. The Explanatory Notes are not, in themselves, rules.

Those who will be issuing replacement pages in future should note that the font used is Verdana, and that the following sizes have been applied:

Chapter headings	Verdana 12
Section headings	Verdana 9
Text	Verdana 8

The paragraph numbers have been manually inserted rather than computer generated to enable the easy transfer of a paragraph or section of a Chapter from one computer file to another without confusion.

VS Vellem
General Secretary
November 2007



CONTENTS

Preface	iii
Foreword	xiv
1. The Church	1.1-2
Membership of the Church.....	1.3-5
The Sacraments.....	1.6-7
The form of Government.....	1.8-12
Name, Constitution and Constituent Bodies.....	1.13-22
2. The Faith of the Church	
Preamble.....	2.1
The Apostles' Creed.....	2.2
The Nicene Creed.....	2.3
The Confession of Faith.....	2.4
The Declaration of Faith for the Church in Southern Africa	2.5
Declarations	
Probationer on being Licensed.....	2.6.1
Minister on Ordination and Induction.....	2.6.2
Minister on Induction.....	2.6.3
Elder on Ordination / Induction.....	2.6.4
Deacon on Ordination / Induction.....	2.6.5
Lay Preacher on being Set Apart.....	2.6.6
Minister –in-Association Appointment to Congregation....	2.6.7
3. Baptism	3.1-24
4. Holy Communion	4.1-19
Who may receive Holy Communion.....	4.1-7
Who may celebrate Holy Communion.....	4.8-19
5. Marriage, Divorce and Remarriage	
The nature of marriage.....	5.1-3
Marriage in the ministry.....	5.4-5
Marital breakdown and divorce.....	5.6-16
Divorce in the ministry.....	5.17-23
The New Testament and remarriage.....	5.25-26
Remarriage in the ministry.....	5.27-28
General principles and procedures.....	5.29-42
Presbytery Pastoral Committees.....	5.43-44
Responsibilities of the Minister, spouse and Presbytery	
when a Minister's marriage threatens to break down.....	5.45-47
Responsibilities of the Presbytery and Session when the	
marriage of a Minister is a pastoral charge breaks down....	5.48-62
Responsibilities of the Presbytery when the marriage	
of a Minister who is not in a pastoral charge breaks down...	5.63
The Ministerial Marriage and Family Care Committee:	
Its composition.....	5.64
The Ministerial Marriage and Family Care Committee:	
Its role and responsibilities.....	5.65
The Ministry Committee: Its responsibility	5.67

6. The Congregation

Constitution and legal status.....	6.1-5
Obligations of a Congregation.....	6.6-8
Oversight of a Congregation.....	6.9-10
Office Bearers.....	6.11
Membership of a Congregation.....	6.12-17
Rights of a member.....	6.18-19
Powers and functions of a Congregation.....	6.20-21
Property and Funds.....	6.22-28
The formation of a Congregation.....	6.29-52
Nuclear Congregation.....	6.29-33
Transitional Congregation.....	6.34-37
Constituted Congregation.....	6.38-41
Preaching Stations / Outstations.....	6.42-50
Transition to a Congregation.....	6.51-52
Meetings of a Congregation.....	6.53-62
Relationship of Minister and Congregation.....	6.63-73
Merger with another Congregation.....	6.74-76
Dissolution of a Congregation.....	6.77-83
Union of the Church with another Church.....	6.84
Amendment of Constitution of a Congregation.....	6.85
Model Constitution of the Congregation.....	App. A

7. The Session

Elders' primary duties.....	7.1
The functions and duties of the Session.....	7.2-3
The Session and membership of the Congregation.....	7.4-12
Pastoral care.....	7.13-15
Teaching and Doctrine.....	7.16-18
Worship.....	7.19-22
Witness.....	7.23-25
Fellowship.....	7.26-27
Discipline.....	7.28-29
General duties and responsibilities.....	7.30-36
Constitution.....	7.37-52
The Election, Ordination and Induction of Elders.....	7.53-64
Administration and meetings.....	7.65-81
Minutes.....	7.82-86
Relationship to other Councils of the Church.....	7.82-86

8. The Congregation's Finances

Introduction.....	8.1-5
Functions and duties.....	8.6
Minister's stipend.....	8.7-10
Employees' salaries / wages.....	8.12-14
Assessments of the Church & collections for special purposes.....	8.15-16
Relief of the poor.....	8.17
Property and equipment.....	8.18-20
Membership.....	
Stewardship Board.....	8.21-27

Stewardship Committee of Session.....	8.28-29
Deacon's Board.....	8.30-39
Office Bearers	
Stewardship Board.....	8.40
Convener.....	8.41-43
Secretary.....	8.44-45
Treasurer.....	8.46-47
Stewardship Committee of Session.....	
Convener.....	8.48-50
Treasurer.....	8.51
Secretary.....	8.52
Appointment of an Auditor.....	8.53-55
Meetings of Stewardship Boards.....	8.56-63

9. Immovable Property

Immovable Property for Church Hall or Manse in South Africa	9.1-3
The Congregation's Position	9.4-6
Immovable Property not intended for Church Hall or Manse In South Africa	9.7-9
Presbytery Property.....	9.10-15
The Assembly's Position	9.16-18.2
Property in States Other than South Africa	9.19-21
Zimbabwe and Namibia	9.21
Procedures for planning for Church Buildings.....	9.22-29

10. The Presbytery

Constitution.....	10.1-8
Office Bearers	
Moderator.....	10.9
Election and tenure of Office.....	10.10-15
Authority and duties.....	10.16-20
Clerk.....	10.21-22
Treasurer.....	10.23-24
Administrator.....	10.25-26
Functions and duties of Presbytery.....	10.27-28
Presbyterial Visitation.....	10.29-33
Admission of Congregations from other Churches.....	10.34
Unsatisfactory state of a Congregation.....	10.35-37
Preliminary steps.....	10.38-40
Action by the Presbytery.....	10.41
Guidelines for Pastoral Teams and Commissions	10.42
Rules of Procedure.....	10.52-60
Failure of leadership.....	10.61
When the above procedure is not to be followed.....	10.62
Meetings	
Ordinary meetings.....	10.63-67
Special meetings.....	10.68-72
All meetings.....	10.73-76
Administration of property.....	10.77-83
The right to obtain a ruling on a question whether a Presbytery has acted correctly.....	10.84

11. The Synod

Constitution.....	11.1-16
Functions and duties.....	11.7
Synod's authority.....	11.18
Review by, and Reports to, General Assembly.....	11.19-21
Access by Presbyteries to General Assembly.....	11.22
Meetings and procedure.....	11.23-38

12. The General Assembly

Constitution.....	12.1-7
Office Bearers	
Moderator.....	12.8
Election.....	12.9-15
Authority and duties of the Moderator.....	12.16-32
Duties of the Moderator's Chaplain.....	12.33
General Secretary.....	12.34-37
Clerk.....	12.38-41
General Treasurer.....	12.42-44
Powers, Functions and Duties.....	12.45
A Legislative Council.....	12.46-51
An Executive Council.....	12.52-54
An Administrative Council.....	12.55-56
Judicial functions.....	12.57
Meetings and procedures.....	12.58-68
Immovable property.....	12.69

13. General Assembly's Commissions and Committees

Constitution and functions.....	13.1-7
Executive Commission.....	13.8-12
Pastoral Commission.....	13.13
Special commissions.....	13.14
Meetings.....	13.15-16
Reports.....	13.17-19
Committees.....	13.20
Finance Committee.....	13.21-36
Mission and Discipleship Committee.....	13.37-46
Committee on Church Design.....	13.47-49
Committee on Ecumenical Relationships.....	13.50
Church Office Committee.....	13.51-54
Manual Committee.....	13.55
General.....	13.56-58
Membership of a committee of General Assembly.....	13.59-65

14. Rules of procedure in all Councils

Introduction.....	14.1-2
Conduct of debate.....	
Introduction.....	14.3-4
What a motion is and what alternative motions are... ..	14.5
What an amendment is.....	14.6
When a motion or proposal needs special permission..	14.7
When a motion or amendment falls away.....	14.8

Alterations to a motion.....	14.9
Meeting in committee.....	14.10
Motions during debates.....	14.11
Limits on the number of times a member may speak...	14.12
The Moderator's position.....	14.13
Voting for appointments to fill vacancies.....	14.14-15
Private / Closed meetings.....	14.16
Points of Order.....	14.17
Overtures.....	14.18-26
Petitions.....	14.27-33
Dissents (Disagreements with decisions taken).....	14.34-40
Obligations of Councils, Courts, Administrative Review Panels and Parties.....	14.41-42
Powers of Delegation Commissions.....	14.43-44
Committees.....	14.45
15. Administrative Reviews and Dissenters' Complaints	
Reviews.....	15.1-5
Structure of Administrative Review Panels.....	15.6-9
Jurisdiction of Administrative Review Panels.....	15.10-13
Procedure Concerning Dissenters' Complaints and Applications for Review.....	15.14-23
Administrative Review Worksheet.....	Appendix
16. Ministry	
Ministers' primary duties.....	16.1
Ministers in Pastoral Charges.....	16.2
Presbytery's role.....	16.2
The right to Call a Minister.....	16.3
Circumstances in which a Congregation has the Right to Call Introduction.....	16.4
Acceptance of a Call elsewhere.....	16.5
Retirement.....	16.6
Age of retirement.....	16.7-8
Retirement Procedure	16.9-10
Death.....	16.11
Resignation.....	16.12-20
Mental Illness.....	16.21-22
Collegiate Ministry Colleague.....	16.23
Colleague and Successor.....	16.24
Call Procedures.....	
Preliminary steps.....	16.25-30
Ministers and Probationers eligible to receive a Call.....	16.31
Mutual Eligibility UPCSA/UCCSA.....	16.32.1
Members of the CUC.....	16.32.2
Responsibilities of the Interim Moderator, Call Committee and Session.....	16.33-44

Responsibilities of the Presbytery.....	16.45-48
Calls to Ministers already members of the Presbytery within whose boundaries the vacant Congregation is.....	16.49
Calls to Ministers who are members of other Presbyteries.....	16.50-52
Responsibilities of the Presbytery within which the vacancy is.....	16.53-55
Prolonged Vacancy.....	16.56
Appointment Procedures	
Ministers.....	16.57-60
Applying for a stipend subsidy.....	16.61-64
Discontinuation of a stipend subsidy.....	16.65
Assistant Ministers.....	16.66-67
Tenure of Office of Ministers	
Called Ministers.....	16.68
Appointed Ministers.....	16.69
Assistant Ministers.....	16.70
Relationship of Minister and Congregation.....	16.71
Ministers' Remuneration.....	16.72-75
Ministers in positions other than pastoral charges.....	16.76
Ministers' functions on Councils.....	16.77
Ministers' Leave.....	16.78
Ordinary Annual Leave.....	16.79
Long Leave and Study Leave	
Scope of the Long Leave Scheme.....	16.80
Entitlement to Long Leave.....	16.81-87
The Long Leave Fund.....	16.88-98
Study Leave.....	16.99
Maternity Leave.....	16.100
Special Leave.....	16.101
Ministers in secular employment.....	16.103
Introduction.....	16.103-104
Secular employment that takes up more than twenty percent of the Minister's time.....	16.105
Half time secular employment.....	16.106
Ministers in Full Time secular employment	
General.....	16.107
Tenure of Office.....	16.108-109
Ministers of the UPCS seconded to work outside the Church.....	16.110-115
Ministers of other Churches seconded to work within the UPCS.....	16.116-122
Credentials.....	16.123-130
Church Development Evangelists.....	16.131
Church Development Projects.....	16.131-132
Requirements for appointment as a CDE.....	16.133-137
Additional duties of CDE's.....	16.138-141
Completion of the task.....	16.142-144
Rules on stipends, loans and grants.....	16.145
Rules on the Formation of Congregations.....	16.146
Stated Supply.....	16.147-161

Ministers-in-Association.....	16.162-165
The Order of Lay Preachers.....	16.165-176
Procedure in a Vacancy Flow Chart	Appendix A
Checklist for Moderator and Clerk of Presbytery when Considering a Call	Appendix B
17. Admission to the Ministry	
Normal route of Admission to the Ministry.....	17.1-44
Admission at a mature age (special provisions).....	17.45-46
Admission of applicants who have begun or completed theological studies independently.....	17.47
Admission of Ministers of other denominations.....	17.48-57
Admission of applicants who began or completed theological studies as members of other denominations	17.58-60
Re-Admission of former Ministers of this Church.....	17.61
Administration of Sacraments.....	See 1.7
Admission of Ministers seconded by other Churches.....	17.62-63
18. Discipline	
Discipline in general.....	18.1-3
Grounds for discipline.....	18.4-5
Forms of discipline / sanctions.....	18.6-14
Structure of Church Courts	
Session.....	18.15
Court of a Presbytery.....	18.16-27
Court of a Synod.....	18.28-29
Court of the General Assembly.....	18.30-39
Disciplinary jurisdiction of Church Courts / Councils	
Session.....	18.40-42
Presbytery.....	18.43-51
Synod.....	18.52-54
General Assembly.....	18.55-58
Procedure in disciplinary cases	
Rules common to Informal and Formal procedures.....	18.59-62
Informal procedure.....	18.63-68
Formal procedure.....	18.69-77
Rules governing the taking and recording of evidence at hearings under the Formal procedure.....	18.78-81
Church Courts not bound by the rules of Procedure and Evidence in secular Courts.....	18.82
Evidence	18.83-84
The best available evidence.....	18.85-87
Opinion Evidence is generally inadmissible.....	18.88
Expert Evidence.....	18.89-91
Other rules of evidence.....	18.92-95
Procedure in all offences under the formal procedure.....	18.96-101
Referrals.....	18.102-108
Appeals in disciplinary cases.....	18.109-119
Withdrawal of discipline.....	18.120-126
Disciplinary Proceedings Worksheet	Appendix

19. Rules, their Coming into Effect, Interpretation and Continuance

The date when rules come into operation.....	19.1-4
Interpretation.....	19.5
"Shall".....	19.6
Gender, Number etc.....	19.7
Words and Phrases.....	19.8
The continuance of rules in some changed circumstances	19.9
Indicatives.....	19.10
Transitional problems.....	19.11

Appendices

A(1) - Calls.....	App. Pg. 1
A(2) - Statements of Intent- Nuclear and Transitional Congregation.....	App. Pg. 3
B(1) - Commissions.....	App. Pg. 5
B(2) - Boundaries of the Presbyteries.....	App. Pg. 9
C(1) - Edicts.....	App. Pg. 13
C(2) - Declarations by the Moderator of Presbytery.....	App. Pg. 15
C(3) - Notices of meetings.....	App. Pg. 17
C(4) - Certificates.....	App. Pg. 20
C(5) - Notices/Orders in cases of discipline and of investigation.....	App. Pg. 23
D(1) - The Records of the Congregation.....	App. Pg. 25
D(2) - Form for the Register of Title Deeds.....	App. Pg. 26
D(3) - Annual Report to Presbytery.....	App. Pg. 28
D(4) - Rules for keeping minutes.....	App. Pg. 32
D(5) - Minutes of Session.....	App. Pg. 34
D(6) - Minutes of Congregational meetings.....	App. Pg. 40
D(7) - Minutes of Relevant Financial Authority.....	App. Pg. 42
D(8) - Minutes of Ordinary Meetings of Presbytery.....	App. Pg. 43
D(9) - Minutes of Special Meetings of Presbytery.....	App. Pg. 45
D(10) - Minutes of a Presbytery sitting as a Council in cases of discipline.....	App. Pg. 50
D(11) - Minutes of a Presbytery Court in cases of discipline.....	App. Pg. 53
E- Ecumenical Documents	
E(1) - Memorandum of Association UCSA/UCCSA.....	App. Pg. 54
E(2) - Model Constitution PCSA/UCCSA Congregations.....	App. Pg. 59
E(3) - Property Agreement.....	App. Pg. 68
E(4) - Memorandum of Association between CUC Churches...	App. Pg. 71
E(5) - Model Constitution for a CUC Trust.....	App. Pg. 75
F - Constitution of the Public Education Committee (Zimbabwe).....	App. Pg. 94
G - Basis of Union	App. Pg. 100

FOREWORD

GENERAL PRINCIPLES

THE NEED FOR RULES

Should there be any rules at all? They would not be needed for an ideal Church in an ideal world (Jer 31:33-34), but neither we, nor any other body of Christians (or of other persons) of any size, have been able to do without rules in any period of history. If a group (of whatever size) has good rules and if every member conducts himself or herself in all his or her ways according to the will of God, the rules of law and procedure, once learned, would not need to be referred to. Law has been said to be for "the marginally-minded sheep" to help them to do what is lawful, to conform to the standards of the group as a whole.

The strongest reason for having rules is that the Lord Jesus Christ, the King and Head of the Church (Manual para 1.1) re-affirmed the Ten Commandments (Matt 19:17-18; Mark 10:19; Luke 19:20) and gave a new commandment (John 13:34). Similarly, the strongest reason for changing bad rules is that He considered that the Sabbath regulations were not to be followed when they prevented good being done (Matt 12:9-13; Mark 3:3-5; Luke 6:8-10. See also Mark 7:9-13 on the rules relating to *Corban* which prevented one of the Ten Commandments being followed.)

CHANGING RULES

Church laws and procedures are intended to be a help towards living a Christian life. They are of lesser importance than love, faith, grace, salvation, justification and reconciliation to God. If the Church's laws and/or procedures hinder it (the Church) in its main task of proclaiming the Gospel to all people (Matt 28:19-20) the laws and/or procedures can be changed by following the proper method laid down in the Manual. Replacement pages for the Manual are issued frequently, usually annually, containing changes made by General Assembly and/or its Executive Commission. Those who have copies of the Manual should ensure that replacement pages are obtained and put into the Manual in the proper places. Less frequently a new edition of the whole Manual is brought out. When this happens all those who have the earlier edition should obtain the new one.

THE BENEFITS TO BE OBTAINED FROM KNOWING THE RULES OR FROM KNOWING THAT THEY EXIST AND WHERE THEY CAN BE FOUND

It can be frustrating to do preparatory work on a subject, or to depend on one's recollections of some years ago about rules and procedures, and to put forward an argument in a Stewardship Board, Deacons' Board, Session, Presbytery, Synod, or General Assembly only to be told by the Moderator that your proposal is out of order or cannot be accepted because you are using an out-of-date rule or procedure which has been replaced by a new one, or deleted altogether. It can also be time-consuming and frustrating if one does not read the portion of the Manual relevant to an item of business which one is handling. For example, if the relevant financial authority (on this phrase see para 8.2.1 below) wishes to sell a manse belonging to a congregation, whether because it wishes to buy

another one or because the minister wishes to buy his own house and to receive a housing allowance, it is frustrating to find a buyer and draw up a deed of sale and only then discover that it is necessary to hold a congregational meeting and to get the approval of Presbytery and of the Finance Committee of General Assembly (paras 6.6 and 9.5). This would inevitably lead to a delay and the proposed buyer may go elsewhere before the required consents are received.

The Manual does not contain all the rules the Church needs. Ministers know, and Elders will find out if they are commissioned to Presbytery or to General Assembly, that General Assembly has, and Presbyteries may have, Standing Orders containing rules by which their affairs are conducted. General Assembly, being a large body and the highest Council, needs Standing Orders different in some respects from those of Presbyteries. For example, General Assembly has a Standing Order putting a time limit on speeches. Presbyteries and Synods normally do not have such a rule. Hence members of General Assembly, Synods and Presbyteries should know their Standing Orders as well as the Manual.

All the members of the Church do not need to know all the rules; but if the Church is to be run satisfactorily Moderators, Clerks and Treasurers of all courts should have a working knowledge of them. They, and all office-bearers, should be aware of the fact that there are rules dealing with certain matters and so should notice when reference needs to be made to the Manual before a question on law or procedure is answered or before a debate on a subject on which there are rules is brought to an end. It is not necessary to memorise rules, but some in common use will become well-known to office-bearers. All that is needed is to be aware of the fact that rules exist on certain subjects, to know where to find them, and then to find them. Once found, they can be studied in detail and followed.

THE COMPLEXITY OF CHURCH RULES

Books of rules are not written like novels or poems; but all should be, and the Manual has been, written in as plain language as possible. There are many sources of complexity of which two may be mentioned.

Complexity arising from the subject matter

The complexity of rules is usually directly related to the subject matter being dealt with. For example, many members of the Church may find some of the words in para 6.21 very difficult to understand. What property is classified as "immovable"? What are "incorporeal rights"? What is the difference between "moneys" and "funds", or between "donations", "gifts" and "bequests" and why is it necessary to say "whether conditional or unconditional"?

These legal technical terms are in the chapter on "The Congregation" because a congregation may wish to buy land on which to build a church and/or a hall or to buy a manse for the Minister or to bank money or to accept a legacy. If it does wish to do these things it will find that there are rules about acquiring immovable property (broadly speaking land and things which accede to the land) which rules are to be found in the Manual in paras 6.22-26 and Chapter 9. If the congregation wishes to borrow money to pay for property whether immovable or movable, corporeal (having a physical body, eg land (immovable) or a car (movable)) or incorporeal (not having a physical body, eg shares in a company - the scrip is not the share, only evidence of it - or units in a unit trust) it will be

asked for security and may wish to "pledge" a movable (this rarely happens because a thing pledged has to be handed over to the lender) or to "mortgage" land (this happens frequently because the thing is not handed over to the lender) there are rules about this also.

"Pledge" in this context has a quite different meaning from a "pledge" in a freewill offering scheme. The freewill offering pledge is not legally binding and can be changed at any time by the person who made the pledge (it is in effect a non-legal, non-binding, promise to contribute), whereas a pledge in the property context is legally binding and cannot be changed by one of the parties acting alone. Property legally pledged has to be returned when the loan is repaid. There is no such rule in respect of a "pledge" in a freewill offering scheme.

Merely understanding what words mean does not in itself remove all difficulties. One needs to know what the Manual says about the exercise of the powers given. Hence one needs to know that Presbytery and the Finance Committee of General Assembly have to agree to congregational transactions in land whether the transaction is buying, selling, mortgaging, hiring, letting, donating, etc it. This is provided for in the Manual in paras 6.22-26; and Chapter 9.

Complexity arising from different meanings of the same word(s)

Different meanings of the word "pledge" are given above. Another example is the word "rule". "Laws" contain "rules" which are general statements regarding what is to be done, or not done, by a number of people (eg all members, all Elders, all Ministers, all Moderators). "Procedures" are similar but normally detail how something is to be done. There are other meanings of the word "rule". If a Moderator says that he "rules" that a motion or amendment is in order, or out of order, this is a judgment on the question whether or not a particular proposition being put forward in a debate is competent or not.

A person who hears or reads a word with more than one meaning (there are very few words that do not have more than one meaning) normally realises from its context what it means, not always an easy task. One needs to accept that technical legal terms are often necessary in books of rules. Members not involved in the kinds of transactions to which particular words refer, may be thankful that they are not expected to be experts in all things (Rom 12:6-8; I Cor 12:4-11, 28-30) and to recognise that inability to understand some of the words and sentences in the Manual is no bar to practising the Christian virtues in all other spheres of life.

Chapter 1

THE CHURCH

Explanatory note

The Church's principal task is to bear witness to its Lord and to proclaim the Gospel (Matt 28:18-20). This Chapter contains an exposition of the nature, membership, and sacraments of the Church and makes preliminary reference to the main rules it has agreed on for carrying out its mission.

Section 1 - THE CHURCH

- 1.1 The Church has been called into being by the will of God, who gathers all people into a fellowship in Christ, which is created and sustained by the power of the Holy Spirit. Its purpose and function is to bear witness to the saving Gospel of Jesus Christ to all who do not yet believe in him, to build up in faith, hope and love those who already believe, and to proclaim his sovereignty over the world. The Church is holy because it is of God, and not of human creation. It is catholic in that God of his love calls all people to share in its membership. It is apostolic in that it is built upon the foundation of the apostolic teaching.

The Lord Jesus Christ is the King and Head of the Church. Under his authority, and with the Holy Scriptures as its supreme rule, it seeks to frame and administer its laws and exercise its functions under the promised guidance of the Holy Spirit.

- 1.2 The Uniting Presbyterian Church in Southern Africa, whose faith, constitution and laws are hereinafter set forth, is a branch of the one holy catholic Church, and maintains liberty of conscience and of worship, within the rule of Scripture, of all members of the one holy catholic Church.

Section 2 - MEMBERSHIP OF THE CHURCH

- 1.3 Admission to membership of the Church is by baptism into the name of the Father and of the Son and of the Holy Spirit. Its members' faith in the Father and the Son and the Holy Spirit is sustained by the Ministry of the Word and Sacraments.
- 1.4 Those admitted as members of the Church by infant baptism shall, in due course, be urged to make public profession of their faith after such instruction as may be required. (See para 6.12)
- 1.5 A member of any branch of the one holy catholic Church may be accepted as a member of this Church on production of satisfactory proof of membership, or of baptism and public profession of faith.

Section 3 - THE SACRAMENTS

- 1.6 Baptism is administered to those who make public profession of their faith and to their children who have not yet reached the age of discretion. It is administered by a Minister and, except in special circumstances, in the presence of the Congregation as part of its regular worship. Baptism

into the name of the Father and of the Son and of the Holy Spirit may be administered only once to any person.

Participation in the Lord's Supper is open to all members of the Church, including baptised children.

It is the duty of the Session to ensure that children and adults receive regular teaching on the Sacraments of Baptism and Holy Communion.

It is the duty of the Session to ensure that parents are aware of their responsibility to lead their children into regular and meaningful participation in the Lord's Supper. Parents must also instruct their children on the meaning of the Lord's Supper when their children begin to express an understanding of their own: "and when your children say to you, 'What do you mean by this service?' you shall say, 'It is ...'" (Exodus 12:26-27).

Baptised children whose parents are participating members of the Congregation are able to participate in the Lord's Supper with the accompaniment and under the guidance of their parents. It is the duty of parents who transfer their membership to register the baptism of their children with the Session of the Congregation to which they are transferring. Baptised children whose parents are not participating members of the Congregation are able to participate in the Lord's Supper with the accompaniment and under the guidance of a sponsor within the Congregation.

It is the duty of the Session to foster and actively seek the incorporation of children into the life of the Church through Baptism and the Lord's Supper.

At each celebration of the Lord's Supper an invitation to share in it is extended to members, of all ages, of any branch of the holy catholic Church who may be present.

- 1.7 A Minister of any branch of the one holy catholic Church may celebrate the Sacraments and Ordinances in this Church by invitation of the Moderator of a Council of this Church and according to the form and order of this Church.

Section 4 - THE FORM OF GOVERNMENT OF THE CHURCH

- 1.8 The Church's system of government is Presbyterian. This form of government is held to be in accordance with scripture.
- 1.9 In this form of government, Congregations, while organised for the orderly administration of their own affairs, are not separate Churches independent of each other, but are integral parts of one and the same Church, having a common doctrine and being subject to a common government. This common government is exercised through the Councils of the Church, which link together the several Congregations as organic members of one body for the glory of God.
- 1.10 The Councils of this Church are the Session, the Presbytery, the Synod and the General Assembly. Each consists of Ministers and Elders. They ascend in order of authority from the Session through the Presbytery

(and the Synod where such exists) to the General Assembly, which is the supreme Council of this Church.

- 1.11 Over each Council a Moderator presides. In the Session the Moderator is the Minister of the Congregation. In a vacant Congregation the Presbytery appoints an Interim Moderator. A higher Council elects its Moderator from among its members.
- 1.12 The objectives of this system of government are the manifestation of the unity of the Church, the maintenance of a united testimony to the truth, mutual counsel and support, the faithful exercise of discipline, and combined effort in the furtherance of those ends for which the Church of Christ exists.

Section 5 - NAME, CONSTITUTION, AND CONSTITUENT BODIES

- 1.13 The name of the Church is "The Uniting Presbyterian Church in Southern Africa". It comprises all Presbyteries which have been duly constituted in accordance with this Manual within the republics of South Africa, Zimbabwe and Zambia. In some circumstances Presbyteries in Southern Africa undertake work in areas beyond national boundaries.
- 1.14 The Church's legal status is that of an association of its Presbyteries in the form of a corporate body having perpetual succession and power to own and hold property (immovable, movable and incorporeal) in its own name and independently of its members, as well as power to sue and be sued in its own name. The duly constituted Presbyteries are the constituent members of this corporate body and it has a supreme Council called "The General Assembly".
- 1.15 Congregations are the local units of the Church recognized as such by the Presbyteries within whose boundaries they are situated. Enrolled voting members of a Congregation are the persons who have been admitted by the Session and whose names are on the Roll of Members. (See paras 6.12 and 6.14)
- 1.16 The legal status of a Congregation is that of an association of its members in the form of a corporate body having perpetual succession and power to own and hold property (immovable, movable and incorporeal) in its own name independently of its members, as well as power to sue and be sued in its own name. Such duly constituted congregations are the constituent members of the Presbytery.
- 1.17 The legal status of a Presbytery is that of an association of the Congregations of the Church within its bounds in the form of a corporate body having perpetual succession and power to own and hold property (immovable, movable and incorporeal) in its own name independently of its members as well as power to sue and be sued in its own name.
- 1.18 Synods are Councils of the Church which are charged with the general supervision and promotion of the life and work of the Church within their respective boundaries. A Synod as a Council ranks above a Presbytery but below the General Assembly. Its legal status is that of an organ of the Church. The boundaries of a Synod will comprise two or more adjacent Presbyteries.

- 1.19 The Church through its General Assembly links together in mutual cooperation and witness all its Synods, Presbyteries and Congregations, and the expression "the Church" used in the ecclesiastical sense will embrace all Synods, Presbyteries and Congregations. Members of Congregations are regarded as members of the Church in the like sense.
- 1.20 The constitution, functions and powers of the Church, General Assembly, Synods, Presbyteries and Congregations and of their respective Councils, as well as the constitution and composition of such Councils, are set out later in the Manual.
- 1.21 The Church as a corporate body possesses all legal powers as are requisite for the carrying out of its purposes and functions including the following powers:
- (a) to unite or merge with any other Church or Churches;
 - (b) to acquire by purchase, grant, gift, exchange, hire or otherwise any immovable, movable or incorporeal property including buildings, rights of occupation and site permits;
 - (c) to erect, maintain, improve, alter, repair and equip any buildings or structures;
 - (d) to receive or accept moneys, funds, securities, donations, gifts, bequests and inheritances, whether conditional or unconditional;
 - (e) to sell, exchange, donate, let, mortgage, pledge or otherwise deal with all or any of its assets;
 - (f) to borrow or raise moneys for its own purposes or the purposes of any of its constituent or associated bodies and to secure the repayment of such moneys by pledging or mortgaging any of its property or assets;
 - (g) to give guarantees or suretyships for any obligations of any of its constituent or associated bodies;
 - (h) to invest its funds in such ways as it may consider necessary;
 - (i) to open and operate banking and savings accounts in its own name.
- 1.22 The Church may establish separate property holding associations as corporate bodies with power to own and hold immovable property on behalf of the Church itself or for any Synod, Presbytery or Congregation. If there are compelling reasons for the promotion of a trust note that the word "associations" in this context includes trusts.



Chapter 2

THE FAITH OF THE CHURCH

Explanatory Note

This chapter contains the UPCSA's ecumenical and denominational standards of faith to which Ministers, Elders, Deacons and Members of the Order of Lay Ministries declare allegiance. A Preamble consisting of the Church's Declaration on its standards precedes these. The Declaration applies and is cited in the Vow at the ordination and/or induction, the appointment or the commissioning of all the above.

2.1 PREAMBLE: DECLARATION OF STANDARDS

The Uniting Presbyterian Church in Southern Africa shares the faith that the one holy, catholic and apostolic Church has always held.

It believes and trusts in Jesus Christ as the Lord and Redeemer of the world, in whom God saves us by grace through faith.

In line with what God has revealed in Jesus Christ it worships one God: Father, Son and Holy Spirit.

This Church accepts the Scriptures of the Old and New Testaments as inspired by the Holy Spirit to be the uniquely authoritative witness to Jesus Christ and in that sense the Word of God and the final rule of faith and life.

It accepts the ecumenical creeds commonly called the Apostles' Creed and the Nicene (Niceno-Constantinopolitan) Creed as subordinate standards that witness to, and safeguard, the faith that was committed to the disciples of our Lord.

It recognizes as witnessing to the Reformed faith

- the Westminster Confession of Faith and
- the Twenty-four Articles of the Faith, with their Appendix.

It affirms as its own confessions of faith and subordinate standards

- the Confession of Faith of the Uniting Presbyterian Church in Southern Africa and
- the Declaration of Faith for the Church in Southern Africa.

The Uniting Church affirms its right to formulate, adopt, modify and interpret its doctrinal statements, always subject to the Word of God, under the promised guidance of the Holy Spirit and in accord with the fundamental doctrines of the Christian faith. Of this accord this Church itself shall be the sole judge.

This Church recognizes liberty of opinion on all points of doctrine not fundamental to the faith. But it retains the right in every case to judge what falls within this description and to guard against any abuse of this liberty that may injure its witness, unity or peace.

2.2 THE APOSTLES' CREED

Note

This translation is that of the English Language Liturgical Consultation (ELLC, 1988). Permission for its use has been sought.

- I believe in God the Father Almighty,
creator of heaven and earth.
- I believe in Jesus Christ, God's only Son, our Lord,
who was conceived by the Holy Spirit,
born of the Virgin Mary,
suffered under Pontius Pilate,
was crucified, died, and was buried;
he descended to the dead.
On the third day he rose again;
he ascended into heaven,
he is seated at the right hand of the Father,
and he will come to judge the living and the dead.
- I believe in the Holy Spirit,
the holy catholic Church,
the communion of saints,
the forgiveness of sins,
the resurrection of the body,
and the life everlasting.
Amen.

2.3 THE NICENE CREED

Note

The General Assembly in 2014 enacted this translation of the “Nicene” (Niceno-Constantinopolitan) Creed from the original Greek text (381) for use in the UPCS. For rationales for the details of the translation see the Papers for the 11th General Assembly 2014, p.209-217.

We believe in one God, the Father,
ruler over all things,
maker of heaven and earth,
all that is, seen and unseen;

And in one Lord Jesus Christ,
the only-begotten Son of God,
eternally begotten from the Father,
Light from Light, very God from very God,
begotten not made,
of the same being as the Father,
through whom all things came to exist
and who for us human beings and for our salvation
came down from heaven,
was incarnate by the Holy Spirit from the Virgin Mary
and became a human being,
was crucified for us under Pontius Pilate,
suffered death and was buried,
and rose on the third day according to the Scriptures,
ascended to heaven,
sits at the right hand of the Father
and will come again with glory
to judge the living and the dead,
and his reign will have no end;

And in the Holy Spirit, the Lord and giver of life,
who proceeds from the Father [and the Son¹],
who is worshipped and glorified together with the Father and the Son,
who spoke through the prophets;
and in one holy catholic and apostolic Church.
We confess one baptism for the remission of sins;
we await the resurrection of the dead
and the life of the age to come.

¹ The parenthesis is not part of the original Creed. A synod in Spain first inserted the word *filioque* (“and the Son”) into its Latin version in the 6th century. Rome eventually accepted this in the 10th century. The Eastern Orthodox Church has always rejected it and argued that only an Ecumenical Synod can add anything to an ecumenical creed. (Representatives of the Orthodox Churches and the World Alliance of Reformed Churches, meeting in Kappel in Germany in 1992, agreed on the formula: “The Holy Spirit proceeds from the Father...through the Son.”)

2.4 THE CONFESSION OF FAITH OF THE UNITING PRESBYTERIAN CHURCH IN SOUTHERN AFRICA

Prelude

The good news is that God created all things through Jesus Christ, in an overflow of divine love, and thus created them all very good. All the vast universe is the theatre of God's glory. The heavens declare this glory, and human beings were created to glorify the Creator in word and deed: by delighting in communion with God and with one another, by rejoicing in creation and the blessings of life on earth, and by loving and serving God and one another. This remains God's purpose for humankind and is the reason why we exist. But humankind has fallen into sin, and sin brings us all under divine judgement.

The good news is also that in Jesus Christ God has acted to redeem and sanctify us, and so restore us to the purpose of our being. Christ is thus our only hope and comfort, in life and in death. He reveals God's nature, grace, will and promise of final victory over sin and suffering.

The Need for Redemption

1. The Human Predicament

- 1.1 Human beings were created in the image of God, as creatures little lower than the *angels*. As the story of Adam and Eve portrays, however, the tragic paradox is that humankind has from the beginning yielded to temptation and turned away from God. Instead of trusting and obeying God we have rebelled against God's holy will. In pride we have aspired to be like God, self-sufficient and autonomous, choosing our own moral laws. Instead of living with and for God, and so also for other, as human beings we have come to live primarily for ourselves.
- 1.2 It is God's grace and holiness in Jesus Christ that reveal what sinners we are and how empty before God every human claim to be righteous is. Christ claims the whole of life for God and so reveals how far short of grateful and loving obedience to God we have fallen. That he needed to die for our sins shows how grave sin is.
- 1.3 Human society is capable of degrees of justice, and human beings of great altruism, heroism and self-sacrifice. Yet both societies and individuals are also capable also of appalling brutality and degradation. The most just society is radically flawed with injustice, and our noblest deeds and highest virtues with individual or group egoism, pride and self-interest. Group and individual interests distort even how we judge between right and wrong.
- 1.4 Sin is a corruption of our very nature; it infects and dominates the whole of human life. In our private and our public lives we fall under the power of evil. We sin individually and collectively. We are proud, self-centred, resentful, lustful, greedy, corrupt; we hurt, exploit, discriminate against and oppress others; we neglect the needy; we sin by commission and by omission. Sin misuses our greatest technological advances, so that instead of caring for the creation we pollute and ruin the environment and deplete the earth's resources, overpopulation spreads hunger and starvation, and modern weapons threaten us all with destruction. Sin warps religion itself with individual and group egoism, self-righteousness and prejudice.

- 1.5 Sin darkens our minds and perverts our very wills. All human beings are in bondage to sin, unable to rescue themselves and unable of themselves to turn to God to be rescued. The worst state is to believe in our own righteousness or moral superiority, as though we were not in radical need of grace and forgiveness.
- 1.6 Sin empties life of meaning and issues in despair. It makes us enemies of God, of one another, of our natural environment and even of ourselves. It grievously offends God, brings us all under God's righteous wrath and just judgement, and threatens final alienation from God.
- 1.7 In this predicament, because we reject grace and yet seek meaning and hope for our lives, we create or turn to a multitude of false gods. Even though it may well be of relative value, anything other than God to which we give absolute value or in which we put our final trust and so make into an idol is a false god. Some have made false gods of their race, nation, family or culture, or of social status, money, possessions, power, worldly success, fame, an ideology, nature, science, technology, sex, pop stars, political leaders, sport, alcohol or drugs. The idolization of every false god is itself further bondage.

The God who Redeems¹

2. God the Son, Revealer and Reconciler

- 2.1 The good news is that God does not abandon us to the judgement we deserve, but, in sovereign and free grace, breaks through our alienation and our blindness.
- 2.2 God alone can make God known. God did so in the history of Israel and does so above all in and through Jesus Christ. For Christ is God's own eternal Wisdom and Word, by whom God made all things. As the Word he, alone, is the revelation of God become flesh, God's self-communication, the visible representation of the invisible God, the human face of God in history. As such he is himself God and alone reveals God as God truly is. God is always transcendent, infinite, mysterious, beyond human comprehension, yet no other than what Christ reveals. As the Word, Christ is the Truth, and as the Truth he is the Way and the Life.
- 2.3 For the salvation of the world the eternal Word, the Son of God, humbled himself and by the Holy Spirit took on our humanity in the Virgin Mary's womb. He was born and lived in Palestine, as an artisan and then an itinerant Jewish rabbi, or teacher. In him deity and humanity are united in one person, truly and fully God, yet truly and fully human; he was subject to all our human limitations and weakness and so also to temptation and suffering. Thus in him God condescended fully to share our creaturely reality as human beings.
- 2.4 Jesus came to the Jews as their promised Messiah, identifying with them as an oppressed people. Baptized by John the Baptist, he was anointed with the Holy Spirit. Tempted like us, he overcame temptation and broke the human pattern of failure and sin. Already in his words and works God's rule invaded history with a foretaste of the new creation. He proclaimed God's coming victorious rule especially to the poor, called for repentance

¹ The first three articles in the section 'The God who Redeems' follow the order of *knowing* God as Triune (like II Cor.13:14). The Article on 'The Trinity' follows the order of *being* within the Trinity.

- in anticipation of that rule, healed the sick in body, mind and spirit, welcomed sinners and outcasts, made God's grace known to all, and taught what God demands.
- 2.5 Already during his ministry in Galilee he came into conflict with the religious and the political authorities. The ruler of Galilee sought his life, and religious leaders from his own people sought to destroy him, because his example and teaching judged their religious and moral perceptions and practice and their national ambitions. Finally, the religious establishment had him arrested and handed him over to Pontius Pilate, the prefect of Judaea. Despite recognizing his innocence, the Roman prefect unjustly gave in to the demands of a hostile crowd and ordered him put to death. He was crucified along with two bandits, or insurrectionists, on the charge of being a rival king to Caesar. As a public event in which Jesus and Caesar's representative confronted each other Jesus' trial and death had an irrevocably political as well as religious dimension. The religious establishment, the State and the common people, Jews and Gentiles all alike, were guilty of his death. By crucifying Jesus the world passed judgement on itself.
- 2.6 Jesus crowned his work for God's coming rule by giving his life as a sin-offering for the world. Because God condones no sin or evil, the guilt of sin demanded the death of the guilty. But, as one with the Father and in obedience to the Father's own loving purpose, Christ suffered and died on the cross in our place as a sinless human being for sinful human beings, the righteous for the unrighteous, the Judge in place of the judged. As one with the human race, he took upon himself its sin and guilt and bore God's judgement and wrath against it for our sakes. In him all were judged. In this way he exchanged his righteousness for our unrighteousness. Thus Jesus Christ became our High Priest, offering himself to God as an unblemished sacrifice for our sins. His blood atoned, once and for all, for all sin; no other sacrifice is needed, sufficient or acceptable to God. In this way God's love triumphs over judgement.
- 2.7 Jesus not only suffered death for us but by his glorious resurrection overcame death for us. God raised him bodily, in time and space, as the first-fruits of those who have died and will rise again. Thus the victim of sin and death became for us the Victor over sin, death, Satan and all evil powers, inaugurated the new creation and brought us the free gift of eternal life.
- 2.8 This atonement reconciled the world to God. It honoured the holy justice of God that cannot condone or overlook sin; at the same time it proved God's holy love for all sinners and glorified the grace of God that forgives. For through union with Christ we have forgiveness for all our sin, righteousness before God, peace and reconciliation with God, and victory over sin, death and every evil power.
- 2.9 As both divine and human, Jesus Christ is the only Mediator between God and people, the only Saviour for all humankind. Exalted to the 'right hand' of the Father, he is our eternal Advocate and High Priest who always lives to intercede for us.
- 2.10 Jesus Christ reigns at the Father's right hand as Lord over all the universe and over every area of human life, private and public.

3. God the Father, Creator and Sustainer

- 3.1 God's love for all humankind took particular historical form in electing Abraham and his descendants. God heard the cry of the Hebrews in Egypt, liberated them from oppression, provided them with food and water in the desert, and led them to the promised land. All this and their continuing experience of providence and judgement revealed God to them as the holy, mysterious and eternal Creator of all things visible and invisible, who is universally present and undergirds all creation and all life, who is the fountain of all truth, wisdom, love, goodness and beauty, who rules in sovereign power. They came to know God, then, not as a nameless blind force but as Yahweh, the righteous, just and ever-faithful covenant God, the Father of the chosen people, who, abounding in mercy and compassion, is afflicted in all their affliction and who as the Lord of history and partisan of the oppressed brings justice to the world and demands justice and righteousness from all people.
- 3.2 The incarnation, teaching, miracles, crucifixion, resurrection and exaltation of Jesus Christ and the new creation in him confirmed and profoundly deepened this revelation of God. Christ revealed God as the ineffable Creator of the world who reigns over it all in sovereign power and is everywhere present to it, the just Judge of all humankind who yet chooses to be a Saviour abounding in compassion and mercy, the Father who out of love for humankind sent the Son to live and die and be raised for us and our salvation.
- 3.3 It is above all in and through Jesus Christ as the eternal Son that God is truly revealed as the eternal Father. Jesus taught his disciples about God as his Father, and also their Father in heaven. For through Christ, the only begotten Son of God, the Father adopts us as sons and daughters, and also loves and cares for all people like a loving father.
- 3.4 Before the almighty Creator we ought to bow in awe; before the holy and righteous Judge of the universe we should stand in fear; but in God as our loving and merciful Father we may trust and rejoice.
- 3.5 Scripture speaks of God both as father and as mother. For it identifies God as the Father of the Son and of the adopted children of God, but also uses womanly metaphors and similes for God, because God relates to the people of God with motherly care and tender compassion. It declares as well that both man and woman are in the image of God. But God is not a mother in the sense that the world or humankind is generated from a divine womb or is an extension of God's own being. God is Spirit and transcends all human categories including gender: they apply only as analogies.

4. God the Holy Spirit, Life-giver and Sanctifier

- 4.1 The Holy Spirit is the Spirit of God and is one with God as a human spirit is one with a human being. The Spirit is the living, creative, personal and immediate presence and power of the transcendent God that extends into the world and is at work in it and in us. The Spirit is thus fully God in basic contrast to every other existing or supposed spirit, whether ancestral or supernatural.
- 4.2 The Holy Spirit is likewise the Spirit of Christ, his living presence and power. Through Christ God poured out the Spirit at Pentecost.

- 4.3 The Spirit was active in creation and is active in the new creation. The Spirit is the Giver of life and of new life. God comes to us and works in us always by the Spirit.
- 4.4 The Spirit inspired the writings of the Old and New Testaments and enables the Word to take root in our hearts. Through the Word and the sacraments the Spirit brings home to us the judgement and grace of God, enables us to recognize and accept Jesus as Lord and Saviour, moves us to commit ourselves to him and comes to dwell in us. The Spirit unites us to Christ and to one another in his Body, gives us new birth, sets us free from bondage to sin, and assures us that we are now children of God.
- 4.5 The Spirit resides in everyone who has faith in Christ, and Scripture calls us to be constantly filled with the Spirit.
- 4.6 The Spirit helps us to pray, moves us to worship and obey God, gives us faith and hope, pours the love of God into our hearts and brings forth the fruit of the Spirit. The Spirit equips us with an abundance of gifts and talents to build up the Body of Christ and empowers us to serve and witness to Christ in the world. In all these ways the Spirit brings life and revival to, and through, the Church.
- 4.7 Through the Spirit God also guides us in our daily lives. But every claimed experience or guidance of the Spirit must be tested by the Word of God in Scripture.
- 4.8 The indwelling Spirit is the foretaste and promise of God's coming rule.

5. The Trinity

- 5.1 God's self-disclosure in Jesus Christ and outpouring of the Holy Spirit reveal God as Father, Son and Spirit. Thus God is at the same time transcendent over the world, acting in history, and present in the world. This revelation, in history, discloses what God truly and inherently is, for it is God's self-revelation. It is the revelation of the one true and living God, who alone is to be worshipped and adored.
- 5.2 The Father alone is ingenerate, the fountainhead of all the divine being. The Father speaks, and Christ is the Word that is spoken. The Son is eternally generated by the Father, Light of Light, God of God. In him the fullness of deity dwells. Through him the Father made all things, reconciles us to the Godhead, and saves us from sin and death. The Holy Spirit is the Spirit of God eternally proceeding from the Father through the Son and operating in the world to give life, renew, sanctify and guide.
- 5.3 God is one and the same being, yet threefold: one in three and three in one. The one indivisible God who said, "I am who I am," has always existed and will always exist, in three distinct and different but inseparable ways of being, which some call Persons. Each is wholly and fully God, the same in majesty, glory and power, but distinguished by a different relation to the others. They exist eternally with, for, and in one another, in mutual self-giving; yet all retain their identities in personal relationship with one another. Thus God's being is essentially relational, a being-in-communion, without any solitude or self-centredness. In this way holy love is, and always has been, at the very heart of the eternal Godhead.
- 5.4 All outward action of the Godhead begins with the Father and proceeds through the Son in the Spirit. Though God the Father particularly is the Creator and Sustainer of all things, God the Son the Revealer and Reconciler, and God the Spirit the Giver of Life and Sanctifier, all three share together in the creation and preservation of all things, the revelation

of God's truth, the reconciliation and redemption of humankind, and the renewal and perfection of creation. For all three are one in being, nature, will and work, the same in goodness, justice, love and mercy.

- 5.5 The Father is revealed by the Son through the Spirit, and no one comes to the Father except through the Son and in the Spirit. No one comes to the Son and confesses him as Lord unless drawn by the Father and moved by the Spirit.
- 5.6 In condescending to be known by us God yet remains transcendent, holy and mysterious. God's triune being is a mystery to be eternally adored, though we comprehend it only dimly and in part.

The Revelation of Redemption

6. Revelation, Scripture, Preaching and Personal Witness

- 6.1 In their own power human beings are unable to find and know God. No human intellectual or moral endeavours or spiritual or religious practices of any kind are able to bridge the abyss between God and humankind. For God reigns in infinite and transcendent majesty, and we are but finite creatures; God reigns in impregnable holiness, and we are sinners. We do not even have ears that can hear God speak to us.
- 6.2 By grace alone, however, God's Word breaks through our spiritual deafness in the power of the Holy Spirit, convicts us of sin and moves us to repent and accept Jesus Christ as Lord and Saviour.
- 6.3 The Word of God is always God's living Word that addresses us in real life, in the power of the Spirit, and points, or witnesses, to Jesus Christ. That Word in the most exact sense is thus the living and present Lord Jesus Christ himself addressing us. In his life, teaching, death, resurrection and exaltation God has spoken conclusively, so that the test of sound teaching is its accord with the gospel.
- 6.4 The same Spirit who spoke through the prophets and Jesus and the apostles inspired the writing of the Scriptures. They record the revelation of God's grace, will and purpose for the world in the call of Abraham, the liberation and history of Israel, the birth, ministry, death, resurrection and exaltation of Jesus Christ and the outpouring of the Holy Spirit. Scripture is thus the sufficient and uniquely authoritative witness to Jesus Christ, the living Word of God. In that sense it is the Word of God written and the final rule of faith and life.²
- 6.5 The Scriptures consist of the 66 books of the Old and New Testaments commonly accepted as fully canonical. The Spirit guided the community of

² In adopting the Confession the UPCS recognizes that its members have different (for some, overlapping) views on the relation between the Word of God and Scripture:

- Some fully equate Scripture and the Word of God, regarding it as verbally inspired and infallible.
- Some distinguish between the Word of God and Scripture as its inspired and normative but fallible human record and witness.
- Some emphasize that the Word of God is strictly Jesus Christ, the living Word, and see Scripture as the normative and authoritative witness to Christ that by the power of the Spirit becomes and is the Word of God in bearing such witness (Jn.5:39f., II Cor.3:14-4:6).

All, however, confess that Jesus Christ is the living Word of God, and that the Scriptures are inspired by God and have unique authority.

- faith to recognize these writings as the unique and faithful record of the Word of God on which the people of God was founded and thus the criterion by which to judge the broader tradition of which they are part.
- 6.6 Christ reveals himself to us through the witness that Holy Scripture bears to him, and through the witness that the Church bears to him on the basis of Scripture. Thus Christ speaks through Scripture, preaching and personal witness, in the power of the Spirit, where and when he chooses. The dead letter of Scripture becomes God's own living and active Word to us, when Christ speaks through it in the power of the Spirit.
 - 6.7 The ultimate authority of Scripture itself rests on its Spirit-inspired witness to Jesus Christ, who lived, died and rose again for the world's salvation, and on the inner witness of the Spirit that in and through the words of Scripture God in person speaks to us. In all revelation God is sovereign and speaks in the present.
 - 6.8 Neither Testament is dispensable: each is to be read in the light of the other. The Old Testament, or Hebrew Bible, bears witness to God's faithfulness, justice and grace in dealing with Israel and points forward to the coming Messiah. The New Testament witnesses to the coming of the Messiah in the past, his presence with us in the Spirit, and his coming in glory in the future. Thus the New Testament presupposes and builds upon the Old in interpreting the gospel; it also fulfils and completes the Old. Only if we are schooled in the Old Testament will we properly interpret the New and its gospel of God's victorious rule. But what the Old Testament proclaims Christ reveals fully: God's justice, love and grace and the promise of God's victory over all evil.
 - 6.9 The Scriptures are inspired by the same God who accepted the constraints of the incarnation. Thus, though inspired by the Spirit, the Scriptures are at the same time fully human documents. As the elements in Holy Communion remain bread and wine, yet through the sacrament Christ imparts himself to us, so the Word of God accommodates itself to our understanding in the human words of Scripture and addresses us through those words.
 - 6.10 Indeed as human documents the books of the Bible are conditioned by the thought forms of their times and open to rational analysis. Such analysis helps us understand their literary and historical nature and their social, political, psychological, ideological and religious contexts. Yet it is not detached rational analysis, or for that matter religious intuition, but the Holy Spirit who uncovers the Word of God to us. It is not we who judge God's Word in the Bible, but the Word that examines and judges us. To hear God's Word to us in the Bible and in preaching we need ears opened, and hearts enlightened, by the Spirit.
 - 6.11 God's Word is sovereign, and Holy Scripture is the source and only criterion for all that the church teaches. God may speak to us also through the grandeur of nature, the rustling of a leaf, the storms and silences of life, a vision, a dream or the cry of a hungry child. We need to listen for God's call and command at all times, wherever we are. But every claimed revelation is to be tested by the normative criterion of the Word of God as Scripture bears witness to it.
 - 6.12 Scripture needs to be interpreted from within the community of faith and its tradition, of which Scripture itself is a part. The Holy Spirit has also guided the great councils of the Church and the formulation of its great creeds, whose authority we recognize. Yet, important as church tradition is

in guiding us how to interpret Scripture, Scripture itself is the uniquely normative part of all tradition. The Holy Spirit speaking through Scripture is the standard by which all tradition, councils, creeds, confessions and other pronouncements, all religious experience and human reasoning and all preaching and personal witness are to be tested.

- 6.13 The Spirit does not reveal truth that differs from that in Scripture, but opens our minds to the gospel and impresses on them its truth and what that means for us and our times.
- 6.14 Scripture is its own interpreter in the sense that its fundamental message must be understood not in terms of any interpretive key from outside it but on its own terms. Every biblical passage is to be interpreted in the light of the whole of Scripture and above all in the light of Christ. For it is to Christ that Scripture bears witness: he is its burden, its centre, its goal; in him is its unity and the fulfilment of all its divine promises. All of Scripture is to be read with the aim of finding Christ in it.
- 6.15 As a witness to God's Word Scripture is judged only by the Christ to whom it witnesses and who speaks through it. For he is the Lord of Scripture and its norm. As the herald and living embodiment of God's grace and coming rule, as the Galilean Jew who identified with the poor and oppressed, having nowhere to lay his own head, as the victim of the religious and political powers at whose hands he died for our sins and as the Lord who rose for our justification and was exalted as sovereign over all of life, Christ is the liberating Word that is the key to the interpretation of all Scripture. Our own egoism and group and class interests constantly tempt us to read Scripture through the spectacles of our pride, prejudices and vested interests; as God's Word, however, Christ always calls for repentance, faith, humility and gratitude, and for liberation and justice for the poor, the exploited and the victimized.
- 6.16 True preaching expounds the Scriptures and applies them to the contemporary context. It focuses on Christ and calls people to accept him as Saviour and serve him as Lord in daily life. Thus preaching, to the extent that it is true to Scripture in bearing witness to Jesus Christ and is empowered by the Spirit, by God's grace becomes what mere human preachers of themselves cannot utter: God's own Word to us.
- 6.17 Likewise the Spirit empowers the halting words of all who bear faithful personal witness to Christ, so that by God's grace it becomes what they of themselves cannot utter: the very Word of God. Through such preaching and personal witness, then, Christ encounters people in the present as the living Word, calling them to faith and obedience.

7. The Sacraments

- 7.1 Christ ordained two sacraments: baptism and Holy Communion. They respectively succeed circumcision and the Passover in the old covenant.
- 7.2 The same Word of God that addresses us verbally through Scripture, preaching and personal witness comes to us visibly and tangibly through the sacraments. For God in Christ comes to us not face to face but clothed in human words and in the earthly elements of the sacraments. The sacraments are not just symbols of the Word or visual aids to it but visible, material forms of the Word itself that apply, confirm and seal the gospel's promises to the individual. They are the Word in palpable form, God's palpable Word to us.

- 7.3 The spoken Word, in preaching and in the liturgy, constitutes these rites as sacraments. It does so by explaining what they signify and so articulating their promise and offer of grace. Only by trusting in God's promise signified by the sacraments and articulated in the accompanying words do we receive their power. Otherwise the sacraments have no saving effect.
- 7.4 Jesus Christ alone saves. Just as no printed or spoken human words in themselves can save, so no water, bread, wine or outward ritual itself can. Yet, as the very Word of God, Christ is the essential content of the sacraments, just as he is of Scripture and of right preaching and personal witness. He is personally present in the sacraments; his word and Spirit are the source of all their power.
- 7.5 The sacraments remind us of the incarnation, death and resurrection of Christ, which accomplished our salvation in the past. Through word and sacrament together Christ offers, effects and affirms that salvation in the present. The sacraments also anticipate God's final sanctification and renewal of all things in the future.
- 7.6 Through the Word and the sacraments Christ comes to us with saving grace in the power of his Spirit. As the Holy Spirit awakens faith by means of preaching and personal witness to Christ, so by means of the sacraments the same Spirit confirms our faith, binds us to Christ and incorporates us in his one body; Christ applies his atonement to the individual, forgives our sins, seals his covenant of salvation with us and empowers us to follow him.
- 7.7 Through the sacraments Christ acts to convey and effect God's promises to sinners, confirm our salvation and strengthen our faith. Thus the sacraments are means of God's grace; only in the second place do they express our response to God's grace and attest our faith.
- 7.8 The sacraments identify the Church, and by participating in them we profess our identity in Christ and our faith before the world.
- 7.9 We recognize the confession of sins and assurance of grace, ordination to the ministry of Word and sacrament, marriage and the anointing of the sick all as ordinances of God, though not as sacraments.
- 7.10 God's grace in the sacraments and ordinances of the Church is free. It is therefore not to be made to depend, for instance, on the paying of church dues!

8. Baptism

- 8.1 Baptism is preceded by repentance and confession of faith in Christ as the crucified and risen Lord (in the case of small children by confession by their parents or those actually raising them).
- 8.2 Baptism is with water in the name of the Father, Son and Holy Spirit. It may be either by pouring on water (signifying spiritual cleansing) or by immersion (signifying dying to the old life of sin and being raised to new life). Baptism into God's name signifies that we are called to be God's people, in the world but no longer of it.
- 8.3 The risen Lord Jesus is our baptizer. Along with preaching or personal witness he uses baptism in water to call us by name, baptize us with the Spirit, unite us to himself, initiate us into the covenant of grace, wash away all our guilt, clothe us with his righteousness and give us new birth. Thus by baptism through faith we die and are buried with Christ, to die to sin and live as new people in him. By it Christ commissions us to take up

- our cross, follow him and witness to him. As the sacrament of renewal, baptism points forward to the cosmic renewal to come and seals us for the day of redemption.
- 8.4 By baptism Christ grafts us into his Body, the community of the redeemed that transcends all divisions of race, class and gender, consecrates us to be members of the royal priesthood and admits us to his holy Table. Baptism therefore normally takes place in the face of the worshipping community.
 - 8.5 Christ calls us to be born of water and the Spirit. But as the wind blows where it wills, so the Spirit regenerates some through the audible Word without baptism, and not all who are baptized are born anew.
 - 8.6 God's covenant is with a community and by way of that with the individuals in the community. God does not exclude children from the community. Instead the covenant is with all in the community, both adult believers and their children. The circumcision of infants signified this in the old dispensation; infant baptism signifies it in the new. Circumcision was a sign of repentance and a seal of righteousness by faith, yet was administered to infants in anticipation of these things; just so with baptism. Indeed by baptism we are circumcised with the circumcision of Christ. And Jesus promised that God's victorious rule belonged to the children of those who brought them to him to bless. Therefore baptized parents who have repented, confess their faith and are part of the community may bring their children for baptism, promising to nurture them in the faith. The community of faith is responsible with the parents for the nurture of the children.
 - 8.7 Thus it is not on the basis of their understanding or ability that human beings receive God's gift, but through the grace of God alone. Nor is infant baptism a social custom or a cultural rite of passage after birth; it is not to be administered indiscriminately.
 - 8.8 Children who die unbaptized and people whose mental incapacity prevents them from responding to the call of grace are not to be seen as outside the hope of redemption.
 - 8.9 Baptism initiates children into the covenant, grafts them into the body of Christ and engages them to be the Lord's. But baptism never replaces the need for faith: it anticipates that, as members of the community, they will come to respond with a free, glad 'yes' to God's 'Yes' to them by accepting Christ as Lord and Saviour—and publicly professing that faith. Their baptism thus calls them to trust in Christ and worship and obey God as they grow up, for its promise of grace to be realized in them. The regeneration that infant baptism signifies may be fulfilled in childhood, adolescence or mature age, whenever a person is brought to faith.
 - 8.10 As Christ died and rose for us once and for all, baptism happens only once. Whenever received, it remains effective for the whole of a believer's life; its promise is permanent. Whenever we sin or doubt troubles us, Christ calls us to look back to our baptism as the sacrament through which he initiated us into his covenant and cleansed and claimed us for his service. Our baptism is thus an ongoing summons to repent and to remember that we have died with Christ to self and sin and been raised with him to forgiveness and new life.

9. The Lord's Supper

- 9.1 The Lord Jesus instituted the Lord's Supper, as a fourfold act of taking, giving thanks, breaking, and sharing bread and wine that signify his body and blood. Just as baptism is normally in the face of the congregation, so the Lord's Supper is normally a communal meal.
- 9.2 The exalted and living Lord Jesus Christ himself presides as the host at the Lord's Supper. In that it succeeds the Passover meal, the Supper commemorates the Exodus as a liberation from oppression. It also reminds us of Jesus' fellowship at table with sinners and outcasts. But above all other past events it commemorates and proclaims his death and resurrection as the ground of our salvation. Through the Spirit Christ himself is truly present in the power of his crucifixion and resurrection and feeds us with his very body and blood in the act of Holy Communion. Thus the bread and wine are not empty but sacramental signs that exhibit the real presence of Christ, who by the Spirit conveys to the believer what they promise.
- 9.3 In this way Christ confirms and renews his covenant with us, lives in us and we in him, and assures us that he died for our sins and will raise us from death to live with him forever. For with Christ we receive the benefits of his death and resurrection: the forgiveness of our sins, the joy of mystical communion with him, and reconciliation and union with one another in the one body of Christ. Through this sacrament Christ empowers us to overcome the temptations we face in this age, renews us to share his mission in the world and gives us a foretaste of the messianic banquet in the age to come. It is therefore to be celebrated with hope and joy.
- 9.4 The unity and fellowship of the Body of Christ is manifested above all at the holy Table: no believer may be barred from it or separated at it on grounds of race, nationality, culture or class.
- 9.5 Only those who know they are unworthy of the Supper, grieve for their sins, humbly trust in God's promise of grace and are at peace with one another are ready to come to the Table. Those who eat and drink in unbelief dishonour the death of Christ to their own condemnation.
- 9.6 By their material elements the sacraments exhibit the bodily nature of the incarnation, assure us tangibly of our salvation and bring home that the good news is not just a matter of words but a reality to know and live out in this world. The sharing of the bread also reminds us of Christ's command to share our bread with the hungry as we would share with him.
- 9.7 The Supper is the centre and crown of the Church's worship. In faithfulness to Christ's example and to apostolic practice, it should be celebrated regularly and frequently.

10. Natural Revelation

- 10.1 The universe with its vastness, order, beauty, mystery and power has struck people in every age with awe. It points beyond itself to the majesty and power of its Creator. Conscience also makes people dimly aware of God's righteousness and judgement. So, even without what Jesus Christ reveals of God, human beings have always had some sense of the reality of the Supreme Being and the divine demand for righteousness in their lives and equity in society. This leaves us without excuse for failing to honour, love and serve the living God as we should. But sin so corrupts the human mind and spirit that, left to themselves, human beings deny or

distort this revelation. Instead of acknowledging the true and living God they fashion their own false ideas of God or worship false gods.

- 10.2 Thus God is hidden from sinners in holiness and transcendence: they can only grope after the divine reality. Human reason cannot pierce the mystery of God; indeed sin warps reason's view of both divine reality and the human condition. Nor can we discover God in nature, in history, in the depths of our own being or in our own religious presentiments and feelings. Only God's Word or self-revelation in Jesus Christ can bridge the chasm between God and sinful human beings. Only the grace and mercy of God in Christ breaks through our sin and spiritual blindness.
- 10.3 Thus it is not by seeing or recognizing the majesty and power of God in nature or the universe that one comes to real knowledge of God. Instead it is only by first coming to know God in Jesus Christ, in the humiliation, weakness, shame and suffering of the Cross and in the victory of the resurrection, that we truly come to know the living God. Indeed, even though creation bears God's handprints, it is only through the spectacles of Scripture that we see it clearly for what it is: the handiwork of this God, the theatre of the Creator's glory.
- 10.4 Reason and nature by themselves are inadequate also to answer the question how we should behave. God's Word alone does that clearly and adequately.
- 10.5 Conscience itself must be transformed by being made captive to that Word; for Christ, not conscience, is the ultimate judge of what is right or wrong.

11. Revelation and Religion

- 11.1 Some religions, including Judaism and Islam as the other Abrahamic religions, display impressive elements of spirituality and morality that challenge Christians to be faithful to the gospel and its ethics. But all religion stands under God's judgement and is radically called in question by the good news that grace alone puts us right with God. That good news shatters every human claim to have achieved knowledge of, or peace with, God. It means the end of all religious, including all Christian, conceit and pride.
- 11.2 Thus the Christian mission to people of every religion properly begins with the confession that before the one true God everyone is spiritually poor. Christians in themselves are no more righteous than unbelievers. Nor have we found God or achieved any saving knowledge of God; only God's search for us and self-disclosure in Jesus Christ achieve that.
- 11.3 We are constantly tempted to turn religion, including our Christian religion, into a basis for self-righteousness, self-complacency and looking down on people whose religion differs from our own, especially if their social class, race or nationality differs as well. We also tend to use religion to sanction our social or political way of life. Christians need to repent for prejudice against others and for when they have persecuted or oppressed others in the name of their religion.
- 11.4 God wants all people to be saved, and Christ died to atone for the sins not only of Christians but of the whole world. As the one Mediator between God and humankind Christ opens up the way to God for the religious and the irreligious alike.
- 11.5 We have no right to try to impose the lordship of Jesus Christ on unbelievers against their will. Instead, in all humility, and wherever

necessary in penitence, Christians should seek dialogue with people of other religions and work with them for religious freedom for everyone and for justice, peace and the environment. For peace in a world torn apart by religious, sectarian and other kinds of conflict needs tolerance, tolerance needs understanding, and mutual understanding needs dialogue.

- 11.6 At the same time Christ calls us to be always loyal to the one true and living God he reveals. The good news calls us to witness to all people everywhere, of every religion and of no religion, that Christ is the one Lord and Saviour, the Way, the Truth and the Life. To know the true and living God means the end of all other gods.

12. Revelation and Culture

- 12.1 In Scripture revelation comes to us clothed in the cultures of the ancient Middle East. To communicate the good news to other people we need to express it in their own languages and cultural concepts. As the good news takes root, it takes on the clothing of each particular culture.
- 12.2 We should therefore recognize the dignity and appreciate the positive values of one another's different cultures. At the same time, however, every human culture tends to enmesh the Church in its values and to reduce the Church's preaching and teaching to an echo of those values. Even Scripture in many places shows a cultural patriarchalism, or male-centredness, and a cultural acceptance of slavery, for instance. This obscures the full biblical insight that in God's eyes all people are equal, no matter their gender, race, nation or class, and that all discrimination based on such distinctions has been abolished in Christ, who has set us free spiritually and so in principle socially. At the same time God calls us to be servants of all. God's revelation itself is not to be identified with any human culture or compromised by allowing culture to become a moral or religious norm. Revelation remains sovereign over every culture and judges every culture together with its religious beliefs and practices and its moral standards and conduct.
- 12.3 The good news opposes the materialism, consumerism, racism, militarism and sexual licence that are rampant in many cultures, and in our own societies. It opposes any resort to mediums, fortune-tellers, astrology, horoscopes, charms or fetishes.
- 12.4 Likewise the good news opposes any religious or cultural honouring or veneration of ancestors that in any way compromises the unique role of Jesus Christ as Scripture reveals it. We should remember the blessed departed. Our forebears in the faith surround us as a great cloud of witnesses: their example encourages us to persevere in the race set before us. But Christ alone blazes the trail for our faith and enables it to reach its goal. He, once for all, provided the only sufficient sacrifice on our behalf; he alone is Mediator between God and humankind; he alone gives us saving knowledge of the true and living God; his Word and Spirit alone are our true guide; his intercession alone makes our prayers effective; he alone is our comfort in life and in death. In him there is no place for fear of any supernatural powers, stars or ancestral spirits, and so no place for their propitiation or appeasement or for fear of evil spells. For through him and for him all things were created, and he is exalted as Lord in glory and might far above every heavenly body, every power, every spirit. He is the Saviour who delivers us from every threat they may pose, every bondage they may claim to impose.

The Way of Redemption

13. Election and Covenant

- 13.1 Already before creating the world God elected a particular people in Christ, predestining them to be adopted as children of God. God elected Abraham, Sarah and their descendants with the promise, "I will bless you, so that in you all the families of the earth will be blessed." Thus of all the people on earth God covenanted with Israel to be their God and called them to be a holy and faithful people and obey the commandments. But Israel was elected to be a blessing to others: to be a light to all the nations. The election of this particular people was for the sake of God's mission to the whole world, to make God's grace and salvation known to all people in the face of sin and judgement.
- 13.2 This election and covenant anticipated the coming of the Messiah and the final uniting together of all beings in heaven and on earth under one head, Jesus Christ.
- 13.3 God's covenant is an everlasting covenant. Although the people of Israel were disobedient, God did not cast them away for ever, but instead in grace renewed the covenant with them. For God remains faithful even when we are faithless.
- 13.4 The new covenant is sealed with the blood of the Messiah, entered by baptism through faith and written on people's hearts by the Holy Spirit. Gentiles who are accounted righteous through faith, as Abraham was, are thereby made children of Abraham and Sarah within the covenant and so equal to the Jews and heirs of salvation.
- 13.5 Thus God, although hidden from human eyes, by grace comes to be known by some human beings. For God elects in Christ, purely out of grace, not because the elect merit it in any way or are better than other people.
- 13.6 Election assures the weakest of believers of their security in the grace of God. For God is faithful. Even though we may grow spiritually cold or wander away and fall into grave sin, God does not abandon us. God's Spirit draws us to repent and be restored and enables us to persevere to the end. Nothing can snatch us out of the Father's hand. God who has begun a good work in us will bring it to completion.
- 13.7 The elect are called to make God known to the whole world and seek its salvation. We are called to bear witness that Jesus Christ is Lord and Saviour and that all who truly seek shall find God.
- 13.8 Thus the goal of election is to liberate humankind from all hostile powers that threaten it, even death itself, so that human beings may be reconciled with God, with one another, with nature and with themselves, in true community under God's loving rule.
- 13.9 Scripture's witness to Christ and to his atonement for the sins of the whole world excludes the notion that, by an eternal decree, God predestined any particular individuals or people to final rejection.

14. The Victorious Rule ('Kingdom') of God

- 14.1 The gospel makes clear that this world is not as it is meant to be; instead it lies in the grasp of the evil one. But Jesus Christ showed that, despite all the sin and suffering in it, God has not abandoned this world. For it is God's world. God loves the world and has always ultimately ruled over it and its history, even if in a hidden way. God wants to save sinners—and

stands on the side of the poor, the oppressed and the exploited against all social, economic and political structures that oppress them.

- 14.2 Jesus thus heralded God's imminent coming to triumph over all the powers of evil and rule victoriously in a transformed world. In a radically new order of righteousness, justice, mercy and peace God would save the lost, welcome the outcasts, liberate the oppressed, bless the poor, comfort the weeping, fill the hungry, end Satan's power and bring eternal life in a world freed of all want, sickness, suffering and death.
- 14.3 The God who is to come was already present in Christ. God's victorious rule broke into history in advance in the person and ministry of Jesus himself. By his exorcisms, healings, miracles, teaching, preaching, eating with sinners and outcasts, forgiveness of sins, and above all by his death, resurrection, exaltation and outpouring of the Spirit, Christ inaugurated God's rule in anticipation of its final victory. God's rule is thus identified not with the reign of Caesar but with the person whom Caesar's agents scourged, mocked and crucified.
- 14.4 The exalted Jesus Christ reigns from God's 'right hand' as Lord and King over every area of life. Though his kingship is hidden from unbelievers now, at the end of the age he will manifest and implement it in its fullness, bringing judgement and salvation to all the world.
- 14.5 Those who by faith in Christ receive the Spirit and are born from above are heirs of God's rule. Indeed through the gospel the Holy Spirit makes the coming rule of God a present reality in the world. In believing the gospel and experiencing the Spirit we already taste the powers of the age to come, and are transferred from the domain of darkness to be under the rule of God's beloved Son.
- 14.6 Christ calls us to live in the world already now in eager anticipation of God's final victory and its triumph over evil. We do that by repentance and faith in Christ, by praying for that rule to come, by calling others to repentance, faith and hope and by obeying Christ's commands.
- 14.7 Christ mandated his disciples to do the same works of God's rule as he did and saw the works they then did as anticipating Satan's downfall. Christ calls his disciples today likewise to witness and work in the power of the Spirit and so signify that God's victorious rule is coming. They are to proclaim the good news, declare the forgiveness of sins, heal the sick in mind and body, care for the needy, embrace the outcasts, and strive for the liberation of the oppressed and a just and free society.
- 14.8 Yet God's final victorious rule is no human enterprise that we build or extend: no evangelistic or social activism, political revolution or ethical effort can bring it about or hasten its coming. Nor is it any evolving historical process. Instead it comes and will come as God's free gift, as a new creation through Jesus Christ, by God's grace, initiative and sovereign power alone.
- 14.9 Every partial triumph of good over evil, of personal holiness over sin and of justice over injustice is nevertheless a sign that God's rule is coming. For that rule already impacts on the world, and in the end must triumph.

15. Grace, Justification, Regeneration and Faith

- 15.1 God justifies us as ungodly sinners, that is, declares us righteous and sets us right with God, purely out of grace. Grace is not a power given to us in order that we may achieve our own righteousness and so merit salvation; it is God's free love and mercy that we utterly fail to deserve. For before

God no one can boast of any goodness or merit. All our own righteousness fails; all our efforts leave us worthy only of death. But when we despair of ourselves, then we find comfort in God. In our failure and need God's sovereign, free grace comes to us.

- 15.2 The Spirit strips us of all our self-deception and supposed righteousness and convicts us of the enormity of our own sin. The Spirit brings home to us how God has dealt with that sin in Christ and unites us to Christ by moving us to repent, surrender to him as Lord and trust in him as Saviour.
- 15.3 Through our union with Christ God freely acquits us of all our guilt and accounts us righteous on the sole ground of Christ's perfect human obedience and atonement. Thus God imputes to us a righteousness that is not our own but Christ's. This frees us from all condemnation, and the Spirit assures us of the forgiveness of all our sins. For no sin or guilt is so great that Christ's atonement does not cover it. At the same time as God imputes Christ's righteousness to us, the Spirit, by uniting us with Christ, sanctifies us, cleansing us of all our sins with the blood of Christ.
- 15.4 With our justification the Spirit gives us new birth as God's children in Christ, inseparable from God, because of our union with Christ. Regeneration then manifests itself in genuine conversion (whether conversion is experienced as sudden or not).
- 15.5 We receive grace through faith alone. Faith comes through hearing the good news and is confirmed by the sacraments. Much more than belief in right doctrine, it is accepting the living Christ as Lord and trusting in him alone as the Saviour who fulfils all God's promises of mercy and grace. Faith is our acceptance, in humility and gratitude, of God's surprising acceptance of us.
- 15.6 Thus faith hungers and thirsts for Christ and lays hold of him who has first laid hold of us, even if at times we struggle to cling to him. Faith does not mean the absence of all doubt but continuing to stand in the face of doubt. For though faith cannot sustain itself, the Word and the Spirit continually uphold faith in the face of doubt.
- 15.7 As our response to the good news of Jesus Christ, faith involves a human decision. Indeed how we respond to that news, with faith and commitment or with unbelief or indifference, is the most critical decision we make in life. Yet as sinners we are unable to decide for Christ of ourselves. We are able to make that decision only because in the power of the Spirit God's Word unblocks our deaf ears, enlightens our minds, changes our hearts and moves us to accept Christ as Lord and Saviour. Thus faith is not a human achievement but the effect of grace, the work of the Holy Spirit in our minds and hearts, God's gift to us. No one may boast of having chosen to accept salvation in contrast to those who reject it, for of ourselves we all resist God. We do not choose Christ; he chooses us, and no one can come to him unless the Father draws that person with the Spirit.
- 15.8 Nor does faith itself merit, effect or appropriate salvation. Faith is but the means that the Spirit uses to unite us to Christ; it is an empty hand that receives redemption as a gift and then clings to Christ and God's promises in him. For Christ, not faith, is our righteousness and our sanctification. All the glory for salvation belongs to God alone.
- 15.9 Faith consists in believing with the heart, but it bears witness with the mouth and by the way we live. No faith is firm that does not bear witness.

The Response to Redemption

16. Grace, Gratitude and Ongoing Sanctification

- 16.1 Grace is free, because we in no way earn it. But for God it is utterly costly, because it cost the life of God's Son; so we dare not treat it as cheap. For us too it is costly in that it demands repentance, obedience and, in the face of opposition and persecution, faithfulness. To repent means to be moved by the Spirit so that the gravity of sin cuts us to the heart and we turn away from all sin and self-justification to God, and seek to bear fruit worthy of grace.
- 16.2 Christ accepts us as we are, but does not let us remain as we are. He claims our whole life for God and calls us, in the midst of an unholy world, to grow in grace and active holiness. We are saved to live for God, which means to live out the love of Christ in the world.
- 16.3 Justification, cleansing, initial sanctification and regeneration through union with Christ is followed by ongoing sanctification in the way we live. The Spirit moves us to respond to God's grace not only with faith but with love and glad obedience that seeks to serve God both in our private lives and in public life. For faith is real only in obedient discipleship. True faith thus always issues in action, or works. Such works are done not in order to win eternal life, for that is God's free, unmerited gift, but in gratitude and to the glory of God.
- 16.4 To glorify God means to worship God and to live out God's will in the world. It means to commit our lives to Christ and to witness to him, no matter the cost. It means to love all our neighbours and to forgive and love all our enemies. For we cannot claim to love God, whom we do not see, if we hate people whom we do see.
- 16.5 True faith is thus active in love, a love that cares for others. Such love does all it can to stand for justice, defend the oppressed, feed the hungry, comfort the distressed, visit those in prison, rescue the outcast and join the struggle against evil in the world, in anticipation of God's coming just rule.
- 16.6 In ourselves we are always ungodly sinners, unprofitable servants who fail to achieve any righteousness of our own and need forgiveness every day. Even our best deeds in this life remain imperfect and contaminated with sin. Yet God graciously accepts and is pleased by deeds of obedience and even promises to reward them. This is not because they merit reward, but because it is the Spirit that moves us to do them and Christ's atonement covers all the shortcomings in our obedience with his righteousness.
- 16.7 Thus being a Christian means to repent every day for sin, to give unending praise and thanks for God's goodness and grace and to seek to live to God's glory.

17. Gospel and Law

- 17.1 The Word of God comes to us as the gospel, or good news, of God's grace and as God's law, or commandments. Both aspects of the Word encounter us in the Old Testament and in the New but most profoundly in the person, life, example and teaching of Jesus himself.
- 17.2 The sacrifices and ritual laws of the old covenant foreshadowed the promised reality that Christ was to bring, and so fell away with his coming. But the spiritual and moral commandments of Scripture remain valid and imperative.

- 17.3 The law and the gospel must be distinguished. It is God's grace in Jesus Christ that redeems us, not God's law. The law demands that we keep all the commandments and live holy lives. Yet it does not enable us to do this, and so cannot redeem us.
- 17.4 We understand the gospel and the law properly only in the light of each other. The Spirit uses both together as a mirror to reveal to us what we are: sinners who fall far short of the commandments and indeed rebel against God in will, thought, word and deed. In this way the Spirit convicts us of our sin and condemnation under the law, drives home our desperate need for Christ and brings us to godly grief. Christ is thus the goal of the law.
- 17.5 The good news is that in bearing our sins on the cross Christ freed us from the law's condemnation. It thus calls us to put our faith in Jesus Christ instead of striving for a righteousness of our own under the law. For all whom the Spirit unites to Christ through faith thereby receive the righteousness and life of Christ. This frees them from the demand that they achieve a righteousness of their own and from all the law's threats.
- 17.6 Yet the gospel and the law are not separate. The same God who liberated the Hebrews from Egypt gave them the commandments. The same Saviour who died for our sins and was raised for our justification is the Lord who claims all authority in heaven and on earth and calls us to observe all that he has commanded.
- 17.7 Christ himself fulfilled the law on our behalf. He thus does not abolish the law but upholds it. Indeed in freeing us from condemnation by the law he freed us to obey and serve God's will. For true freedom is not freedom to do as we like within the prison of sin but being set free from that prison and so being free for God, free for others.
- 17.8 Thus God's covenant involves both grace and the commandments. God does not offer us the grace of the good news without confronting us with the commandments. Indeed the grace of God itself commands us, for it claims our whole being. To know God's grace is to know God, and to know God is to know and serve God's will.
- 17.9 The one Word of God is thus both gospel and law: it reveals both God's good will towards us and what God's will demands from us. In calling us to faith the gospel does so in order that we may live according to God's will, and the commandments show us how to live in accord with the gospel.
- 17.10 In accordance with God's promised new covenant the Spirit writes the law on believers' hearts. That means that the Spirit moves us to live to God's glory in accordance with the good news and the commandments, in gratitude for God's grace and mercy. It means that the Spirit empowers us to live out the law's demands gladly, joyfully and courageously.
- 17.11 The Spirit interprets the commandments, so that we obey them not legalistically but as the Spirit of life applies them in the light of Christ. This also means in accordance with the two primary commandments in which Christ summed up the will of God: to love God with all our heart and soul and mind and strength, and our neighbours as ourselves.
- 17.12 Civil law too must be judged in the light of God's law. Jesus Christ, as he is attested to us in Holy Scripture, is the one Word we have to hear, trust and obey, in life and in death. No other law or command of any kind can have greater authority than that Word. For Christ is Lord over every area of life.

18. Worship and Prayer

- 18.1 All true worship begins with God. Through the Word and the Spirit God gathers the people of God, God's family, together. Though our disobedience shuts us off from God, Jesus Christ, our incarnate, risen and exalted Lord, has by his own obedience and sacrifice of himself opened the way and won access to God for all. He is not only God's Word to humankind but, by his life and ministry, himself the obedient human response to that Word and as such the true minister and agent of worship. As our High Priest he, through the Spirit, sanctifies us as a royal priesthood and bears our sacrifice of praise and thanksgiving on high, making it acceptable to God. As our Advocate he intercedes for us before the Father. True worship and prayer is thus through Jesus Christ, the only Mediator, on the basis of not our own but his righteousness, in the communion of the Holy Spirit.
- 18.2 Our union with Christ in the Spirit unites us in fellowship with one another in the one Body of Christ and brings us into the very presence of the Father. Indeed through the Spirit Christ draws us and our worship into his own communion with the Father and so into the very life of the triune God.
- 18.3 True worship is thus to the glory of the one true and living God, Father, Son and Spirit.
- 18.4 Worship is an essential part of our response to God's grace in which we gather not so much to seek God as to celebrate and proclaim that God has first sought and found us. It is a dialogue in which God comes to us in the Word and the sacraments, and we respond in song and prayer, declaring our faith, offering our gifts, and offering ourselves as a living sacrifice. Word and sacrament are thus both central to worship.
- 18.5 Despite our unworthiness, then, God accepts worship and hears prayer that accords with God's will and is offered in Christ's name. Hence we should worship and pray with freedom and complete confidence. What matters is not the splendour of our worship or the power of our prayers but that through Christ God accepts our worship and hears us.
- 18.6 The Lord's day in particular is ordained for worship together and the celebration of Holy Communion, as a time to delight in God. For on this day the Lord rose from the dead, made himself known to his followers and ate with them. It is a time to rest from our work and together attend to God's Word and seek the fullness of the Spirit.
- 18.7 Worship together, meditating on Scripture, and daily private prayer are all integral to Christian life. Through them God arouses and preserves faith, transforms lives, stirs up the gifts of the Spirit and sustains us as Christian disciples. Without worship and prayer godliness dissipates.
- 18.8 True prayer, like all true worship, begins with God. Through the Word and the Spirit God calls, moves and enables us to pray. As the true minister of worship, Christ, our High Priest, Advocate and Intercessor, is the true minister of prayer: he has won access to God for our prayers and by his intercession bears our prayers to the throne of grace. In the Spirit we pray as those who have access to the Father as the brothers and sisters of Jesus. Thus, though prayer is a human activity, at a deeper level it is the Spirit's activity within us. When we do not know how to pray as we ought, the Spirit intercedes through us and for us.
- 18.9 In prayer we reach out beyond ourselves and speak to God, who has already spoken to us in the gospel and the law. We pray to God alone.

Prayer is addressed primarily to the Father through the Son and in the Holy Spirit, though also to the Son and sometimes to the Spirit.

- 18.10 Prayer includes glorifying and adoring God, confessing our sins, waiting upon God in silence, giving thanks, praying for others and for ourselves and dedicating ourselves to Christ's service.
- 18.11 God answers the prayers of those who abide in Christ and pray in his name. But as in Gethsemane the Father did not grant Jesus what he first prayed for, so God's answer to prayer may differ from what we request.
- 18.12 God commands us to pray, for prayer is a weapon without which we cannot walk in God's way and prevail against the power of evil. Indeed Scripture calls us to pray without ceasing, that is, to be constantly aware of God's presence and prayerful in mind, heart and conscience.
- 18.13 True worship and prayer are not an escape from the world or responsibility in it; instead they renew us to serve God and our neighbour in the world and to witness to the gospel.

19. Vocation, Money and Rest

- 19.1 We should each seek our true vocation according to the abilities given to us. Work may be for wages or profit but should also serve God and people, no matter how humbly. We should promote mutual respect in the workplace and oppose exploitation and unfair working conditions.
- 19.2 In a world of appalling poverty alongside excessive wealth we need to heed the call to strive for a just and more equal society. Our money is not our own. God calls us to live as though everyone's poverty were our own and our resources were everyone's. We are to live simply and be faithful stewards of our abilities, time and money and other material resources to be a community of mutual sharing, to support the Church in its mission, and to do all we can for the poor as well as our own families. God's economy provides enough for all.
- 19.3 God does not promise worldly prosperity to the faithful.
- 19.4 God ordained regular rest from work for time to worship together, to build family relations and for recreation.

20. The Image of God

- 20.1 God created man and woman together out of earthly matter but in the image of God. Thus both men and women share in the image. As God's own being is essentially relational, a being-in-communion, so human beings are created to be not solitary or self-centred but to live in fellowship with God and one another and in mutual concern for one another. A person is a person through being related to God and to other people.
- 20.2 Sin has radically corrupted our whole human nature and so marred that image, but it is never entirely effaced from anyone. Christ, who is the perfect image of God, came in human form in order to restore that image in humankind. He has taken our likeness that we might be transformed into his likeness and become imitators of him and so of God.
- 20.3 Because God created all people equally in that image and Christ gave his life to restore it, every person's life is sacrosanct. Everyone has a God-given dignity and a right to be treated with respect and protected from violence and abuse, no matter their gender, age, race, social status, sexual orientation, religion and despite any mental or physical handicap. God judges those who in any way abuse or oppress others and calls us to oppose all such abuse.

- 20.4 We are not to measure others according to our own image but to receive one another as human beings created in God's image. Christ calls us to minister to him himself by ministering in particular to the hungry, the thirsty, the naked, the sick, those in prison and widows and orphans.

21. Marriage, Sex and Children

- 21.1 God made man and woman for each other, so that they could help each other, delight in each other in intimate physical and spiritual union, and receive the gift of children together. God ordained marriage as a life-long union and partnership. Marriage is thus constituted by a solemn public covenant to be faithful to each other, in a rite recognized by society. Christians should marry in the Lord and by Christian rites.
- 21.2 Marriage is the foundation of the family, for the nurture and training of children. As such it is the basis of a sound society. Married couples should love, respect, forgive, support and comfort each other, provide for each other and for their families as they are able, and be faithful to each other all their days.
- 21.3 In a hedonistic and licentious world, made more blatantly so by abuse of modern communications media, God calls us to be holy and so to be chaste before marriage and faithful in marriage. Human sexual intercourse is to be enjoyed only within marriage, as binding people together in love. We are to master our own bodies, honour one another's, and desist from sexual intimacy outside marriage. We are also to shun pornography.
- 21.4 As God remains faithful to one people, so a person should be married to only one spouse. Any convert who is already a polygamist should take no additional spouse.
- 21.5 Jesus strongly upheld lifelong monogamy against divorce. Every effort should be made to mend a marriage in trouble; yet a marriage in which one partner seriously abuses another or which is shattered beyond repair may be better dissolved.
- 21.6 As the Church interprets the mind of Christ, in this fallen world its ministers may, under grace, consider remarrying a divorced person, but only where that person truly repents for any guilt in the breakup of the previous marriage and humbly determines to maintain a new covenant of marriage with God's help.
- 21.7 God calls some people to be celibate for the sake of their calling in life.
- 21.8 Every child has a right to a secure and loving home. Couples should conceive only children whom they will together love and cherish and can care for adequately. Couples with means should also consider fostering or adopting orphans, irrespective of race or class.
- 21.9 It is the duty of parents to set an example of modesty and faithfulness to their children. They should instruct them in the faith and its values. This includes frank instruction in the virtues of chastity and faithfulness and the consequences of sexual licence.
- 21.10 Children are to respect their parents. Parents have the responsibility to discipline their children in love, but have no right to abuse or oppress them.

The Community of the Redeemed

22. The Church

- 22.1 The Church is a divinely instituted community, founded upon Jesus Christ. It is not initiated by religious individuals deciding to come together for devout purposes. Instead it is the consequence of God's election and calling. It is born of, and sustained by, the Word and the sacraments, through the action of the Spirit. It is thus the Lord's Church, not ours. It exists for the sake of God's coming rule and is therefore called to live in hope and obedience to that rule.
- 22.2 The Church is a company of disciples that exists wherever the gospel is preached in accord with Scripture and heard with faith, and the sacraments are celebrated according to Christ's institution. These two marks, not the religious or moral purity of its members, define the true Church. Nevertheless its communion with God calls the Church to reflect in its own life the holiness, unity, love and mutual self-giving of the Trinity into whose name its members are baptized.
- 22.3 The Church is by its very nature a missionary community: through it the Son and the Holy Spirit continue their mission from the Father to bring the good news to the world and reconcile people to God and to one another. It is sent forth to the ends of the earth to win people for Christ, stand with the oppressed and minister to the needy and the suffering. Thus it exists not for its own sake but for the sake of the world, which God loves. It is the task of every congregation to equip its members for their mission to the world; for every congregation, every Christian, is called to witness to Christ in life, action and word.
- 22.4 The Church, when it is faithful, will always be a minority in the world. Some of its members even suffer martyrdom for their witness. But in the face of the world's hostility Christ has promised to stand by his disciples to the end of the age, when he will bring all nations and all creation under God's rule.
- 22.5 The Church is the pilgrim People of God, journeying toward the fulfilment of God's promise that in Abraham all the nations of the earth will be blessed. As such it is heir to the faith of Abraham. Yet it does not replace Israel after the flesh, whose calling is irrevocable. Instead its Gentile members are grafted into Israel. Moreover the unbelieving branches of Israel, now broken off, will be grafted back into it when one day, despite all that Christians have done to discredit him in their eyes, the Jews recognize their Messiah. The Church thus embraces both Jews and Gentiles in the one new humanity Christ creates.
- 22.6 The Church is the Family of God, which meets around Christ's Table. All people born of the Spirit are children of the one Father and so brothers and sisters of Christ and of one another.
- 22.7 The Church is the Body of Christ in that through the Word and sacraments, by the power of the Spirit, the risen and exalted Lord is present in it. Indeed where Christ is proclaimed, and received in faith, there he is bodily present on earth in the form of this community and its members. Through it he speaks and carries on his mission to the world. He is its only Head, and its duty is to listen to his voice alone. Only as members of the Body do we have fellowship with the Head.
- 22.8 The one Body unites together all its different members. Unlike Israel after the flesh it is not a nation constituted by ties of descent and culture. For

Christ has broken down the barrier of alienation between Jews and Gentiles and every barrier of race, nation, tribe, caste, class, language, culture, social status and gender to form a single new humanity. The claim of Christ and his Body on believers far outstrips the claim to loyalty of any group defined by any of these terms. Not race, nationality, culture or class but baptism and the Holy Spirit determine who belongs to the Church. No member of the Body can reject any other; for God has accepted us all in the beloved Son and bound us together in one Spirit, as members who need one another for the Body to function properly in its work and witness to the world. In covenant with God, we are all in covenant with one another, called to walk together in God's ways and ordinances, in a community of mutual love and care. The one Body anticipates the union of all things with Christ as their one Head that God plans. Thus God calls the Church to be the vanguard of a new humanity. As the community of the faithful the Church stretches beyond this world to include all believers who have departed this life.

- 22.9 The Church is the Temple of the Holy Spirit. The gift of the Spirit at Pentecost gave birth to the Church, and the Spirit continues to dwell within it, working through the Word it proclaims and the sacraments it celebrates, and building it and its members up with spiritual gifts. The Spirit empowers and sustains the Church in its weakness and guides and increases it.
- 22.10 The Church is one, in that it worships only one God, serves one Lord and is united by one Spirit in one faith, one hope and one baptism; it is one People, one Family, one Body, one Temple. It is holy in that, though it and its members sin, it belongs to God, who is holy, Christ covers the sins of all believers with his righteousness and through the Word and the sacraments the Holy Spirit sanctifies it and summons it to be holy. It is catholic in that the Lord of the universe sends it to reach out with the gospel to all the world, to embrace people of every race, nation, culture and class, and to be a church also for the poor and those on the margins of society. It is apostolic in that it is founded upon the Word of God taught by the apostles, hands on their teaching, celebrates the sacraments and worships as they did, and carries on their mission of evangelism, prayer for healing and ministry to the needy.
- 22.11 Christ died to gather the children of God into unity, and he prays for the Church to be fully united as a community, so that the world may believe. As Head and Lord of the Church he calls it to manifest its unity not just spiritually but visibly before the world, as a witness to it. Yet visibly the Church is a body with severed members, lying bleeding in a broken world. Its own divisions deeply undermine the credibility of its witness. Christ prays for the Church to be completely united as a community, so that the world may believe. It needs to pray and strive not for uniformity but for unity in doctrine, fellowship and structure, on the basis of the truth of the one gospel. For unity and diversity are both God's gifts to the Church.
- 22.12 Every branch of the Church has greater or lesser defects and merely nominal members within it, the weeds among the wheat. Yet it remains part of the Body so long as it retains the two marks of the true Church. Believers should not separate themselves from the visible Church, so long as the gospel and the celebration of the sacraments are not perverted. Instead they should strive always to reform and renew it.

22.13 The Church needs always to be reformed, in order to witness more faithfully to Jesus as Lord and Saviour. For it exists to glorify and serve its King and Head and so be a sign of the coming rule of God.

23. Church Order

- 23.1 Jesus Christ alone is the High Priest who offers the sacrifice that reconciles us to God. By baptism he consecrates all Christians to be members of the royal priesthood. As priests they have immediate access to God through him, and are called to offer themselves as a living sacrifice to God, to make known the glorious acts of the One who has called us out of darkness into his marvellous light, to bring God to people and people to God, to intercede for and minister to others, and to forgive sins in Christ's name.
- 23.2 Christ entrusts his mission and ministry to his whole Body. Thus the Church's ministry is exercised corporately and through its individual members. The Spirit distributes abundant and complementary gifts to believers for building up the Body of Christ and witnessing to, and working for, him in the world.
- 23.3 When, guided by the Spirit, the Church calls to a ministry, it acts as Christ's Body, on his behalf. By free election from among its members with their different gifts and ministries Christ, as the Head of the Church, calls some to be ordained or appointed to particular offices for oversight, for evangelism or missionary work, for shepherding and teaching, and for caring for the poor and the sick. All the offices are for the sake of the Church's good order and its ministry, witness and outreach.
- 23.4 Through the Church, by the laying on of hands and invocation of the Spirit, Christ ordains to the office of shepherding and teaching, which includes preaching and celebrating the sacraments. Thus ordination does not set a person apart from the people of God but in their midst, to serve them. In particular it charges the person being ordained to equip the people of God for ministry and mission, so that they may build up the Body of Christ and may reach out to, and minister to, the world with the ministry of Christ.
- 23.5 Christ, the Lord of the Church, came among people as a servant. Likewise all offices in the Church are to serve the people of God, not lord it over them. The gifts of the Spirit too are to serve the congregation. No office imparts any higher status or dignity than baptism does, or any right to lord it over others. The office of oversight is thus a shared authority.
- 23.6 God calls both men and women to every office in the Church.

24. The Keys and Church Discipline

- 24.1 The Lord of the Church gives to the Church the keys of God's rule to extend God's forgiveness to repentant sinners, but also to name, judge and discipline particular sins and withhold forgiveness from the unrepentant.
- 24.2 The keys, along with the Word and the sacraments, are thus given for the relief of burdened consciences. They constitute the authority to declare to all sinners who repent and humbly confess their sins that they are forgiven through the shedding of Christ's blood, provided that they make any appropriate restitution to anyone they have sinned against. Such declaration is made on the authority of God's Word and in God's stead; God's Word in the disciple's mouth absolves the penitent from guilt. It may

- be made after private confession and after a general confession of sins in public worship.
- 24.3 We can confess our sins to God alone. But we are called also to confess our sins to one another, declare the word of grace to one another in Christ's name and pray for one another.
 - 24.4 The keys are given as well because we need mutual discipline for our own walk with God and to safeguard the doctrinal and moral purity of the Church and its witness in the world.
 - 24.5 All members of the Body of Christ are both responsible for and accountable to one another. Caring responsibly for one another includes confronting and admonishing one another as brothers and sisters in Christ, when any of us fall into sin.
 - 24.6 The Lord of the Church charges it to rebuke members who spread heresy or fall into scandalous behaviour. If they repent, it is to forgive their sins in Christ's name; if they stubbornly persist, it is to exclude them in his name from the benefits of church membership, including even fellowship at the holy Table, so that they may be shamed and repent. Only if they refuse to repent, is it to declare them unforgiven.
 - 24.7 The aims of church discipline are thus to uphold God's honour against any whose grave error or sin would deny and disgrace Christ, to serve the costly grace of the gospel by calling such sinners to repent, to restore them eventually to truth, sanctity and fellowship as brothers and sisters in Christ, so that they do not lose their salvation, to deter others from being led astray by false doctrine or the temptation to conform to the world's behaviour, to save the Church from the infection of false doctrine and its witness from public scandal, to maintain the unity of the Body of Christ, and to save the Church from God's judgement.
 - 24.8 The disunity of the Church and the extreme individualism, relativism, moral indifference and permissiveness of modern culture together with its skewed notions of freedom, love and tolerance make the exercise of church discipline difficult. But such discipline remains a necessary means of grace and an integral part of pastoral care. Without it preaching is in danger of being abstract and ineffectual, and it is an integral part of pastoral care. Church members are also more liable to fall into sin and doctrinal confusion and so to damage the life and witness of the Church.
 - 24.9 Proper Church discipline is always a discipline of love and grace practised in humility and gentleness by sinners for sinners, and therefore without excessive severity. It always seeks repentance and reconciliation and is accompanied by the assurance that God forgives those who repent and trust in the divine mercy.

The World in which Redemption Takes Place

25. Church and State

- 25.1 God is no household idol but Lord of the whole world. Jesus Christ is not only Head of the Church but King of kings and Judge of all the nations. He is sovereign over every area of life, private, social, economic and political: he lays claim to the whole human being. God's will for justice and peace set forth in the Scriptures and above all in Christ is the standard by which all civil laws too are to be judged.

- 25.2 Christ commissions the Church to preach the good news and proclaim God's will for every sphere of life. Thus, though Church and State are distinct from each other and the Church's task is never primarily political, it is always also political. The Church should itself set an example, as a model community, for a better social order; only then can its witness be taken seriously.
- 25.3 God has instituted civil Government for the sake of its subjects. Its tasks and duties are, firstly, to uphold justice, human rights, liberty, order and peace for everyone in society and to do what it can for the welfare of society. This includes preventing the powerful from exploiting the weak, aiding the destitute and the disabled, safeguarding the alien and the refugee and protecting the natural environment. Secondly, in line with all this, it is to shape public life by the best possible laws. Thirdly, in upholding human rights and liberty, it is also to protect all public worship of God. For it is the Government's duty, not to promote any one religion, but to protect the Church by ensuring freedom of belief and worship for all. To all these ends, in this sinful world, the Government has the right to threaten and to use force, but only to the extent that this is necessary.
- 25.4 We are to recognize the authority of the Government within its sphere and honour those who rule over us. We are to pray for justice and for all in authority, pay taxes and obey all laws that are compatible with God's law. Christians may serve in civil or political office, provided they work for justice and the people's welfare.
- 25.5 From its King and Head the Church derives a government distinct from civil Government, and civil rulers have no jurisdiction over the Church's spiritual affairs. The Government transgresses its calling if it seeks to appropriate the propagation of the Word or the administration of the sacraments or of church discipline or to control or manipulate the Church or interfere in its affairs, silence its prophetic voice or take over any of its mandate. The Church must resist all such interference.
- 25.6 On the other hand as the servant of Jesus Christ the Church betrays its calling if it either seeks any political power or becomes a servant or mouthpiece of the Government or of the rich and powerful. It must never uncritically ally itself with any ruler or be co-opted by the Government. It should never give religious legitimation to any head of State as specifically elected by God. It must also reject the notion of a "Christian State". Any ideology that tempts the Church to betray Jesus Christ and his commission in any way is a graver threat to it than persecution.
- 25.7 Because the Church knows that ultimate sovereignty and glory belong to God alone as ruler over all, it must bear witness to the limits of the Government's rights and authority. Whenever any human law, policy or command clashes with God's law, we must obey God rather than the human authority. Indeed because sin and self-seeking corrupt every society and every human Government, Christ calls the Church to be a sentinel and prophetically confront both, whenever necessary. Thus the Church is to take a lead in standing for justice and opposing all that is wrong in society. It must oppose all discrimination in civil law and policy, censure all corruption and unmask all harmful ideologies and false propaganda. It must confront all elitism, oppression and injustice with the radical demands that the vision of God's coming victory over all evil makes on us now.

- 25.8 The Church must speak to the State in the name of justice and the dignity, rights and responsibilities of all human beings. It must therefore speak particularly on behalf of the weak, the vulnerable, the poor, the threatened, the oppressed, the outcasts, the voiceless. Truth must speak boldly to power for justice to prevail.
- 25.9 The Church must also oppose as demonic any lust the State has for power and glory. It must oppose all nationalism and insist that the State pursue right, not might.
- 25.10 Whenever the State overreaches its mandate and whenever any person, group or class suffers social or political injustice, the Church is to protest not only in words but if possible in action. It is also to aid the victims. Christians are to co-operate with others in seeking what is best for the civil community. The Church must always be ready to be the Church under the Cross in resisting an unjust or oppressive State. Such resistance recalls a regime to its true vocation under God.

26. Peace and Conflict

- 26.1 Ours are not weapons of violence but prayer and God's Word, which is sharper than any two-edged sword. The true Church neither persecutes nor encourages persecution; instead it follows its Lord in taking up the cross, and being ready to be persecuted for righteousness' sake.
- 26.2 All conflict stems from sin. Peace within a nation is endangered where there is injustice or extreme inequality and little is done to alleviate the suffering of the poor. Peace between nations is endangered when one nation threatens or inflicts domination or injustice on another. Justice is at the heart of peace.
- 26.3 In every political conflict we should support justice and a non-violent solution, even at the risk of our own lives. Only in the most extreme circumstances, where the Government is clearly a tyranny, injustice causes massive suffering and non-violent resistance alone cannot succeed, may Christians even consider supporting an attempt to remove a Government by force.
- 26.4 We should oppose all unnecessary build-up of armaments and unmask all propaganda that distorts the truth or dehumanises the enemy. If it is ever right to fight in a war,³ it must be patently a war to prevent an even greater evil. It must be a last resort: every way to settle the conflict by negotiation must have been tried. There must be a reasonable prospect of success, and unnecessary violence must be avoided. No one may serve in a war for political or economic gain or in an army used to maintain an unjust and oppressive political status quo. Unless convinced that a war is justifiable and necessary, everyone is bound to refuse to fight in it and refuse conscription. No soldier may obey any command that is contrary to conscience, no matter the cost.
- 26.5 We should work for the end of all war. Reconciliation and peace between nations is all the more urgent and war all the less possible to justify, when nuclear, chemical or biological weapons of mass destruction may be used.

³ The UPCSA recognizes that its members have different views on the right to use force. Some are strict pacifists who hold that all resistance against an internal oppressor or even an invading aggressor must be non-violent; others accept that in strictly circumscribed circumstances Christians may participate in the military defence of the land and/or in the use of force to overthrow an oppressive government that causes great widespread suffering.

Such weapons gravely threaten the whole earth and all its peoples with destruction.

27. Creation

- 27.1 Scripture witnesses that in the beginning God created all things visible and invisible, including the whole of space and time, from nothing. God created by word of command, that is, in a sovereign act of power and love. What the biblical account of creation provides is not a scientific but a sacred cosmology, a spiritual interpretation of the origin and nature of the universe. Though it reflects an ancient picture of the universe, that account bears witness to the grandeur and power of the Creator. So for that matter does the vast and complex picture of the universe that science has discovered.
- 27.2 God created all the world through and for Christ, the pre-existent divine Word. Through that Word God clothed the universe with order and beauty, and made it very good. This world, then, is God's world. The heights of the heavens, the depths of outer space, and the whole earth are all in God's hands.
- 27.3 God is distinct from, and sovereign over, all creation, yet is everywhere present in it and continually upholds it. All things exist from and through and for God. Indeed God created all the world through Christ in order through him to display grace in it. Thus creation and redemption are fully congruent with each other.
- 27.4 God created all human beings through Christ as one species from common ancestors. That different climates and geographical environments have given rise to different races in no way conditions or limits the unity in Christ of all the children of God. The notion that any race or culture must preserve a separate, created identity is a crass denial of the good news and of the unity of the Body of Christ. "The alien who resides among you shall be to you like one of your native-born, and you shall love him as yourself."
- 27.5 Part of the declared judgement on sinful humankind is that the whole created world is in bondage to decay. In the final renewal of all things, however, God will liberate all creation from decay to share the glorious freedom of the children of God, in a new heaven and a new earth.

28. The Natural Environment

- 28.1 That God created all the cosmos through, and for, Christ, means that all of creation belongs to God and that God delights in it and loves and cares for it. God created the earth as a splendid place for plants, animals and human beings to live in as all creatures of the earth. It is a treasure on loan from its Creator to all that inhabits it. Every sabbath was thus set apart to glorify the Creator and to celebrate creation and its goodness. Christ specially honoured the earth by his incarnation and life on it. He died to reconcile not just individuals but the whole cosmos to God, who will not abandon but recreate it. Love for the Creator, love for Christ, thus means love for creation.
- 28.2 In being made in the image of God, human beings were made representatives of God, with dominion over the earth and all its other creatures. This means that they were made responsible for it as its custodians and stewards. We are to exercise that dominion in the image of the Creator, who loves, sustains and cares for the earth. Thus God calls us

to revere, not ravage, the earth. We have the right to till the soil but the duty to love, protect and care for the earth, its creatures and its resources.

- 28.3 Sin, however, erodes our sense of the wonder of nature and our respect for it and damages our relation with the created order. Our dominion over the earth has enabled modern science and technology to develop, with the great benefits they bring but also the great threats they pose. Instead of being responsible and caring in that dominion, we dominate, plunder and abuse the earth to an extent that has led to environmental crisis. We destroy the delicate balance between the soil, water, atmosphere, plants and animals of the earth, which together make up an interdependent whole. Our greed for profit, our drive for ever greater industrialisation, aided by technology, and the impact of the massive increase of population in many parts of the world are all increasingly ravaging the earth, diminishing its biodiversity, destroying its natural resources, polluting its land and air with waste and fumes and its seas with more and more non-biodegradable debris. Gradually we are making the earth an uninhabitable wasteland.
- 28.4 God promises us a new heaven and a new earth in the sense of a purged, redeemed and renewed creation, freed from its shackles of decay. In anticipation of this God calls us to maintain the earth and hand it on to future generations as a habitat fit for humanity and its other creatures. This means using all natural resources wisely, protecting the land, the sea and the air from damage and pollution, and restoring them wherever they are damaged or polluted. This becomes all the more urgent as science places yet more powers in human hands.

29. Providence

- 29.1 The God who created the whole universe through Christ remains sovereign over it, constantly upholding and governing all things, caring and providing for all creatures and guiding all things towards the purpose for which they were made: their ultimate fulfilment in Jesus Christ. Neither the stars nor any other power but God alone controls the ultimate course of all events and has the future in hand. History and time itself move through ambiguity and mystery, but remain in holy keeping, moving always toward their divine destination.
- 29.2 This does not mean that God is the author of sin or directly and exactly wills everything that happens. God graciously and sovereignly to an extent and for the time being holds back the divine omnipotence. God allows human beings the freedom of action and responsibility that their humanity entails and to that end refrains from the kind of absolute control of everything that would exclude all freedom.
- 29.3 God may chasten us with hard circumstances and break human pride on the rock of trials, tribulations, suffering and sorrow. Calamities sometimes also testify to God's judgement. But tragedy and suffering are by no means all a simple, direct consequence of individual or corporate sin or all directly willed by God. God's rule is not yet implemented on earth as in heaven. Hence we live in a world where suffering is often a mystery, where evil flourishes and wars against us, where the wicked may prosper and the righteous suffer.
- 29.4 Thus God does not enable us to escape all suffering. On the other hand God does not abandon us to fate or random chance. Nothing can take

place except to the extent that God allows it, and God makes no mistakes. God works in mysterious ways to bend the evil deeds of sinful people, tragic events and even the power of evil itself to serve the eternal divine purpose. That purpose, made known to us in Christ, is a just, loving and glorious one, and everything will in the end perfectly conform to it. Thus in all things God works for the good of those who love God and are called according to that purpose.

- 29.5 Meanwhile God grieves over the tragedies and anguish in the world more than we do. Indeed in Jesus Christ God stands by us, sharing our weakness, our sorrows and our suffering and caring for us. In the midst of tragedy we are comforted by this and by knowing that all things are in God's hands and that in the end Christ will triumph over all evil. In the meantime we are called to pray and work with God for the good of the world and the relief of the suffering.

The Final Redemption

30. God's Final Victory

- 30.1 Human history does not of itself or inevitably progress towards a better state of things. Antichrists appear, misleading many. Some cause great suffering. Some even claim that divine providence has raised them up. Despite persecution, however, the faithful stand firm.
- 30.2 Christian faith looks beyond the present to the future. To live by faith in the crucified and risen Christ means to put our hope in his coming and universal rule.
- 30.3 Already now we may by faith partake of the blessings of that coming rule of God and share in the gift of eternal life. Because Christ's atonement covers all our sins and frees us from all condemnation, no purgatory waits for us. When the faithful die, they go to be with the Lord and are at peace, in sure hope of a blessed resurrection.
- 30.4 On a day that God has appointed and alone knows, the Lord Jesus Christ will come in power and great glory. He will triumph over all evil and tragedy and all powers opposed to God's rightful sovereignty and establish God's complete rule in the world. The universe itself will be transformed, restored and brought to its unity and destiny in Christ, to enjoy the glorious liberty of the children of God.
- 30.5 Everyone who has died will be raised and appear before Christ, who will judge every person's works and the secrets of every heart. We can place no limits on the mercy of God toward all humankind. Without the gracious intervention of Christ sin would condemn us all to be cut off from God's grace in hell for ever. But those who put their trust in God's mercy and grace in Christ will be raised in transformed, glorified bodies like the body of their risen Christ and face the judgement without fear, for their Judge is their Saviour.
- 30.6 God will bless them with eternal life in a liberated and transformed world, a new heaven and earth, a new age of justice and peace. The sovereignty God manifested in creating the world will then finally triumph. God will be all in all and will wipe away every tear from our eyes. The power of evil will be destroyed; there will be no more death or mourning or crying or pain anymore. All God's people will rejoice together in the presence of God, whom they will glorify forever. All things will find their unity in Christ,

their Head, and the knowledge of the glory of God will fill the earth as the waters cover the sea.

30.7 This is the glorious hope that sustains the Church.

Let the heavens be glad, let the earth rejoice;

Let it be proclaimed among the nations, "The Lord reigns!"

2.5 THE DECLARATION OF FAITH FOR THE CHURCH IN SOUTHERN AFRICA

The Presbyterian Church of Southern Africa approved the Declaration of Faith for use in 1973. It adopted an amended version as a subordinate standard in 1986 (and amended it again in 1993 and 1994). The Declaration was not meant to replace the traditional ecumenical creeds or to be a summary of the whole Christian faith, but to express the Christian response to two contemporary problems in the Church and society. The first problem was racial discrimination and segregation and the ideology that underpinned this. The second was the way of thinking that excluded political issues from the concern of the gospel and the Church and from Christ's sovereignty. In that the privatization of the gospel and racial prejudice still disfigure Church and Society, this historic declaration remains pertinent.

The declaration is cast in the Trinitarian form of a brief creed, longer than the Apostles' Creed but shorter than the Nicene. This is so that congregations can use it as a common statement of faith in response to the Word of God, read and proclaimed, in services of worship, as an alternative to the traditional ecumenical creeds.

We believe in the one true God,
Father, Son and Holy Spirit.

We believe in the Father,
who created and rules all the world,
who will unite all things in Christ
and who wants all his people to live together
as brothers and sisters in one family.

We believe in Jesus Christ, the Son,
who became human and lived
and died and rose in triumph
to reconcile both the individual and the world to God,
to break down every separating barrier
of race, culture or class,
and to unite all God's people into one body.
He is exalted as Lord over all,
the only Lord over every area of life.
He summons both the individual and society,
both the Church and the State,
to seek justice and freedom for all
and reconciliation and unity between all.

We believe in the Holy Spirit,
the foretaste of God's coming reign,
who gives the Church power
to proclaim the good news to all the world,
to love and serve all people,
to strive for justice and peace,
to warn the individual and the nation of God's judgement
and to summon them both to repent
and trust and obey Jesus Christ as
the King who will come in glory.

2.6 VOWS

2.6.1 Vows declared and signed by a Probationer on being licensed to Preach the Gospel and being Set Apart to an Appointment in a Congregation

I, *NN*, own and confess God as my Father, Jesus Christ as my Saviour and Lord, and the Holy Spirit as my Helper.

As far as I know my own heart, I am moved to enter probation for the ministry of the Word and Sacraments by zeal for the glory of God, love for the Lord Jesus Christ, the call of the Holy Spirit, the commission to proclaim the coming of God's kingdom on earth and a desire for the salvation of all people.

I accept the Scriptures of the Old and New Testaments as inspired by the Holy Spirit to be the uniquely authoritative and sufficient witness to Jesus Christ and as such the Word of God and the final rule of faith and life.

I accept as subordinate standards of the faith the Apostles' and Nicene Creeds.

I affirm the substance of the faith expressed in the Confession of Faith of The Uniting Presbyterian Church in Southern Africa and the Declaration of Faith for the Church in Southern Africa in the way that the Declaration of Standards sets out.

I acknowledge the doctrine and form of government of The Uniting Presbyterian Church in Southern Africa to accord with Scripture.

I will be loyal to this Church, accept its authority, abide by its laws and discipline, and encourage other members to do the same. I will take my place in its ruling councils as a probationer and seek its unity and peace.

With God's help I undertake to be faithful in the study of Scripture and in prayer, to live a holy life, to proclaim Jesus Christ as Lord and Saviour and to be diligent in pastoral care, so that God may use me to spread the gospel and build up the Body of Christ. To this end, by the grace of the Holy Spirit, I will seek to develop the gifts and skills I need in preaching the gospel and for the pastoral care of people.

In all this I will be subject to my supervisor's oversight and guidance.

As I am appointed on probation, I recognise the responsibility also of the Congregation to help me to discern whether God is calling me to be ordained to the holy ministry.

2.6.2 Vows declared and signed by a Minister on Ordination and Induction or Appointment to a Pastoral Charge

I, [full name], own and confess God as my Father, Jesus Christ as my Saviour and Lord, and the Holy Spirit as my Helper.

As far as I know my own heart, I am moved to enter this ministry by zeal for the glory of God, love for the Lord Jesus Christ, the call of the Holy Spirit, the commission to proclaim the coming of God's kingdom on earth and a desire for the salvation of all people.

I accept the Scriptures of the Old and New Testaments as inspired by the Holy Spirit to be the uniquely authoritative and sufficient witness to Jesus Christ and as such the Word of God and the final rule of faith and life.

I accept as subordinate standards of the faith the Apostles' and Nicene Creeds.

I affirm the substance of the faith expressed in the Confession of Faith of the Uniting Presbyterian Church in Southern Africa and the Declaration of Faith for the Church in Southern Africa in the way that the Declaration of Standards sets out.

I acknowledge the doctrine and form of government of the Uniting Presbyterian Church in Southern Africa to accord with Scripture.

I recognize that in ordaining me the Uniting Presbyterian Church authorizes and commissions me to serve as a Minister of Christ's Church. My ordination thus establishes a covenant between the Uniting Presbyterian Church and me that binds me to be faithful to it and its ministry. I promise to honour this covenant and be loyal to this Church, to accept its authority, to abide by its laws and discipline, and to encourage other members to do the same. I will take my place in its ruling councils and seek its unity and peace.

With God's help I commit myself to study the Scriptures faithfully, to give myself to daily prayer, to live a holy life, to proclaim Jesus Christ as Lord and Saviour, to be diligent in pastoral care, and to respect the confidentiality of all personal confessions and confidences shared with me, so that God may use me to spread the gospel and build up the Body of Christ.

2.6.3 Vows declared and signed by a Minister on Induction or Appointment to a Pastoral Charge

I, [full name], own and confess God as my Father, Jesus Christ as my Saviour and Lord, and the Holy Spirit as my Helper.

As far as I know my own heart, I am moved to exercise the ministry of Word and sacrament in this charge by zeal for the glory of God, love for the Lord Jesus Christ, the call of the Holy Spirit, the commission to proclaim the coming of God's kingdom on earth and a desire for the salvation of all people.

I accept the Scriptures of the Old and New Testaments as inspired by the Holy Spirit to be the uniquely authoritative and sufficient witness to Jesus Christ and as such the Word of God and the final rule of faith and life.

I accept as subordinate standards of the faith the Apostles' and Nicene Creeds.

I affirm the substance of the faith expressed in the Confession of Faith of the Uniting Presbyterian Church in Southern Africa and the Declaration of Faith for the Church in Southern Africa in the way that the Declaration of Standards sets out.

I acknowledge the doctrine and form of government of the Uniting Presbyterian Church in Southern Africa to accord with Scripture.

I recognize that in inducting/appointing me to this pastoral charge the Uniting Presbyterian Church renews the covenant between it and me that binds me to be faithful to it and its ministry. I promise to honour this covenant and be loyal to this Church, to accept its authority, to abide by its laws and discipline

and to encourage other members to do the same. I will take my place in its ruling councils and seek its unity and peace.

With God's help I commit myself to study the Scriptures faithfully, to give myself to daily prayer, to live a holy life, to proclaim Jesus Christ as Lord and Saviour, to be diligent in pastoral care, and to respect the confidentiality of all personal confessions and confidences shared with me, so that God may use me to spread the gospel and build up the Body of Christ.

2.6.4 Vows declared and signed by an Elder on Ordination and/or Induction

I, [full name], own and confess God as my Father, Jesus Christ as my Saviour and Lord, and the Holy Spirit as my Helper.

As far as I know my own heart, I am moved to accept the office and ministry of an Elder by zeal for the glory of God, love for the Lord Jesus Christ, the call of the Holy Spirit, the commission to witness to the coming of God's kingdom on earth and a desire for the salvation of all people.

I accept the Word of God in the Scriptures of the Old and New Testaments as the final rule of faith and life.

I accept as subordinate standards of the faith the Apostles' and Nicene Creeds.

I accept the substance of the faith expressed in the Confession of Faith of the Uniting Presbyterian Church in Southern Africa, and in the Declaration of Faith for the Church in Southern Africa in the way that the Declaration of Standards sets out.

I acknowledge the doctrine and form of government of the Uniting Presbyterian Church in Southern Africa to accord with Scripture.

I promise to be loyal to this Church, to accept its authority, to abide by its laws and discipline, and to encourage other members to do the same. I will serve as commissioned in its ruling councils and seek its unity and peace.

With God's help I undertake to be regular in worship, faithful in the study of Scripture and in prayer, and holy in my own life, so that I set an example to all.

I will share with diligence and compassion in the spiritual oversight and discipline that the Session exercises in the congregation and serve the people entrusted to my care faithfully, so that God may use me to build up the Body of Christ.

In all things I will seek to follow the Lord Jesus Christ, the good Shepherd who loves and cares for his flock.

2.6.5 Vows declared and signed by a Deacon on Induction

I, NN, own and confess God as my Father, Jesus Christ as my Saviour and Lord, and the Holy Spirit as my Guide and Helper.

As far as I know my own heart, I am moved to accept the office of deacon by zeal for the glory of God, love for the Lord Jesus Christ, the call of the Holy Spirit, and a desire for good stewardship of the gifts of God's people to the Church.

I accept the Word of God in the Scriptures of the Old and New Testaments as the final rule of faith and life.

I acknowledge the doctrine and form of government of The Uniting Presbyterian Church in Southern Africa to accord with Scripture.

I undertake to be regular in worship and, with God's help, to be upright and honest in all my ways and doings.

I will discharge the duties of the office of deacon faithfully and share in the oversight and management of the congregation's finances with diligence, so that they may be used to God's glory for the mission of the church and the relief of the poor.

2.6.6 Vows declared and signed by a Lay Preacher on being Set Apart

I, NN, own and confess God as my Father, Jesus Christ as my Saviour and Lord, and the Holy Spirit as my Helper.

As far as I know my own heart, I am moved to enter this ministry by zeal for the glory of God, love for the Lord Jesus Christ, the call of the Holy Spirit, the commission to proclaim the coming of God's kingdom on earth and a desire for the salvation of all people.

I accept the Scriptures of the Old and New Testaments as inspired by the Holy Spirit to be the uniquely authoritative and sufficient witness to Jesus Christ and as such the Word of God and the final rule of faith and life.

I accept as subordinate standards of the faith the Apostles' and Nicene Creeds.

I affirm the substance of the faith expressed in the Confession of Faith of The Uniting Presbyterian Church in Southern Africa and the Declaration of Faith for the Church in Southern Africa in the way that the Declaration of Standards sets out.

I acknowledge the doctrine and form of government of The Uniting Presbyterian Church in Southern Africa to accord with Scripture.

I promise to be loyal to this Church, to accept its authority, to abide by its laws and discipline, and to encourage other members to do the same. I will seek its unity and peace.

With God's help I undertake to be regular in worship and faithful in the study of Scripture and in prayer, to live a holy life, to proclaim Jesus Christ as Lord and Saviour so that God may use me to spread the Gospel and build up the Body of Christ. To this end, by the grace of the Holy Spirit, I will seek to develop the gifts and skills I need for preaching the gospel.

2.6.7 Vows declared and signed by a Minister-in-Association on Appointment to a Congregation

I, [full name], own and confess God as my Father, Jesus Christ as my Saviour and Lord, and the Holy Spirit as my Helper.

As far as I know my own heart, I am moved to exercise the ministry of Word and sacrament in this pastoral charge by zeal for the glory of God, love for the Lord Jesus Christ, the call of the Holy Spirit, the commission to proclaim the coming of God's kingdom on earth and a desire for the salvation of all people.

I accept the Scriptures of the Old and New Testaments inspired by the Holy Spirit to be the uniquely authoritative and sufficient witness to Jesus Christ and as such the Word of God and the final rule of faith and life.

I accept as subordinate standards of the faith the Apostles' and Nicene Creeds.

I affirm the substance of the faith expressed in the Confession of Faith of the Uniting Presbyterian Church in Southern Africa and the Declaration of Faith for the Church in Southern Africa in the way the Declaration of Standards sets out.

I acknowledge the doctrine and form of government of the Uniting Presbyterian Church in Southern Africa to accord with Scripture.

I recognize that in appointing me to this pastoral charge as a Minister-in-Association with its ministry the Uniting Presbyterian Church binds me to be subject to its discipline for as long as I serve in this charge.

I promise to be loyal to this denomination, to accept its authority, to abide by its laws and discipline and to encourage other members to do the same. I will take my place in its ruling councils and seek its unity and peace.

With God's help I commit myself to study the Scriptures faithfully, to give myself to daily prayer, to live a holy life, to proclaim Jesus Christ as Lord and Saviour, to be diligent in pastoral care, and to respect the confidentiality all personal confessions and confidences shared with me, so that God may use me to spread the gospel and build up the Body of Christ.

Chapter 3

BAPTISM

Baptism is the sign of initiation into the covenant of grace that God has made with his people. It signifies that God cleanses us of sin, baptizes us with the Holy Spirit and incorporates us into Christ and so into the community of the redeemed, which is the body of Christ. But it becomes an effective sacrament, that is, a sign that the Spirit uses to convey what it signifies, only through faith. Persons who have reached the age of discretion are therefore required to believe in Jesus Christ and confess this faith publicly in the Congregation before they are baptized. Small children also have the privilege of being baptized if their parents (or sponsors who have actual care of them) are practising believers and confess their faith in this way. Their baptism confirms God's promise that he wills to be the God of grace not only to the parents but to their children (Genesis 17:7, Exodus 20:6, Acts 2:38-39). Thus for such children baptism is the sign that they are inheritors of the covenant. In it God embraces them, the redeemed who are to inherit the Kingdom (I Corinthians 7:14, Mark 10:14). Because grace requires a response, baptism is also a sign calling them to grow up in the faith, worship and obedience of their parents for the blessings of the covenant to be realized in them.

- 3.1 Baptism is in the name of God the Father, the Son and the Holy Spirit. It is accompanied by prayer and administered by immersion or pouring (or sprinkling) with water which has been duly set apart by prayer to its holy use.
- 3.2 Baptism is for believers and their children. It is therefore administered to:
 - (a) a person who comes to trust in Jesus Christ as Saviour and seeks to obey him as Lord and makes public profession of this;
 - (b) a child of any such person or persons who has not yet reached the age of discretion and is baptized at the same time as the parent or parents, who undertake to bring up the child in the faith;
 - (c) a child who has not yet reached the age of discretion but whose parents, one or both, have themselves been baptized, trust in Jesus Christ as Saviour and seek to obey him as Lord, have made public profession of their faith either before or after their own baptism, are enrolled and worshipping members of a Congregation and undertake to bring up the child in the faith; and
 - (d) a child who has not yet reached the age of discretion and is of unknown parentage or separated from his/her parents but is sponsored by adults who, whether adoptive parents or relatives or not, have the actual care of the child and meet the requirements set out in (c) above for natural parents.
- 3.3 The financial contribution of the parents to the church or a shortfall therein may not be a factor in deciding whether to baptize a child.
- 3.4 All persons who present themselves for baptism shall have been instructed in the Christian faith and in the meaning and effect of the sacraments. Such instruction shall among other things focus on:
 - (a) the grace of God in Jesus Christ as the only basis of our salvation,
 - (b) God's covenant of grace with his people,

- (c) the meaning of baptism as the sign of that covenant,
- (d) what baptism effects as a sacrament,
- (e) why the covenant, and thus baptism, require faith, obedience and being an active member of God's people.

The Session may therefore require any such person to undergo a course of instruction. Each candidate for baptism shall be privately interviewed before baptism by the Minister to ensure that he/she understands the gospel and the baptismal vows and has committed his/her life to Jesus Christ as Saviour and Lord. Where the Minister is unable to interview the candidate, a competent Elder (or other suitable person) whom the Minister or the Session appoints does so.

- 3.5 Pastoral and evangelistic responsibility requires a Minister to meet with and privately interview every couple applying for baptism for their child. This applies whether or not such parents profess faith or attend church or seek baptism for their child for the right reasons. Where the Minister is unable to interview them, a competent Elder (or other suitable person) whom the Minister or the Session appoints does so. The Minister (or Elder) interviews both parents except where one parent cannot be, or does not wish to be, interviewed. The Minister (or Elder) takes time to ensure that the parents understand the areas of instruction listed in para 3.4 above. In private the Minister (or Elder) particularly enquires and seeks to ascertain whether the parents have come to trust in Jesus Christ as Saviour and seek to obey him as Lord, and so are able to take the necessary vows with integrity.
- 3.6 The evidence of coming to accept Jesus Christ as Saviour and Lord that is required of anyone seeking baptism either for him/herself or for his/her child in all cases includes regular attendance at public worship, except where physical or geographic or other reasons acceptable to the Session prevent this. In the case of parents who have themselves been baptized and now desire their child to be baptized it also includes being enrolled members of a Congregation. It must be made clear to the persons concerned, however, that what is primary is commitment to Christ, because no outward observances without such commitment suffice for admission to baptism.
- 3.7 Where sponsors other than the natural parents take the vows, the procedure is the same. (See para 3.2(d) above.)
- 3.8 Any believer who worships regularly ought to apply for baptism. It is likewise the privilege of any parent who is a believing, practising and enrolled member of the Church to have his or her child baptized. But every baptism, whether of a believer or of a child, should first be approved by the Session. The Session decides whether to give approval after hearing a report on the interview(s) with the candidate for baptism or the parents seeking baptism for their child. Where a Session refuses to approve the baptism of any adult or child, the Minister may not baptize that person unless with the consent of the Presbytery. An emergency baptism may be administered without the approval of Session, but is reported to Session afterwards.

- 3.9 The Session, as it deems necessary, may require parents or sponsors seeking baptism for their children to receive a brief course of instruction on its meaning, effect and obligations.
- 3.10 In every case when a person candidating for baptism or parents or sponsors seeking the baptism of a child fail to fulfil the requirements in 3.2 above, the Minister (or Elder) shall explain that the nature and meaning of baptism require that a person seeking baptism for him/herself or at least one parent or sponsor seeking baptism for a child be committed to Christ (and so to his Church) before the baptism can take place. In all cases the Minister (or Elder) should adopt an evangelical and pastoral approach based on the grace of God and seek to win such people for Christ. The Minister (or Elder) should help parents or sponsors to hear the invitation and promises of the gospel directed to them as well as to their child. Any impression of unnecessarily obstructing baptism or of sticking to church rules without concern for the child should be avoided by gracious and patient explanation of the fundamental issues at stake and how these affect the child's own spiritual welfare. The primary focus should be on the parents' need to accept Jesus Christ as Saviour and Lord and only secondarily on membership in the Church as the consequence of that. It also needs to be made clear to parents who fail to fulfil the requirements in 3.2 above that the door is not closed against the baptism of their child: what is required is that they take the first step necessary for the baptism to take place by making their own commitment to Christ and becoming active members of his Church. The Minister (or Elder) should then always make him/herself or someone else available to guide them pastorally in moving towards such a commitment.
- 3.11 If there are godparents, they should be committed Christians who stand with, and in support of, the parents taking the vows. It is appropriate for them to be interviewed about their faith and understanding of baptism. The Minister can then ascertain in what way and to what extent they are able and willing to commit themselves to help raise the child in godliness. On that basis he/she can decide whether it is appropriate for them to take a vow during the service. If it is and they agree to take it, he/she should assign a vow that they can take with integrity. It is then also appropriate for the Minister to follow the example of the Reformers in addressing a special (brief) admonition to the godparents during the service.
- 3.12 Baptism is administered only by an ordained Minister or a person authorized by the Church to dispense the Sacraments.
- 3.13 A Minister may baptize a person who generally worships in another Congregation of this Church, or a child whose parents or sponsors are enrolled members of another such Congregation, only with the consent of the Minister and Session of that Congregation (or, if the Minister is absent or the Congregation vacant, the consent of its Session) or, failing that, the consent of that Session's Presbytery.
- 3.14 No Minister may baptize a child whose parents are members of a Congregation of any other denomination without first obtaining the consent of the Minister or church council of that Congregation.

- 3.15 As baptism is the sacrament of admission into the covenant of grace and so into the Church, it is administered at a service of public worship, in the presence of the Congregation. Only in exceptional circumstances and with the approval of Session may it be administered elsewhere, and then, if possible, the Minister should be accompanied by at least two Elders to represent the Congregation.
- 3.16 After every baptism the name of the person baptized is entered in the Register of Baptisms kept by the Session, and a certificate of baptism is issued.
- 3.17 Every baptized person, whether adult or child, is a member of the holy, catholic Church.
- 3.18 Baptism in the name of God the Father, the Son and the Holy Spirit is administered only once to any person. The act of baptism must not be performed a second time on anyone, because baptism is the sacrament that initiates us into the death and resurrection of Christ as an event that was once for all (Romans 6:1-11, Hebrews 9:11-10:18). In having initiated us into his covenant, moreover, God does not play fast and loose with the promise that baptism signifies, as though we may need a second baptism. The only exception is where it is uncertain whether a person was baptized as a child and there is no record or living witness to consult. In such cases a "conditional baptism" may be administered with the words "if you are not already baptized, I baptise you [forenames], in the name of God the Father, the Son and the Holy Spirit."
- 3.19 In cases where neither parent fulfils the requirements in 3.2(c) above, the Minister may in the meantime offer special thanksgiving and prayer for (blessing on) a child, either in church in the course of an ordinary service or at a special service or at home. The Minister must make it clear to the parents and the Congregation that such a service is no substitute for baptism. (The term "dedication" is better avoided in connection with such a service, lest it be construed as a type of substitute for baptism.)
- 3.20 Such a service of thanksgiving and prayer may also be held when parents wish their child to be baptized only later, as a believer. This, however, is provided that the Minister has first sought to inform the parents of the arguments for, and the value of, infant baptism. The conditions in the previous paragraph also apply.
- 3.21 Ministers and Sessions are required to give particular attention to the pastoral care of all those whose children have been baptized in infancy, of all baptized children and also of all families in their Congregations whose children have yet to be baptized. They have a responsibility to encourage, wherever necessary, the keeping of all vows made for baptism.
- 3.22 Because a right understanding and appreciation of baptism depends on the Word that accompanies the sacrament, every Minister is enjoined to preach on the meaning, power and/or necessity of baptism whenever he/she baptizes, and to point out the promise and significance of baptism frequently when preaching on other themes at other times as well.

- 3.23 It is the responsibility of Sessions to see to it that proper baptismal discipline is observed in their Congregations. They should support their Ministers in the observance of proper discipline in all cases.
- 3.24 It is the responsibility of Presbyteries to insist that Ministers and Sessions within their boundaries observe proper baptismal discipline and to support them in observing it.



Chapter 4

THE LORD'S SUPPER/HOLY COMMUNION

Explanatory Note

In carrying out the Church's principal task of bearing witness to its Lord and proclaiming the Gospel the Word, the Sacraments, and the Confession of Faith have major roles.

Prelude

The Lord's Supper is the sacrament of communion with the risen Christ. Jesus instituted it as a fourfold act of taking, giving thanks, breaking, and sharing bread and wine that signify his body and blood. Just as baptism is normally in the face of the congregation, so the Lord's Supper is normally a communal meal. Only those who know they are unworthy of the Supper, grieve for their sins and humbly trust in God's promise of grace are ready for it. Those who eat and drink in unbelief, however, dishonour the death of Christ to their own condemnation. (See Confession of Faith 9.1.)

The Supper commemorates and proclaims Christ's death and resurrection in the past as the ground of our salvation. But at it the exalted and living Lord himself is truly present, presiding at his Table in the power of his crucifixion and resurrection. In the act of Holy Communion, through the Spirit, he feeds us with his very body and blood, so that he lives in us and we in him. In this way he confirms and renews his covenant with us and assures us that he died for our sins and will raise us from death to live with him for ever. For with Christ we receive the benefits of his death and resurrection: the forgiveness of our sins, the joy of mystical communion with him, and reconciliation and union with one another in the one body of Christ. All should therefore come to the Table at peace with one another. Through this sacrament Christ empowers us to overcome the temptations we face in this age, renews us to share his mission in the world and gives us a foretaste of the messianic banquet in the age to come. (See Confession of Faith 9.2.)

By their material elements the sacraments remind us of the bodily nature of the incarnation, assure us tangibly of our salvation and bring home that the good news is not just a matter of words but a reality to be known and lived out in this world. The sharing of the bread reminds us both of our unity in Christ and of Christ's command to share our bread with the hungry as we would with him. (See Confession of Faith 9.3.)

The Lord's Day in particular is ordained for corporate worship and the celebration of Holy Communion, as a time to delight in God, because on this day the Lord rose from the dead, made himself known to his followers and ate with them. (See Confession of Faith 18.3.)

The Supper is the centre and crown of the Church's worship. In faithfulness to Christ's example and the apostolic practice in Scripture, it should be celebrated regularly and frequently. (See Confession of Faith 9.4.)

Section 1: WHO MAY RECEIVE HOLY COMMUNION?

- 4.1 Participation in the Lord's Supper is open to all members of the Church, including baptised children. (see para 1.6.)
- 4.2 It is the duty of the Session to ensure that children and adults receive regular teaching on the Sacraments of Baptism and Holy Communion.
- 4.3 It is the duty of the Session to foster and actively seek the incorporation of children into the life of the Church through Baptism and the Lord's Supper.
- 4.4 It is the duty of the Session to ensure that parents are aware of their responsibility to lead their children into regular and meaningful participation in the Lord's Supper. Parents must also instruct their children on the meaning of the Lord's Supper when their children begin to express an understanding of their own: "and when your children say to you, 'What do you mean by this service?' you shall say, 'It is ...'" (Exodus 12:26-27). Such instruction is also the duty of Sunday School teachers.
- 4.5 Baptised children whose parents are participating members of the Congregation are able to participate in the Lord's Supper with the accompaniment and under the guidance of their parents. It is the duty of parents who transfer their membership to register the baptism of their children with the Session of the Congregation to which they are transferring. Baptised children whose parents are not participating members of the Congregation are able to participate in the Lord's Supper with the accompaniment and under the guidance of a sponsor within the Congregation.
- 4.6 The Session sets the time and place for public worship and the regular celebration of the Lord's Supper. (See para 7.19.)
- 4.7 At every celebration of the Lord's Supper the celebrant extends an invitation to share in it to members of all ages of any branch of the holy catholic Church who may be present.

Section 2: WHO MAY CELEBRATE HOLY COMMUNION?

- 4.8 Any ordained Minister of The Uniting Presbyterian Church in Southern Africa duly inducted in, or appointed to, a charge in this Church or to a united charge in which this Church shares or whom this Church has appointed to a post in the Central Office or seconded to an approved post beyond its jurisdiction may celebrate Holy Communion.
- 4.9 Any ordained Minister of The Uniting Presbyterian Church in Southern Africa not duly inducted in, or appointed to, a charge in this Church or seconded to an approved post beyond the jurisdiction of The Uniting Presbyterian Church in Southern Africa may celebrate Holy Communion only if granted Credentials.
- 4.10 A Minister's status in The Uniting Presbyterian Church in Southern Africa shall not lapse as a result of the suspension of his/her right to exercise the ministry of the Word and Sacraments. (See Para 16.125.)

Replacement page 2014

- 4.11 A Minister Emeritus needs no Credentials and may continue to administer the Sacraments. (See paras 4.12(g), 16.129.)
- 4.12 Ministers are authorised to administer the sacraments only if they
- (a) are serving in a pastoral charge or a position in the Church to which they have been called or appointed; or
 - (b) are serving in a position to which this Church has seconded them or for which it has accredited them; or
 - (c) are in the process of being called or appointed to a pastoral charge or position in this Church or being seconded by it to a position in or outside this Church; or
 - (d) are Ministers-without-Charge in terms of para 16.19; or
 - (e) have been admitted to the Ministry of another recognised Church in terms of para 16.32.1 or 16.32.2; or
 - (f) are Ministers-in-Association in terms of para 16.162; or
 - (g) are Ministers Emeriti (para 4.11).
- (See para 16.20.)
- 4.13 The Moderator of a Council of this Church may invite a Minister of any branch of the one holy catholic Church to administer the sacraments and ordinances in this Church, provided that the Minister does so in a form that accords with the orders prescribed in the *Service Book and Ordinal* of this Church (para 1.7).
- 4.14 If the Moderator of General Assembly is an Elder, the Assembly may license him/her to administer the sacrament of the Lord's Supper while in office according to the orders prescribed in the *Service Book and Ordinal* (para 12.30).
- 4.15 If the Moderator of Presbytery is an Elder, Presbytery may license him/her to administer the sacrament of the Lord's Supper while in office according to the order prescribed in the *Service Book and Ordinal*. The Elder must first have been instructed in the doctrine and practice of the Sacraments and satisfied the General Assembly's Ministry Committee as to his/her understanding of the Sacrament (para 10.15).
- 4.16 As a special dispensation for a specified time Presbytery may license a Church Development Evangelist (CDE), in his/her capacity as an Elder and a Lay Preacher in the Order of Lay Ministries, to administer the sacraments of Baptism and the Lord's Supper according to the order prescribed in the *Service Book and Ordinal*. This must be because the CDE is serving in a remote location that cannot easily obtain the services of an ordained minister to dispense the sacraments regularly. The CDE must first have been instructed in the doctrine and practice of the Sacraments, have satisfied General Assembly's Ministry Committee as to his/her understanding of the Sacrament and have fulfilled any other requirements of that Committee. (On CDEs see para 16.131-137.)
- 4.17 As a special dispensation Presbytery may license an ordained Elder who is a Lay Preacher in the Order of Lay Ministries to administer the sacraments within its boundaries and according to the orders prescribed in the *Service Book and Ordinal*. This must be because he/she is serving either

Replacement page 2014

- (a) in a remote location that cannot easily obtain the services of an ordained minister to dispense the sacraments regularly or
- (b) in another location where the Presbytery deems that the circumstances make such a step appropriate.

In either case the Elder must first have been instructed in the doctrine and practice of the Sacraments and have satisfied General Assembly's Ministry Committee as to his/her understanding of the Sacraments and general fitness.

The Presbytery grants such a license for a year at a time and every year reviews the circumstances prompting the licensing.

- 4.18 As a special dispensation in exceptional circumstances where he/she is appointed as Stated Supply to a Congregation that needs him/her to administer the Sacraments in it, and subject to para 10.27(g), Presbytery may license a part-time Student for the Ministry who is sufficiently mature and a Lay Preacher in the Order of Lay Ministries to administer the sacraments in that Congregation according to the orders prescribed in the *Service Book and Ordinal* and under the supervision of the Interim Moderator. The Student must first have been instructed in the doctrine and practice of the Sacraments and have satisfied General Assembly's Ministry Committee as to his/her understanding of the Sacraments.

The Presbytery grants such a license for a year at a time and every year reviews the circumstances prompting the licensing. (See para 4.17.)

- 4.19 As a special dispensation in exceptional circumstances where he/she is situated in a remote location that cannot easily get an ordained Minister to dispense the sacraments regularly, Presbytery may license a Probationer to administer the Sacraments according to the orders prescribed in the *Service Book and Ordinal* within the Congregation to which he/she is appointed and under the direction of his/her supervisor. The Probationer must first have been instructed in the doctrine and practice of the Sacraments and have satisfied General Assembly's Ministry Committee as to his/her understanding of the Sacraments, and that Committee must have informed Presbytery accordingly. (See para 17.37).

- 4.20 (a) Every Minister is enjoined to preach regularly, at least once or twice a year, on the meaning, significance and power of Holy Communion, in order to promote a right understanding of the sacrament in his/her Congregation.
- (b) Every Minister and Session are enjoined to see that regular instruction in the meaning of Holy Communion is given to the young people in their Congregation.

Chapter 5

MARRIAGE, DIVORCE AND REMARRIAGE

PREAMBLE

Marriage

Explanatory note

Of the many questions referred to in Chapter 1 some need more extensive treatment than could be given there. This Chapter contains the Church's understanding of the principles relating to marriage, divorce and remarriage and the rules needed to give effect to the principles.

The Nature of Marriage

- 5.1 The very nature of God is love (1 Jn.4:8). We are born anew of the Spirit of God, who pours God's own love into our hearts (Jn.3:5-8, Rom. 5:5). Gal.5:22-23 teaches that the Holy Spirit produces a harvest of love, patience, kindness, goodness and faithfulness in the hearts of believers. Thus God commands us to love, be patient with, and forgive one another. It is in this context that we need to understand what the Scriptures teach about marriage.
- 5.2 Jesus expressed an extremely high view of marriage: it was not simply a private arrangement or a social convention but a divine institution. It is God who made us male and female, and God who joins husband and wife. Thereby they become 'one flesh', which 'means an absolute personal unity, a total sharing and devotion' (Wolfgang Schrager) in which they are meant to complement, enjoy and support each other as soul mates (Gen.2:18-24; Mk.10:6-9||Matt.19:4-6).
- 5.3 Thus in God's intention marriage is indissoluble and permanent. Scripture calls us to uphold the marriage bond as long as both partners live this life. Marriage is therefore not to be entered into 'lightly or unadvisedly', but with prayer and on the basis of mutual respect, love and lifelong commitment in dependence upon the grace of God. 'Did God not make you one? Both flesh and spirit are his. And what does he require? Godly children. So look to yourselves, and do not let anyone be unfaithful to the wife of his youth. For I hate divorce, says the LORD.' (Mal.2:15-16).

Marriage in the Ministry

- 5.4 Ministers, as servants of God called to a special vocation, have a responsibility, and are expected:
 - (a) to uphold the Church's teaching on marriage;
 - (b) to set a good example to others in their own marriages;
 - (c) to do what they can to enrich the marriages of the members of their Congregations; and
 - (d) to be good pastors to people whose marriages are in difficulty or under strain.
- 5.5 Yet a number of factors tend to strain Ministers' marriages: inadequate stipends in many cases, being engaged on most evenings and every

weekend, being constantly on call, and expectations that Congregations impose on the Minister's spouse. Ministers may also sometimes face situations of temptation when visiting or counselling people of the opposite sex. They need to remember the frailty of human nature and forearm themselves. It may be prudent to have one's spouse or some other, wise and discreet person present during prolonged counselling of a person of the opposite sex.

Marital Breakdown and Divorce

Marital Breakdown and Divorce

- 5.6 Because God's intention for marriage is that it should be lifelong and families are the essential units on whose stability the emotional security of children and the stability of society itself depend, marital breakdown can never be a good thing. Divorce is also nearly always very traumatic for one or both of the spouses, and it emotionally scars the children of parents who divorce.
- 5.7 The Church must therefore always be concerned about marital breakdown and divorce. Yet in modern society the number of marriages ending in divorce is alarmingly high. There are many reasons for this, which we cannot examine here.
- 5.8 The debate between Jesus and the Pharisees about divorce is reported in Mk.10:1-9||Matt.19:3-9. (Matt.5:31-32||Lk.16:18 are abbreviated versions of Mk.10:1-12||Matt.19:3-9 as well.) The Pharisees quote Deut.24:1-4, which states that a man who divorces is obliged to give his wife a certificate to that effect (so that she is free to marry someone else). Jesus replies that the intention of this text is not to allow any licence for frivolous divorce but to protect the rights of the woman, because it recognizes human sin. The original intention of God, as Gen.2 shows, was that the union between a man and a woman should be indissoluble. Thus divorce has always been contrary to God's ideal will, and divorce on flimsy grounds has always been an outrage. More important than any legalities was the real nature of marriage. This involves such a close bonding of people's lives that they 'become one flesh', and divorce is like ripping the flesh apart!
- 5.9 This needs to be understood against the background of the Jewish debate about how to interpret Deut.24:1. The two main schools of rabbinic thought were those of Shammai and Hillel. The followers of Shammai interpreted the text to allow divorce only in cases of unchastity. The followers of Hillel by contrast interpreted it to allow divorce even if the wife did nothing more than go out with her hair down or let food on the stove burn. Rabbi Akiba went so far as to interpret it to allow divorce on the ground of being more attracted to another woman. Indeed 'in the Mishnaic period there was no marriage among the Jewish people that could not legally be dissolved on the spot by a man's handing his wife a bill of divorce'. Against this background Jesus' attitude stands out sharply. Unlike the school of Shammai he opposes not merely a lax approach to divorce but divorce itself.

- 5.10 Mk.10:10-12(||Matt.19:9) reports that in conversation with his disciples Jesus attacks divorce on a quite different basis: that divorce and remarriage is a contravention of the law against adultery in Ex.20:14. (In the original oral transmission of Jesus' sayings Mk.10:1-9 and 10:11-12 would have been two quite separate pericopes, even though Mk. joins them and Matt.29:3-9 completely merges them.) Lk.16:18 (||Matt.5:31) makes the same point. This view was completely contrary to Jewish law. What is at first puzzling about these two verses in Mk. and their parallels in Matt.19:9 and Lk.16:18 is *that they forbid divorce when followed by remarriage* as transgressing the seventh commandment. Mk.10:12 may specifically refer to the well-known case of Herodias who left her husband to marry another man. More generally these sayings may be interpreted against the background of the mores of the times. Many Jewish men did not take marriage seriously enough and moved carelessly from one partner to another. They presumed that satisfying the Mosaic requirement by going through the formal processes of marriage and divorce each time enabled them to remain upright citizens of Israel. Jesus' point then would be that such legal observance did not at all make spouse-swapping morally acceptable; divorcing one's wife in order to marry someone else involved unfaithfulness and was a form of adultery. (Jesus spoke in Aramaic, which, like Hebrew, used parataxis, i.e. joining two main clauses by 'and', where Greek or English would use a subordinate clause. Thus the Aramaic behind Mk.10:11-12 may have meant more precisely '...in order to remarry...'.)
- 5.11 Jesus' reply to the Pharisees in Mk.10:1-9||Matt.19:3-9 must also be understood in the context of his clash with the Pharisees about how to view the commandments in general. The Pharisees tended to use the commandments, or their interpretation of them, as a weapon to condemn those who did not conform. Modern Pharisees do the same. Jesus by contrast emphasized grace over law and, though he also took the law seriously, warned against all self-righteousness. Both those who fail to repent for the failure of a marriage and those who look down on divorcees are guilty of self-righteousness.
- 5.12 For Jesus the first and most basic commandment is that one must love God with all one's heart, soul, mind and strength, but this is never to be interpreted in isolation from the commandment to love one's neighbour (Mk.12:28-31||Matt.22:34-40||Lk.10:25-28). Thus every commandment, and so also the command against divorce, is to be interpreted in a humane way. Though it can never be broken casually or light-heartedly, the prohibition against divorce must be interpreted in a humane way, in accord with the humane motive behind it. And this means that in limited and extreme circumstances humane considerations can override it. In extreme circumstances, when the family suffers too much damage for continuation of the marriage to be justified, it may be dissolved. For divorce then becomes the lesser of two evils.
- 5.13 The Church should avoid all self-righteousness with regard to divorce as with every other sin and human tragedy. Wherever it can, it should provide pastoral support and trained counselling and, except where there has been serious physical or mental abuse of one partner by the other, seek to promote reconciliation between the spouses.

- 5.14 Even some Christian marriages end in divorce. For Christians too are sinful people who have to struggle against the weaknesses of our human nature. Like the apostle Paul, Christians cry out: 'I do not do the good I want to do; instead I do the evil that I do not want to do!' (Rom.7:19). And in some situations, where a couple just cannot get on, where they remain in damaging conflict with each other and marriage counselling fails to help, divorce may be also for them the lesser of two evils.
- 5.15 I Cor.7:10ff. repeats the teaching of Jesus against divorce (and marriage to someone else). I Corinthians was written earlier than any of the Gospels and supports Mk.10:11 (which allows no exceptions) as an earlier version of Jesus' saying compared to Matt.19:9 (which allows unchastity as an exception). At the same time it recognises that even Christian marriages could and did break up. In other words Jesus' opposition to divorce is not to be interpreted in a legalistic manner. (By adding a qualification to Jesus' words Matt.19:9 in effect implies the same.) Divorce did not put the separated spouses outside the Church: they remained part of its fellowship and subject to its discipline.
- 5.16 Even though God's plan for marriage is that it be for a lifetime, then, under certain circumstances divorce is permissible and indeed advisable. It should be considered only after every attempt at reconciliation has been tried. In our society this would include proper, and if possible, professional counselling. Divorce should be only a last resort, when it is clear that reconciliation is impossible and the damage caused by staying together is considerably worse than the disaster of divorce. At that stage divorce counselling, or counselling for divorce, should be started.

Divorce in the Ministry

- 5.17 A Minister is, naturally, expected not to divorce, and a Church is inevitably embarrassed when its Minister does. Divorce inflicts grievous hurt on the Congregation. It nearly always splits it between those who (rightly or wrongly) sympathize strongly with the Minister and those who feel deeply that it is improper for a divorced Minister to go on ministering in the same Congregation.
- 5.18 The Minister too is deeply embarrassed. A Minister, like other people, enters marriage with high hopes for a good marriage. When instead the marriage fails, the Minister experiences not only the pain of disappointment and failure but embarrassment at having failed his calling and confusion about how to go on being a Minister. The process of divorce itself is also likely to place the Minister under great strain.
- 5.19 A divorce may take many months to finalise, and during that time or afterwards facts may emerge about the causes for the breakdown of the marriage that gravely embarrass the Minister. Sometimes a divorce is caused by behaviour for which a Minister should be placed under discipline, and that discipline may take the form of suspension from the ministry.
- 5.20 For all these reasons many denominations rule that divorce leads to automatic severance of the pastoral tie. On the other hand automatic severance is not always the best thing. The Minister may be a comparatively innocent party; yet such severance adds to the Minister's

loss of the marital relationship the loss of job, income, home, friends and public role without regard to the relative guilt of each party. The local Church may still acutely need its Minister, and it may well be itself the best available support system for ministering to the separating partners. The Congregation may also feel strongly that its attitude should be heard and resent it if this is not done. There is no reason why this should not be done, even though it is the Presbytery that will make the decision.

- 5.21 Even when the pastoral tie is not severed, it is nearly always best for the Minister to take a period of at least 2 months' compassionate leave, usually after the divorce, to work through the breakdown and dissolution of the marriage and his/her own responsibility for this. It is wise to place someone alongside both spouses to assist them through this process.
- 5.22 The local Church and the Minister and his/her family do need the Presbytery to help find the best way ahead for the Minister, whether it be continued ministry, with or without a period of leave, or the severance of the pastoral tie. It may also be helpful for the Presbytery to arrange a special service of worship to mark either the continuation or the severance of the pastoral tie.
- 5.23 How credible and effective a Minister will remain after divorce depends on the causes and circumstances of the divorce and its effects on the Minister. Divorce is likely to cause great distress to any Minister who takes marriage and his/her own responsibility as a witness to the gospel seriously. A broken marriage can no longer be an example to the Congregation of a good marriage, one that reflects the grace and love of God at work between two people. Whether the Minister exhibits repentance and how well he/she mirrors God's love and grace in his/her personal life and his/her work during and after the painful time of divorce will to a large extent determine the effectiveness of his/her continuing ministry.

Remarriage

The New Testament and Remarriage

- 5.24 The Christian ideal of marriage as a lifelong relationship means that the maxim that marriage should be entered into 'not lightly or unadvisedly' applies all the more to remarriage! As we have noted in paras.5.8-5.10 above, Jesus upheld the sanctity of marriage against divorce and castigated any casual attitude to divorce and remarriage. Yet, as paras. 5.11-5.12 above emphasize, Jesus' concern was love, not legalism. Without a deep repentance and a real turning to God, a second marriage may well have even less prospect of success. But if a person has genuinely repented for his/her part in the marital breakdown that led to a divorce, and if the marriage cannot be restored and the person in humility wishes with God's grace and help to marry a new partner and make a new beginning, that intention is surely not a sin. In such a case the person may remarry with the Church's blessing.
- 5.25 Nevertheless remarriage should be entered into only after a reasonable time has elapsed after a divorce, when enough healing has taken place. Ideally the marriage counsellor/officiating Minister in cases of remarriage

should meet, or at least telephone, the other partner in the previous marriage to discuss the remarriage – and to ensure that proper financial provisions have been made for the previous spouse and any children.

- 5.26 Any service of remarriage should include an opportunity to express repentance for the failure of the previous marriage and an assurance of grace.

Remarriage in the Ministry

- 5.27 I Tim. 3:2 states that a church leader must be the 'husband of one wife'. But the meaning of this phrase in Greek is uncertain. It may mean 'married to one wife' in the sense of being monogamous or 'married only once' in the sense of excluding marriage after being widowed (cf. Mk.10:10-11, I Cor.7:40) or possibly even 'faithful to one's wife'.
- 5.28 What is said above applies to the remarriage of Ministers as well as to the remarriage of other members of the Church. Remarriage can be expected to affect the ministry of Ministers. They may well need counselling and support from the Presbytery.

PRINCIPLES AND PROCEDURES

General

- 5.29 God intends marriage to be a life-long union of mutual caring and faithfulness, in dependence on his grace.
- 5.30 For the protection of both parties all marriages should be civilly registered. Only a Minister who is a marriage officer is authorized to solemnize any marriage.
- 5.31 Marriages should not be within degrees of relationship forbidden in civil law.
- 5.32 Ministers and Elders have a special responsibility to care for any people in their charge whose marriages break down or end in divorce.
- 5.33 A Minister who is a marriage officer may solemnise the marriage of a divorcee whose former spouse is still alive. But the Minister should do so only if he/she deems this to be right in God's eyes and in the best overall interest of all parties concerned. The Minister should therefore not agree to solemnise such a marriage before taking all reasonable steps to obtain relevant information. Caution is particularly necessary whenever the Minister has had no pastoral relation with the divorcee. The information normally to be sought concerns the following
- (a) the character of each of the parties seeking marriage;
 - (b) the grounds for, and the circumstances of, the divorce(s);
 - (c) what provision a divorcee who was the breadwinner and seeks remarriage has made, and will make, for the care of the previous spouse and any children from the former marriage;
 - (d) whether any other Minister has declined to solemnise the proposed marriage, and why; and
 - (e) to what denomination the parties belong.

Special care should be taken where another denomination or Minister has decided that there are grounds to refuse to marry the divorcee. It may well be advisable for the Minister to contact the denomination or Minister concerned for further information.

- 5.34 Especially if the divorce is recent, the Minister should consider contacting the former spouse for his/her perspective on it and the proposed marriage. The Minister needs sensitivity and discretion in weighing the perspectives of the former spouses against each other.
- 5.35 The Minister should consider carefully:
 - (a) whether there is any genuine cause for scandal if the Church should solemnise the remarriage;
 - (b) what moral and spiritual effect it would have on the former spouse for the Church to solemnise the marriage; and
 - (c) what moral and spiritual effect refusing to solemnise the marriage would have on all the parties concerned.
- 5.36 The Minister should seek to ascertain whether the divorcee sincerely repents for whatever blame he/she bears for the failure of the previous marriage.
- 5.37 No Minister is required to solemnise any marriage against his/her conscience or against his/her better judgement. If unable to come to a clear decision, a Minister declines to officiate.
- 5.38 Ministers have a responsibility to see that any couple they agree to marry receive appropriate pre-marital counselling and instruction on the nature and requirements of Christian marriage. This is not least so when either party is a divorcee.
- 5.39 The wedding service of a divorcee or divorcees should include the following statement by the Minister and questions and answers (after the prayer of praise at the beginning and before an appropriate prayer of confession of sin):

Marriage is a civil contract. Christian marriage is also a spiritual union in which a man and a woman vow before God to cleave to each other and be faithful for life. It is a serious matter to break a civil contract; it is a much more serious matter to break vows made before God.

Those of you who are aware that (*Christian name or names*) have been married before and that the person(s) he/she/they married is/are still living may wonder how the Church can bless this marriage. It is not a matter that has been decided lightly. The break-up of a marriage always falls short of God's ideal will. The three of us have discussed this together. There is clearly no prospect of re-establishing the former marriage(s). And (*Christian name or names*) have assured me that he/she/they repent for the failure of that/those marriage(s).

So I now put these questions to them:

- V: (*Christian name or names*), do you confess your share in the failure of your previous marriage(s), look to God for mercy and forgiveness and forgive as you yourself wish to be forgiven?

R: I do.

V: And do you both seek God's help in fulfilling the vows you are about to make?

R: We do.

These questions are intended to give the divorcee the opportunity publicly to acknowledge his/her/their guilt in the breakdown of the previous marriage, receive an assurance of grace specifically in response to that and so seek closure with this guilt. The prayer of confession of sin that follows should mention the hurt and pain caused to others and be followed by a scriptural assurance of grace for all who trust in Christ. The Minister should inform the wedding couple beforehand that the statement will be made and questions will be put to them. Their purpose should be explained and the matter discussed with them as necessary.

- 5.40 The Minister should exercise a pastoral approach to all the parties concerned, show the utmost courtesy at all times, avoid being judgemental. and minister to them compassionately.
- 5.41 Every Presbytery shall appoint two suitable people for any Minister to consult for advice, if he/she is in any doubt as to the correct course of action to take in regard to any requested marriage or remarriage and so chooses. The officiating Minister nevertheless remains entirely responsible before God for the decision whether or not to proceed with any marriage.
- 5.42 The following exceptions apply:
 - (a) Paras. 5.35-5.36 do not apply to the remarriage of divorced persons to their former spouses.
 - (b) The blessing of a civil marriage may be exempted from regulations 5.34 and 5.35.

Presbytery Pastoral Committees

- 5.43 Every Presbytery shall appoint a Pastoral Committee, provided that:
 - (a) if a Presbytery is too small and lacks suitable personnel and resources to form such a Committee on its own, it may form a combined Committee with a neighbouring Presbytery or neighbouring Presbyteries;
 - (b) if the members of a Presbytery have to travel such great distances and its finances are so limited as to make it difficult for a Pastoral Committee to function, it may appeal to the Pastoral Committee of a neighbouring Presbytery or to the Ministerial and Family Care Committee for help; and
 - (c) if deeply conflicting relationships in a Presbytery complicate a particular case, it may likewise appeal to the Pastoral Committee of a neighbouring Presbytery or to the Ministerial and Family Care Committee for help.
- 5.44 The Pastoral Committee's ministry shall include all the following tasks:
 - (a) selecting suitable people from within their Presbyteries to be trained in counselling, including marital counselling;

- (b) arranging for such training;
- (c) arranging for regular retreats/seminars/workshops on marriage enrichment or making a success of marriage for Ministers and their wives;
- (d) acting as a support group for any ministerial couple whose marriage is in difficulties;
- (e) acting as an agent of reconciliation and healing in cases of marital conflict;
- (f) referring couples (and their children) to Christian or professional counsellors to help them seek reconciliation or cope with divorce or remarriage;
- (g) facilitating discussions between Ministers and their Sessions and Congregations, when Ministers' marriages break down;
- (h) arranging whatever practical aid they can for ministerial couples in need of help;
- (i) submitting a report on each case of ministerial divorce within the bounds to the Presbytery with recommendations on how the Presbytery should deal with it. This includes:
 - (i) whether to sever the pastoral tie or not,
 - (ii) whether to suspend the Minister from the ministry or not and, if so, for how long,
 - (iii) whether to suspend the Minister temporarily from ministry in the Congregation and, if so, for how long,
 - (iv) whether the Minister should be granted leave and, if so, for how long, and
 - (v) what persons should be appointed as counsellors to the couple concerned.

Responsibilities of the Minister, spouse and Presbytery when a Minister's marriage threatens to break down

- 5.45 If a Minister's marriage threatens to break down, the Minister, or preferably both spouses together, must in the first instance, before taking legal advice on what to do, approach the Moderator of the Presbytery or any member of the Presbytery Pastoral Committee for help. If for any reason the Moderator or the Pastoral Committee fails to act speedily on the approach, the Minister should contact the Ministerial Marriage and Family Care Committee. The Ministerial Marriage and Family Care Committee then informs the Moderator of the Presbytery of the approach.
- 5.46 Should any Elder become aware of any serious strains in the marriage of the Minister in the Congregation or any possible threat of a breakdown in the marriage, he/she should confer with the Minister, or else approach the Session Clerk with a view to the Session Clerk's conferring with the Minister. If the Elder, or the Session Clerk, then deems it appropriate, he/she should consult with the Moderator of the Presbytery or any member of the Presbytery Pastoral Committee about what can be done to help the couple.
- 5.47 As soon as the Moderator or the Presbytery Pastoral Committee becomes aware that a Minister's marriage is in danger of breaking down or that a ministerial couple have separated to live apart, the Moderator

and/or Clerk or the Pastoral Committee discusses with the couple whether a qualified counsellor or counsellors should not be engaged to help them resolve their problems or, if that is rejected, to help them work through the process of separation or divorce and all its implications and effects. Where it is customary to regard marriage as a contract between two families rather than just two individuals, the counsellor(s) should seek to counsel the two families as well.

Responsibilities of the Presbytery and Session when the marriage of a Minister in a pastoral charge breaks down

- 5.48 Whenever a Presbytery intends taking decisions regarding a divorced or divorcing Minister, the Moderator of the Presbytery as soon as possible informs the convener of the Ministerial Marriage and Family Care Committee of the date, time and venue of the meeting and invites the convener to send one or two members of the Committee to attend the Presbytery meeting and be associated with it, at the Committee's expense.
- 5.49
- (a) If adultery or some other sufficient reason for discipline such as physical abuse of a Minister's spouse is alleged against a Minister, whether or not this leads to divorce or separation between them, the Moderator of the Presbytery, on behalf of the Presbytery, consults the Minister and spouse without delay. If there is any evidence for, or witness to, what is alleged, the Moderator of Presbytery refers the matter to Presbytery to deal with in terms of chapter 18 of the Manual.
 - (b) The Moderator of Presbytery also instructs the Minister to call a special meeting of the Session, including the Minister, to inform it of what is happening and, if possible, further ascertain the facts of the case. The Moderator of the Presbytery or his/her appointed deputy chairs this meeting. The Session then decides whether to call a special meeting of the Congregation to inform it of the situation. If it decides to do so, the Moderator of the Presbytery or his/her appointed deputy also chairs this meeting. At both meetings the Minister is allowed to address the meeting and answer questions, if he/she wishes to, but must then leave, so that discussion can take place in his/her absence.
- 5.50 If Presbytery suspends the Minister temporarily while the case is being resolved, and the resolution is likely to take 3 months or longer, it forthwith appoints an Interim Moderator to the Congregation.
- 5.51 If the Presbytery or the General Assembly or Executive Commission finds the Minister guilty of misconduct warranting the Minister's suspension from serving the Congregation for a time or from the ministry or warranting the severance of the pastoral tie between the Minister and the Congregation, the Presbytery forthwith announces the suspension or severance to the Congregation. If the Minister is suspended from serving the Congregation for more than 3 months or suspended from the ministry or if the pastoral tie is severed, the Presbytery appoints an Interim Moderator to the Congregation, if it has not yet done so. If the pastoral tie is severed, the Presbytery announces that the Minister is excluded

from being called to the same Congregation at any time in the future. If the Minister is suspended from the ministry, the Presbytery

- (a) declares that the Minister is to cease exercising any public ministerial functions, holding any office as a Minister, wearing any ministerial dress or acting in a way that infringes the suspension,
- (b) sets a minimum period for the suspension and
- (c) refers the case to the Ministerial Marriage and Family Care Committee (with all details and with or without its own recommendations it may further choose to make).

The Committee invites the Minister to meet with it in order for it to monitor him/her. The Minister remains under suspension unless, and until, the Committee decides to recommend that he/she be declared eligible to accept a call or an appointment or to resume the exercise of public ministerial functions again and the Presbytery within which he/she is residing then decides to carry out the recommendation.

5.52 A Minister being so monitored may not apply more than once a year to re-enter the ministry.

5.53

- (a) In all cases of the breakdown of the marriage of a Minister in a pastoral charge where counselling fails to resolve the marital problem and the Minister or his/her spouse issues a summons for divorce the Presbytery (or, if the Presbytery cannot meet timeously, the Moderator of the Presbytery acting on behalf of Presbytery) immediately declares the Minister to be suspended from that charge, with full benefits, until the Presbytery decides what to rule in his/her case.
- (b) The Moderator also sees to it that a special meeting of the Session is called. The time and place of the meeting is arranged with the Presbytery Pastoral Committee, so that it can attend as well. The Moderator of the Presbytery or his/her appointed deputy chairs this meeting. The Presbytery Pastoral Committee is associated with the Session for the purpose of the meeting. At the meeting the Minister is allowed to address the gathering and answer any questions, but must then leave, before discussion or any voting takes place. The Session and the Pastoral Committee discuss whether the Minister can continue to minister effectively in the Congregation and should do so.
- (c) The Moderator of Presbytery makes clear to the Session that any vote it takes on whether the Minister should remain in the charge, and any recommendation it makes, will only be a way of informing the Presbytery of its mind for when the Presbytery decides to rule. The Session then decides whether to vote. If it votes, it does so by secret ballot, and the vote is recorded.
- (d) The Session then drafts a recommendation to the Presbytery on the continuation of ministry or severance of the pastoral tie. If the Session votes to retain the Minister, it also proposes to Presbytery how much paid compassionate leave the Minister should take and what part of this should be paid leave. As well as any compassionate leave a Minister may take any period of long leave

that has accrued. The Pastoral Committee also makes its own recommendation to the Presbytery.

- 5.54 (a) The Session then calls a special meeting of the Congregation. (If the Minister serves more than one Congregation, it calls a meeting of at least the main Congregation.) The Moderator of the Presbytery or his/her appointed deputy chairs this meeting. At it the Session reports the pending divorce of the Minister. The Minister is allowed to address the gathering and answer any questions, but must then leave, before discussion and any voting takes place. The Session then reports what recommendations it has decided to make to the Presbytery on the continuation of ministry or severance of the pastoral tie. Members of the Congregation may respond to the proposed recommendations, and the burden of these responses is minuted and incorporated in the Session's report to Presbytery.
- (b) The Moderator of Presbytery makes clear to the Congregation that if it votes on whether the Minister should remain in the charge, its voting will only be a way of informing the Presbytery of its mind for when the Presbytery decides to rule. The Congregation then decides whether to vote. If it votes, it does so by ballot, and the vote is recorded. (Ballot papers should be prepared beforehand. The person in the chair can instruct any illiterate members how to make a cross on a ballot paper.)
- 5.55 The Moderator of the Presbytery then calls a meeting of the Presbytery to consider the recommendations of the Pastoral Committee. At this meeting the Presbytery shall also hear a report on
 - (a) how many Elders are serving on the Session, how many attended the Session meeting, how many were absent, and if the Session voted, how many voted for retaining the Minister, how many against and how many abstained;
 - (b) the recommendations of the Session; and
 - (c) how many members were on the Roll, how many attended the Meeting of the Congregation, and if the Congregation voted, how many voted for retaining the Minister, how many against, and how many abstained.

If less than three quarters of those present and voting at either the meeting of the Session or the meeting of the Congregation voted in favour of retaining the Minister, the Presbytery shall regard this as a failure to be sufficiently united in the decision and a factor that counts heavily in favour of severing the pastoral tie.
- 5.56 The Presbytery hears all points of view. It then decides:
 - (a) whether or not to sever the pastoral tie or withdraw the appointment, as the case may be;
 - (b) whether or not to suspend the Minister from the ministry, so that he/she cannot for a time seek another call or appointment in the Church and, if so, for how long;
 - (c) whether or not to suspend the Minister temporarily from serving the Congregation and, if so, for how long.

- 5.57 If the Presbytery severs the pastoral tie, it forthwith:
- (a) appoints an Interim Moderator to the Congregation, if one has not already been appointed;
 - (b) declares that the Minister may not be called to the same Congregation for at least 10 years;
 - (c) informs the Ministerial Marriage and Family Care Committee of the action taken; and
 - (d) through its Pastoral Committee consults with the Session and Congregation with a view to material and financial support for the Minister and his/her family for three months after such severance or until the Minister obtains employment, whichever occurs first. Ultimate responsibility for such support rests with the Presbytery, which may approach the Assembly for assistance.
- 5.58 (a) In all instances where the Minister and/or the family remain in the same Presbytery, the Presbytery Pastoral Committee continues to seek to care pastorally for him/her and where possible for the family, for whatever period is necessary.
- (b) Where the Minister and/or the family move to another Presbytery or other Presbyteries, the Presbytery Pastoral Committee commends him/her/them to the Pastoral Committee(s) of the new Presbytery or Presbyteries to be cared for, for whatever period is necessary.
- 5.59 If the Presbytery temporarily suspends the Minister from serving the Congregation, its Pastoral Committee consults the Session and Congregation with a view to seeing that the Minister will be financially supported for at least part of that period. If the period is for longer than 3 months, the Presbytery appoints an Interim Moderator.
- 5.60 If the pastoral tie is not severed and the Minister is not suspended, he/she normally takes paid compassionate leave to work through the impact of the divorce on his/her life and family. The Session decides how long the leave is to be. As well as any compassionate leave the Minister may take any period of long leave that has accrued to him/her.
- 5.61 If at any stage of the above proceedings a Presbytery for any reason feels that it is not adequate to the situation, it may appeal to the Ministerial Marriage and Family Care Committee for advice or help or to a neighbouring Presbytery for help.
- 5.62 If a Minister and his/her spouse separate from each other for more than 180 days apparently as a result of marital breakdown, the Presbytery through its Pastoral Committee investigates the matter. If it has not already done so, the Pastoral Committee provides pastoral support and counselling and seeks to effect a reconciliation. If it concludes that there is no prospect of a reconciliation, the Presbytery follows the procedures in para. 5.53, as if a summons for divorce had been issued.

Responsibilities of the Presbytery when the marriage of a Minister who is not in a pastoral charge breaks down

- 5.63 (a) Paras. 5.32-5.36 above apply whether or not a Minister is in a pastoral charge. If a Minister is not in a pastoral charge, the relevant parts of paras. 5.45 and 5.47 apply, apart from any

Session or Congregation being involved. If personal counselling fails to resolve the marital problem of a Minister who is not in a pastoral charge and either spouse issues a summons for divorce, the Presbytery forthwith instructs its Pastoral Committee to meet with the Minister and any body in or for which he/she works as a Minister in order to discuss whether his/her work for it can continue to be effective.

- (b) The Pastoral Committee makes its recommendations to the Presbytery. The Presbytery then calls a special meeting to consider these and to decide what rulings to make. It then informs the Ministerial Marriage and Family Care Committee of the action taken. If as a result of the Presbytery's ruling the Minister is unable to continue in his/her work, the Presbytery should seek to provide temporary financial support to the Minister and his/her family (see para. 5.53(d)) and may approach the Assembly for assistance. Paras.5.48 and 5.56, with the necessary changes, also apply.

The Ministerial Marriage and Family Care Committee: its composition

- 5.64 The Ministerial Marriage and Family Care Committee is composed of
- (a) a convener appointed by General Assembly,
 - (b) the General Secretary or his/her deputy,
 - (c) the convener of the General Assembly's Ministry Committee or his/her deputy,
 - (d) two other members of this Church appointed by General Assembly, at least one of whom shall be a trained marriage guidance counsellor, if none of the preceding is one, and
 - (e) such other members as the committee chooses to co-opt.

Both genders shall be represented on the committee.

In addition each Presbytery appoints a member of its Pastoral Committee to be a corresponding member of the Committee. When the Committee concerns itself with any Minister's marriage, the corresponding member appointed by his/her Presbytery attends the meeting.

The Ministerial Marriage and Family Care Committee: its role and responsibilities

- 5.65 The Ministerial Marriage and Family Care Committee shall:
- (a) work with the Pastoral Committee of Presbyteries to develop pastoral resources for strengthening marriages and dealing with divorce;
 - (b) generally be available to assist or be consulted by any Presbytery;
 - (c) within four weeks after any Presbytery requests it for assistance with a Minister's marital crisis meet, or have its subcommittee meet, with the Minister and, if possible his/her spouse, separately and together;
 - (d) consult anyone who in its view may be able to assist it with the case; and
 - (e) at the invitation of the Moderator of the Presbytery send one or two of its members to any Presbytery meeting that is to decide what action to take with regard to a divorcing or divorced Minister.
- 5.66 The Ministerial Marriage and Family Care Committee shall:

- (a) from the time that a Presbytery refers any Minister to it in terms of para.5.19(b), seek to exercise a pastoral role in relation to him/her and his/her spouse and to ensure that the Pastoral Committee(s) of the Presbytery or Presbyteries in which they reside care(s) for them;
- (b) in any case meet at least once a year but normally meet in April and November to consider any applications to re-enter the ministry from divorcees suspended from it and determine when they may accept a call or appointment or resume the ministry of the Word and Sacraments;
- (c) in response to any application to re-enter the ministry consult both parties to the divorce, if possible;
- (d) consult the Pastoral Committee of the Presbytery within whose bounds the applicant currently resides and/or the Presbytery to which he/she belonged when the divorce happened and one person the applicant nominates and any persons whom it itself chooses;
- (e) in consulting ask, and be guided by the answers to such of the following questions as are appropriate in deciding on the application:
 - (i) Has the applicant maintained an active link with the Church?
 - (ii) Has the applicant recognized and repented of his/her share in the failure of the marriage?
 - (iii) Has the applicant sought and received forgiveness from God and from his/her spouse for his/her share in the failure of the marriage and its ensuing hurts?
 - (iv) Has the applicant, in line with this, tried in other ways to repair the damage caused by the divorce?
 - (v) What is the applicant's present relationship with his/her previous spouse?
 - (vi) Has the applicant had sufficient time to adjust to the breakdown of the marriage and the divorce?
 - (vii) Has the applicant sought counselling for and/or been healed of the hurts resulting from the breakdown of the marriage to the extent that he/she is in a spiritual and emotional state to minister to others?
 - (viii) Has the applicant accepted counselling for, and dealt satisfactorily with, the faults in his/her own character that contributed to the breakdown of the marriage?
 - (ix) Has the applicant married someone else, or does he/she intend to do so? If so, is the marriage likely to be a good one?
 - (x) Has the applicant provided adequately for the children from the failed marriage in terms of custody, maintenance and parental care?
 - (xi) Does the applicant show signs of being a committed Christian and an ambassador for Christ and his gospel?
- (f) consider an application from any divorced Minister from any other denomination to be admitted to the ministry of this Church and advise the Ministry Committee on the case;

- (g) advise any Presbytery that consults it about an application from any divorced person to be accepted as a Student for the Ministry and inform the Ministry Committee of the advice it gives; and
- (h) advise the Ministry Committee about the continued recognition of any student or probationer who is involved in a divorce.

The Ministry Committee: its responsibilities

- 5.67 In deciding whether to accept an application from any divorced person to become a Student for the Ministry, the Ministry Committee takes into account the recommendation of the Presbytery within whose bounds the applicant resides. It may also seek advice from the Ministerial Marriage and Family Care Committee.
- 5.68 When a Student for the Ministry or a probationer divorces, the Ministry Committee requests the Pastoral Committee of the Presbytery from within whose bounds he/she comes to investigate the matter and advise it whether his/her status should continue to be recognized. It may also seek advice from the Ministerial Marriage and Family Care Committee.

Chapter 6

THE CONGREGATION

Explanatory Note

All believers share in the task of proclaiming the Gospel (1 Peter 2:9). This chapter describes Congregations formed by and for those in local areas who agree to cooperate with their Minister(s), Elders and Stewards in the task of making the Gospel known.

Section 1 - CONSTITUTION AND LEGAL STATUS

- 6.1 A Congregation is a fellowship of Christian believers united in a corporate body to serve the purpose and function of the Church as set out in para 1.1.
- 6.2 The legal status of a Congregation of The Uniting Presbyterian Church in Southern Africa is that of a voluntary association of its members for the time being in the form of a corporate body having perpetual succession and power to own and hold property (immovable, movable and incorporeal)¹ in its own name independently of its members as well as power to sue and be sued in its own name.

¹ On the meaning of these terms see para 19.8 below.

- 6.3 A Congregation is a constituent member of the Presbytery of the Church within whose boundaries it falls, and exercises the rights and carries out the responsibilities of a member of the Presbytery, being under its care and discipline.
- 6.4 A new Congregation is constituted as a unit of the Church when it adopts in proper form the Constitution of the Congregation set out in Appendix A below, and is formally recognised by the Presbytery within whose boundaries it falls.
- (Some Congregations continue to operate in terms of the Constitutions they had before that in Appendix A to this chapter below was formulated.)
- 6.5 When the Presbytery within whose boundaries the Congregation falls recognizes it, the Presbytery constitutes the Congregation's Session by:
- a) arranging for the members to elect enough Elders,
 - b) approving, at its own discretion, the list of nominees from whom the Elders are to be elected,
 - c) ordaining those elected who have not previously been ordained, and
 - d) inducting those elected and ordained to office as members of the Session.

Section 2 - OBLIGATIONS OF A CONGREGATION

- 6.6 As a unit of this Church, the Congregation automatically adopts the Confessions of Faith of the Church, its forms of worship, and its system of Church Government, including rules of procedures and discipline as laid down in this Manual and as amended from time to time in accordance with the provisions hereof.

- 6.7 The Congregation has a responsibility
- a) to contribute towards the funds that the Church and its Councils and Courts need to fulfil their functions, and
 - b) to accept such assessments as the higher Councils of the Church may, from time to time, duly make upon it.
- 6.8 The Congregation adopts the Presbyterian system of Church Government under which the Councils of the Church consist of Ministers and Elders and are presided over by a Moderator who is a member of the Council.

Section 3 - OVERSIGHT OF A CONGREGATION

- 6.9 The Council of the Congregation is the Session, which has the status of a Church Council. It has the general oversight of the Congregation. The Constitution, functions, and powers of the Session are set out in Chapter 7.
- 6.10 Under the authority of the Session, the financial affairs of the Congregation are administered by the relevant financial authority (Stewardship Board/Stewardship Committee of Session/Deacons' Board), the composition, function and rules of which are set out in Chapter 8. As an alternative a Congregation may resolve to have solely a Session which shall be responsible for all the duties understood to be otherwise the individual responsibilities of the Session and of the separate body administering the financial affairs of the Congregation. (See Chapter 7.) In this Manual the phrase "relevant financial authority" is to be understood as referring to whichever of the bodies referred to above is in operation.

6.11 Office-bearers

- (a) The members of the Session and of the body administering financial affairs are the office-bearers of the Congregation. All office-bearers are under the care and discipline of the Session.
- (b) After the person in question attains the age of 68 years, the Session Clerk, Chairperson of the relevant financial authority and Treasurer relinquish office at the beginning of the next stated meeting of the body which elected them. In cases of difficulty in finding replacements the body electing the person may, with the approval of Presbytery (sought through the Session in the case of bodies other than the Session), allow the person in question to continue for three yearly periods after attaining the age of 68.

Section 4 - MEMBERSHIP OF A CONGREGATION

- 6.12 The members of the Congregation are those who have been baptised into the Name of the Father and of the Son and of the Holy Spirit. Those members who have made public profession of their Faith may be admitted as enrolled members of the Congregation by the Session, at which time their names shall be placed on the Roll of Members.
- 6.13 A member of any branch of the holy catholic Church may be accepted as a member of the Congregation on production of satisfactory proof of membership and his/her name may be placed on the Roll of Members, after such instruction and profession as may be required.

- 6.14 An enrolled member of the Congregation has the right to vote at meetings of the Congregation.
- 6.15 The Session may also admit to associate enrolled membership of the Congregation members of any branch of the holy catholic Church who, for acceptable reasons, are more closely associated with the Congregation to whose Session they are applying than with the Congregation from which they come. Such associate members shall have the rights and responsibilities of enrolled members of the Congregation.
- 6.16 The name of an enrolled member who shows indifference to the work and worship of the Church may be removed from the Roll by decision of the Session if the member has not responded positively to efforts by the Session to encourage him/her to return to active membership or cannot be contacted: see para 7.12(e).
- 6.17 An enrolled member, on leaving a Congregation, shall on request be given a Certificate of Transfer.

Section 5 - RIGHTS OF A MEMBER

- 6.18 Any enrolled member of the Congregation may present to the Session a petition regarding any matter which in his/her judgement affects his/her spiritual interest, or the spiritual life of the Congregation, or of the Church at large.
- 6.19 An enrolled member has the right to request Session to review any decision of the body administering the financial affairs of the Congregation, and also the right to request Presbytery to review any decision of the Session. (See Procedures in cases of complaint in Chapter 14 Sections 5 and 6; Chapter 15, and for appeals Chapter 18 Section 8.)

Section 6 - POWERS AND FUNCTIONS OF A CONGREGATION

- 6.20 The Congregation controls its own affairs and assets through the bodies or agencies referred to in Chapters 7 and 8. In conformity, however, with the Presbyterian system of government the Congregation accepts the provisions of Chapter 14 Sections 3, 4 and 5 of this Manual relating to Complaints, Overtures and Petitions to Presbytery and the higher Councils of the Church.
- 6.21 Subject to the provisions of Chapters 8 and 9 below the Congregation possesses the following legal powers, namely:
- a) to provide facilities for the conduct of public worship and for the carrying out of the various services normally forming part of the functions of a local Church;
 - (b) to provide suitable premises for the conduct of public worship and for other Church purposes including a manse for the Minister (see para 6.68);
 - (c) subject to the provisions of para 6.26, to acquire by purchase, exchange, hire or otherwise, any movable or immovable property, buildings, incorporeal rights or privileges which may be considered necessary or convenient for the purposes of the Congregation;

- (d) to erect, maintain, improve, alter, repair and equip any buildings or erections for the purposes of the Congregation;
- (e) to receive or accept moneys, funds, securities, donations, gifts, bequests and inheritances, whether conditional or unconditional, for the purposes of the Congregation;
- (f) to invest its funds in such manner as it may consider necessary;
- (g) subject to the provisions of para 6.26, to sell, exchange, donate, let, mortgage, or otherwise deal with all or any of its assets;
- (h) to borrow or raise moneys for the purposes of the Congregation, and to secure the repayment of such moneys by pledging or mortgaging any of its property or assets;
- (i) to open and operate banking and savings accounts in its own name;
- (j) to do all such things and to perform all such functions as are normally done or performed by a local Church.

Section 7 - PROPERTY AND FUNDS

- 6.22 All immovable property purchased in the Republic of South Africa which is intended for, or has on it, a Church Building, Church Hall or manse shall be registered in the name of The Uniting Presbyterian Church in Southern Africa. (See Chapter 9.) Immovable property purchased elsewhere shall be registered as the Presbytery directs. For immovable property in Zambia see paras 9.12-13.
- 6.23 If an existing Trust Deed governs any immovable property of the Congregation such Trust Deed shall continue to govern the property concerned and such property shall remain registered in the name of the appointed Trustees, unless the Trust Deed permits of the same being transferred into the name of the Congregation or of the Church.
- 6.24 Immovable property other than that referred to in para 6.22 above may be registered in the name of the Congregation. If it is registered in the name of The Uniting Presbyterian Church in Southern Africa or of a Synod, Presbytery or in the names of Trustees appointed by the Church it may remain so registered until the Congregation takes transfer into its own name.
- 6.25 In the case of any property belonging to a Congregation which is registered under a Trust Deed, the Trustees shall (unless the relevant Trust Deed provides otherwise) be the Chairperson, Secretary and Treasurer for the time being of the body administering the financial affairs of the Congregation.
- 6.26 The Congregation shall not acquire, sell, let, mortgage, transfer ownership in, donate or otherwise deal with its immovable property, or select a site for a Church, Church hall or manse, or erect any new buildings without first obtaining the approval of Presbytery and of the Finance Committee of General Assembly. (See Chapter 9.) There shall be submitted to Presbytery with the Congregation's application for approval:
- (a) a copy of the relevant resolution adopted at the Congregational Meeting; and
 - (b) a full statement of finance setting out the manner in which it is proposed to meet such financial commitments as may be involved

over and above the normal financial commitments of the Congregation.

It is to be noted that immovable property held for the use of a Congregation intended for, or having on it, a Church building, Church Hall, or manse and registered in the name of The Uniting Presbyterian Church in Southern Africa is dealt with as prescribed in Chapter 9.

- 6.27 All plans and specifications for new buildings, or for alterations to existing buildings which are to be used for the purpose of worship, shall be prepared in full consultation with Presbytery and through Presbytery with the Church's Committee on Church Design. (See Chapter 9.)
- 6.28 The Title Deeds of the immovable property belonging to the Congregation shall be entrusted to, and deposited with, the Church's Clerk of Assembly for safe keeping. The said Clerk shall make such Title Deeds available when they are required for any purpose and, if so requested, shall furnish the Congregation with certified copies thereof or with a certificate to the effect that such Title Deeds are held by him/her.

Section 8 - THE FORMATION OF A CONGREGATION

NUCLEAR CONGREGATION

- 6.29 The work of Church planting may be initiated by local Congregations, Presbyteries, or General Assembly via the Church Development and Planning Committee. The work will usually begin with a small group of believers meeting together regularly for worship and/or Bible Study. Such a group may be formally recognised by Presbytery as a nuclear Congregation.

6.30 Care of a nuclear Congregation

Nuclear Congregations fall under the care and discipline of Presbytery and their local affairs are administered either by the Session of their parent Congregation, or by the Presbytery through a committee of oversight, which functions as the Session of the nuclear Congregation.

6.31 Access to Presbytery and the Church Development Forum

Nuclear Congregations do not commission Elders to Presbytery. They are members of the Church Development Forum and entitled to send two representatives (the leader and one member of the Management Committee) to its meetings. A Church Development Forum is a group convened by the Presbytery Church Development and Planning Committee Convener. Its membership consists of the leader (Lay Preacher, Church Development Evangelist or ordained Minister) plus one member of the Management Committee from each nuclear Congregation or transitional Congregation within the Presbytery. Church Development Evangelists serving in constituted Congregations are also members. The purpose of the Church Development Forum is to create a vehicle for the guidance of nuclear and transitional Congregations and to assist their leaders. The Church Development Forum does not have oversight, discipline and jurisdiction over all work within the Presbytery's boundaries; only the Presbytery has.

6.32 Statement of Intent

Nuclear Congregations are required to sign a Statement of Intent (see Appendix A(2)) indicating their intention to become a transitional or constituted Congregation within a specified time frame and clearly establishing their accountability to the Councils of the Church.

6.33 Administration of financial affairs

The financial affairs of a nuclear Congregation are administered as follows. In the case of a nuclear Congregation under a Session its financial affairs are administered by a Committee elected by the members of the nuclear Congregation. In the case of a Preaching Station under a Presbytery Committee, it is at the discretion of the Presbytery whether these affairs are administered by a locally elected Committee or by a Committee appointed by the Presbytery. The administering Committee is subject to the rules for the relevant financial authority in so far as they apply.

6.34 Transitional Congregation

Presbytery may consider a transitional Congregation's petition to be recognised as such when the Congregation can demonstrate that:

- a) no fewer than 25 practising enrolled members regularly attend its worship;
- b) it has secured a regular venue for worship (whether a tent, home, school, church building or any other venue);
- c) at least 3 potential leaders have been identified to form an Oversight Committee to administer its day-to-day affairs and be accountable to the Session of the parent Congregation or to the Presbytery; and
- d) the proposed transitional Congregation will be able to function effectively in terms of the availability of people, a venue, finance and ministry.

Presbytery may recognise the transitional Congregation when:

- (i) an Oversight Committee has been set up; and
- (ii) a Statement of Intent (Appendix A(2)) has been signed.

6.35 Access to Presbytery and the Church Development Forum

A transitional Congregation is entitled to send an ordained Elder as a Commissioner with voting rights to the Presbytery. The leader and one member of the Oversight Committee are members of the Presbytery's Church Development Forum.

6.36 Right of Call

Transitional Congregations do not have the Right of Call.

6.37 Administration of financial affairs

- (a) The financial affairs of a transitional Congregation are administered by the Oversight Committee referred to in para 6.34(i) above.
- (b) A transitional Congregation pays assessments to the Councils of the church in the same way as a constituted Congregation. The Oversight Committee pays the assessments on the income of the Congregation by the Presbytery and General Assembly in accordance

with what these Councils decide concerning the amount and manner of this payment.

6.38 Constituted Congregations

A nuclear Congregation or a transitional Congregation is entitled to petition the Presbytery for recognition as a constituted Congregation when it can show that it has:

- (a) no less than 25 practising enrolled members regularly attending worship;
- (b) the use of a regular worship venue (tent, home, school, Church building etc.);
- (c) adequate leadership for the formation of a Session and, if applicable, a relevant financial authority; and
- (d) the ability to meet its total expenses including but not limited to those related to pastoral oversight, accommodation, administration, transport and assessments.

On the Right to Call a Minister see para 16.3.

- 6.39 If the Presbytery grants the petition for recognition as a Congregation it will follow the steps set out in para 6.5 regarding the setting up of a Session and the adoption of the Constitution. A Congregation is constituted as a unit of the Church when it adopts in proper form the Constitution of the Congregation as set out in Appendix A below and is formally recognised by the Presbytery within whose boundaries it falls. Presbytery then appoints an Interim Moderator. (See para 16.3.)

Right of Call

- 6.40 A constituted Congregation which is financially viable and fully able to support a Minister has the Right of Call (see para 16.3)
- 6.41 A constituted Congregation with the Right of Call may waive this right (although it may continue to be involved in the selection of the person) and request Presbytery to appoint a Minister or Church Development Evangelist on a full-time basis. (See para 16.3.)

PREACHING PLACES/OUTSTATIONS

- 6.42 Sessions may permit members of the Congregation to worship together in a particular area at a distance from the main place of worship. The unit is called a Preaching Place/Outstation. It remains under the oversight of the Session which appoints one or more Elders to care for the members at the Preaching Place/Outstation and to report to it on the work and well-being of the Preaching Place/Outstation. The members who worship at the Preaching Place/Outstation fulfil their duties and exercise their rights within the Congregation as a whole. The Elder or Elders appointed to care for the members continue to be members of the Session.

PREACHING STATIONS

- 6.43 There are circumstances in which a small number of members cannot reasonably look forward in the foreseeable future to expansion and the increase in status from a nuclear or transitional Congregation to a constituted one. In such circumstances the Presbytery may recognise a Preaching Station if the Presbytery is satisfied that:

- (a) there is opportunity for the regular preaching of the Word and the administering of the Sacraments and Ordinances of the Church;
 - (b) there is a continuing nucleus of regular worshippers in full communion;
 - (c) there are suitable persons among them to form a Committee to accept local responsibility, and at least one Elder, or one person who can be ordained as an Elder, to represent the interests of the Preaching Station;
 - (d) the members are making regular financial contributions;
 - (e) provision can be made for adequate oversight.
- 6.44 The Presbytery may review the state of a Preaching Station at any time.
- 6.45 The Presbytery places a Preaching Station under the oversight either of an existing Session or of a Presbytery Committee authorized to exercise the functions of a Session in respect of such Preaching Station.
- 6.46 Where a Preaching Station is placed under the oversight of a Presbytery Committee, the Presbytery Committee shall consist of a Minister and at least two Elders, who may be members of the Preaching Station.
- 6.47 In the case of a Preaching Station under a Presbytery Committee a member exercises his/her rights within the Preaching Station itself. It is competent in this case for a meeting of members to be called within the Preaching Station, and for decisions to be taken there, subject to the oversight of the Presbytery Committee. A quorum is set out in para 6.53. The Preaching Station has access to the Presbytery in any unresolved difference, but not beyond the Presbytery.
- 6.48 In the case of a Preaching Station placed under a Session an enrolled member of the Preaching Station has a vote at any meeting of the Congregation to which it is attached, and any Elder of the Preaching Station is a member of the Session. In matters concerning the welfare of the Preaching Station a meeting of enrolled members of the Preaching Station may be called. The decision of this meeting is subject to the approval of the Session or the relevant financial authority, as the subject may require, and the quorum is as set out in para 6.53. In any unresolved difference it may have with the parent Congregation, its Session or the relevant financial authority, the Preaching Station has the right to request the Presbytery's Administrative Review Panel, through the Session of the parent Congregation, to review the decision. The decision of Presbytery's Administrative Review Panel cannot, in this case, be taken further.
- 6.49 Admission to enrolled membership is by the Session or Presbytery Committee in charge of the Preaching Station, acting in the same manner, and subject to the same rules, as in the case of a Congregation. The Rolls of the Preaching Station are kept separately.
- 6.50 In the case of a Preaching Station under a Session, its financial affairs are administered by a Committee elected by the members of the Preaching Station. In the case of a Preaching Station under a Presbytery Committee it is at the discretion of the Presbytery whether these affairs are administered by a locally elected Committee, or by a Committee appointed

by the Presbytery. The administering Committee is subject to the rules for a relevant financial authority in so far as they apply.

TRANSITION TO A CONGREGATION

6.51 If a Preaching Station develops enough to warrant the full time services of a Minister, the Session or the Presbytery Committee responsible petitions the Presbytery to recognise it as a constituted Congregation. The petition must:

- (a) show that there are enough members to warrant recognition as a Congregation;
- (b) show that there will be sufficient financial support to meet the ordinary running expenses of a Congregation including all, or a reasonable proportion of, the stipend;
- (c) show that it is possible to form a Session and relevant financial authority;
- (d) state what buildings are available for use for Congregational purposes and the amount of any existing debt;
- (e) provide a full financial statement for the past year together with a detailed estimate of income and expenditure for the ensuing year.

Before arriving at a final decision the Presbytery takes into account the views of the General Assembly's Church Development and Planning Committee.

6.52 If the Presbytery grants the petition for recognition as a constituted Congregation it arranges:

- (a) for a Session to be set up (see para 6.5) and for the oversight of the financial affairs of the Congregation to be arranged in terms of para 6.10 and
- (b) for the Congregation to adopt the Constitution of the Congregation in Appendix A below within three months of the date of the granting of the petition.

When these requirements have been met the Presbytery formally recognises the Congregation as a unit of the Church. (See para 6.4.) The Congregation then has a Right to Call a Minister (see para 16.3). On the procedure for doing so see para 16.25ff.

Section 9 - MEETINGS OF A CONGREGATION

6.53 Every meeting of a Congregation for the transaction of business is held by the authority of the Session or of a higher Council of the Church. Ten percent of the enrolled members is a quorum, provided that if the number on the Roll is less than one hundred, the quorum is ten, and if the number on the Roll exceeds five hundred, the quorum is fifty. If a quorum is not present, further notice is given in terms of para 6.54. At the subsequent meeting, business may be transacted by the enrolled members present.

6.54 A meeting of a Congregation is convened by public intimation, whether orally or by notice in a bulletin offered to all worshippers, at all regular services of worship on two successive Sundays, or by written notice to all members. The meeting shall not be held sooner than the fourteenth day following the first intimation, whether in writing or from the pulpit or by

notice in a bulletin. Where public worship is not held every Sunday, intimation must be in writing.

- 6.55 Every meeting of a Congregation for the transaction of business is opened and closed with prayer, and the Minutes must record that this has been done. (See also para 9.6.)
- (a)(1) Subject to the provisions of para 6.62, the normal position is that the Minister is in the chair at all Congregational meetings.
 - (2) If unusual circumstances arise such as incapacity of the Minister (for example illness or accident) or if the Minister informs the Session that h/she has decided not to chair a particular Congregational meeting the Session decides who will be in the chair.
 - (3) If the Minister informs the Session that he/she does not wish to take the chair for a specified period, normally one year, the Session decides who will be in the chair for that period or part of a period. If the period extends to three years the Session reviews its decision after three years and may appoint the same person or another for the next period. If the Minister wishes to take the chair before the original period or any subsequent period expires, he/she notifies the Session of his/her decision and resumes the chair at the next Congregational meeting.
- (b) Subject to the provisions of para 6.62, the Session Clerk takes the Minutes which are embodied in the records of the Session. Copies are supplied to the relevant financial authority.
- (c) If the Minutes of a Congregational Meeting are not approved in draft before the close of the meeting, they are scrutinized at the next ordinary meeting of the Session, and submitted to the next Annual Meeting of the Congregation for approval.
- 6.56 The Congregation meets annually not later than four months after the end of its financial year
- (a) for the purpose of receiving the annual report of the relevant financial authority and adopting the financial statement duly audited;
 - (b) for the election of members of the relevant financial authority and the appointment of an auditor or auditors; and
 - (c) for the transaction of any other permissible business.
- 6.57 Whenever, apart from the Annual meeting referred to in the previous paragraph, the Congregations meets for business the notice convening it must specify clearly the main business to be transacted at the meeting.
- 6.58 When any question is put to the vote at a meeting of the Congregation, it is decided only by the enrolled members present at the meeting.
- 6.59 Any member who votes against a decision may formally disagree with such decision and have that disagreement recorded in the Minutes, provided that this right is claimed at once when the result of the voting is announced. (See paras 15:14-15.)

- 6.60 When a disagreement is recorded, as provided in para 6.59, any member present who voted against the decision may ask to be associated with the disagreement provided this is done at once.
- 6.61 The recording of a disagreement does not free the member entering it from the obligation to submit to the decision as long as it stands unaltered. However a person formally disagreeing has the right to bring the decision under review of Presbytery by a written complaint in terms of the procedure laid down for complaints. (See Section 4 of Chapter 15.)
- 6.62 If a higher Council of the Church convenes a meeting of a Congregation, it appoints those who are to preside and to take the Minutes.

Section 10 - RELATIONSHIP OF MINISTER AND CONGREGATION

- 6.63 A charge is a sphere of pastoral duty to which a Minister may be called by the enrolled members of a Congregation or to which a Minister may be appointed by the Presbytery.
- 6.64 Subject to the provisions of para 16.105 the tenure of office of a Minister called and inducted to a charge is permanent until
- (a) he/she is called to another charge; or
 - (b) he/she resigns; or
 - (c) he/she reaches the age of retirement; or
 - (d) he/she is discharged under discipline; or
 - (e) the Presbytery dissolves the pastoral tie because the ends of the ministry are not, in its judgement, being served; or
 - (f) on merger or dissolution of the Congregation the Presbytery resolves that the pastoral tie be dissolved.
- 6.65 When a Presbytery appoints a Minister or Probationer to a charge, it determines the period of office. It may extend the period in consultation with the General Assembly's Maintenance of the Ministry Committee. The period of office is not otherwise terminated except for the same reasons as set out in para 6.64 with one exception : The General Assembly's Church Development and Planning Committee may transfer a Church development Evangelist to another Congregation or sphere of service.
- 6.66 A Minister in a pastoral charge is not an employee of the Congregation but receives from the Congregation his/her stipend and other emoluments. Neither Presbytery nor Synod nor General Assembly is legally bound to pay the stipend or part thereof or to provide the other emoluments of a Minister in a pastoral charge. Presbyteries have a responsibility to ensure that Congregations pay their Ministers as agreed. (Presbytery and/or Synod and/or General Assembly, if they find it practicable and desirable, may assist a Congregation in this by means of grants or loans.)
- 6.68 Before proceeding with the Call of a Minister the Congregation decides what provision it is prepared to make for his/her support. The Congregation reports its proposal, with supporting documents, when the Call is laid before the Presbytery. (For procedure in regard to Calls, see paras 16.25ff.)
- 6.68 The Congregation provides a suitable manse for the Minister's use. In cases where a manse is not available, the Congregation meets the total

cost of providing suitable alternative accommodation or pays an adequate housing allowance, such arrangements to be approved by the Presbytery. Such a housing allowance may also be provided to a Minister who opts to provide his/her own accommodation, instead of living in the manse; alternatively the Congregation may rent accommodation for the Minister. The full cost of the Minister's transport is a charge on the Congregation, as are reasonable light, water and telephone accounts.

- 6.69 The Presbytery inducts the Minister to the pastoral charge, and the Minister is responsible to the Presbytery for the proper discharge of the duties of his/her office. The name of the Minister is on the Roll of Members, but he/she is subject to the Presbytery, not the Session. However, the Minister is obliged to abide by and act upon decisions of the Session and the relevant financial authority that fall within their respective jurisdictions. Should a Minister appear to neglect his/her duties or to encroach upon the function of the Session, that Court may approach the Presbytery by petition to deal with the matter.
- 6.70 If, owing to advancing age or other infirmity, the Minister desires to be relieved of part of the pastoral duties and to have a Colleague and Successor appointed or called, he/she informs the Session. The Session may also raise the question of such appointment independently. The Session at the request, or with the agreement, of the Minister consults the Congregation and, if the proposal is approved, ascertains the terms upon which a Colleague and Successor may be appointed or called. The Session thereafter submits the matter to the Presbytery for its decision. In all matters pertaining to the call or appointment the Session acts as a Call Committee and the normal vacancy procedure is followed, with the necessary changes. (See para 16.24.) A Colleague and Successor automatically succeeds on the retirement, removal or death of the senior Minister.
- 6.71 With the permission of the Presbytery a Congregation may call a Colleague Minister, who is not necessarily a successor. In any such case the procedure is the same as that for calling a Minister. (See para 16.23.)
- 6.72 If a Congregation desires the appointment of an Assistant Minister, the Session petitions the Presbytery in the matter (see para 16.64). The Session submits its nomination, together with the proposed financial and other provisions, to the Presbytery, which makes the appointment. The Assistant Minister is thereafter under the direction of the Minister of the Congregation in the discharge of his/her duties.
- 6.73 Concerning a Minister's ordinary Annual Leave, Long Leave, Study Leave and Special Leave, and the rule that if the Minister's absence from his/her charge is intended to exceed twelve months, Presbytery severs the pastoral tie, see Section 5 of Chapter 16.

Section 11 - MERGER WITH ANOTHER CONGREGATION

- 6.74 Subject to the approval of the Presbytery a Congregation may merge with one or more other Congregations of this Church. After consulting the Presbytery the Session of each of the Congregations shall convene a special Congregational Meeting to discuss the proposed merger. If the meetings pass consenting resolutions, Presbytery effects the merger by

ratifying the decisions. The Presbytery may initiate such consultation and shall be entitled to send Commissioners to such meeting with full power to participate in the discussion, but without the right to vote.

- 6.75 Should the merger be agreed upon, provision shall be made by way of resolution for all the properties howsoever vested to be transferred into the name of The Uniting Presbyterian Church in Southern Africa.
- 6.76 Subject to the Presbytery's approval a Congregation may merge with a Congregation of another denomination that is a member of the Church Unity Commission to form a United Congregation. The procedure to effect such a merger is the same as that set out in paras 6.74-75 and in conformity with the relevant provisions either in Appendix E(4) or in Appendix E(5) as may apply in the particular case.

Section 12 - DISSOLUTION OF A CONGREGATION

- 6.77 A Congregation may be dissolved and cease to be a unit of this Church:
- (a) if its circumstances become such that it is no longer financially viable even when in receipt of a stipend subsidy: see paras 6.78-6.81 below; or
 - (b) for any other reason: see para 6.81 below.

FINANCIAL CIRCUMSTANCES

- 6.78 When a Presbytery learns that the number of active members of a Congregation within its boundaries is dwindling to the extent that it is unable to meet its financial obligations (including those defined in paras 6.7 and 6.81) and to remain a viable unit of the Church, the Presbytery may consider whether to dissolve the Congregation. If the Presbytery so resolves it:
- (a) requires the Congregation to submit forthwith an up-to-date "Report to the Presbytery" on the form as is set out in Appendix D(3); and
 - (b) arranges in terms of paras 10.29-10.33, for an early Presbyterial Visitation to take place.
- 6.79 The Presbytery appoints the Visitation Committee and the date on which it meets. The Committee consults with the Minister (or Interim Moderator), the Session and the relevant financial authority in the Congregation (separately or together). The Visitation Committee then reports its findings and recommendations to the Presbytery: either that the Congregation can grow and become viable again or that because of its decline it should be dissolved soon. If the Committee recommends that it be dissolved and the Presbytery adopts the finding and recommendation, the Presbytery sets a date for its dissolution. On that date the Presbytery takes over all the assets and remaining liabilities of the Congregation. The Congregation transfers all property registered in its name to the Presbytery or the Presbytery's nominee without any payment being required for such property.
- 6.80 A representative of the Congregation, duly authorised by it, or failing such, the Moderator, Clerk or Treasurer of Presbytery shall be entitled to sign all such documents and to do all such things on behalf of the Congregation as may be necessary to give effect to the transfer. Provision shall be made

for the removal to safety of all commemorative or memorial tablets, Minute Books, financial records, archival matter and the like.

OTHER REASONS

- 6.81 A Congregation may be dissolved and cease to be a unit of this Church for any reason other than financial circumstances either by
- (a) a resolution of its enrolled members taken at a special Congregational Meeting convened for that purpose, after consultation with Presbytery, provided that:
 - (i) at least 90 days' notice of the special meeting has been given to the enrolled members and to Presbytery;
 - (ii) a quorum of not less than one-third of the total enrolled membership is present at the meeting; and
 - (iii) not less than two-thirds of the enrolled members personally present at the meeting vote in favour of the resolution. Presbytery shall be entitled to initiate such consultation and also to send Commissioners to such meeting with full power to participate in the discussion, but without the right to vote.

Or by

- (b) a resolution that Presbytery has taken at a meeting of which it has given at least 60 days' notice by edict to the Congregation and at which the members of the Congregation have the right to speak in their interests. The resolution of Presbytery shall be subject to the approval of General Assembly or its Executive Commission.

VESTING OF ASSETS

- 6.82 When the Congregation is dissolved, all its assets vest in the Presbytery. The Presbytery uses the assets to satisfy the debts and liabilities of the Congregation. Any remaining assets remain vested in the Presbytery.

AFTER DISSOLUTION

- 6.83 Should the Congregation be dissolved the Presbytery may determine either:
- (a) that the work in the former Congregation may continue as a nuclear or transitional Congregation or Preaching Station either under a Presbytery Committee or under the Session of an adjacent Congregation (paras 6.29-6.37 apply); and that all the assets of the former Congregation shall vest in the Presbytery and shall be used by the Presbytery for the purposes of that nuclear or transitional Congregation or Preaching Station;
- or
- (b) that the work in the former Congregation shall cease and all its assets shall vest in the Presbytery and the Presbytery shall use such assets to satisfy the debts and liabilities of the Congregation. Any assets which remain shall be retained by the Presbytery and used, or disposed of, and the proceeds thereof used, for the purposes of its work.

Section 13 - UNION OF THE CHURCH WITH ANOTHER CHURCH

- 6.84 If the Church unites or merges with any other Church or Churches, the Congregation shall, by virtue of that fact, become a unit of the new or

united Church and it shall be regarded as having adopted the Confessions of Faith of such Church, its forms of worship, and its system of Church Government as laid down in such Church's Manual of Faith and Order or the equivalent thereof. The Congregation shall also be regarded as having become a constituent member of the Presbytery (or equivalent body) of such Church within whose boundaries it may, for the time being, fall.

Section 14 - AMENDMENT OF CONSTITUTION OF A CONGREGATION

- 6.85 The Congregation shall not alter or amend the Constitution of the Congregation as adopted by it except in such manner as may have been resolved by the General Assembly. Should the General Assembly introduce changes to the Model Constitution (see paras 6.4 and Article 17 of Appendix A to this Chapter) all Congregational Constitutions based on this Model shall be considered as having been changed in the same way.

Appendix A

MODEL CONSTITUTION OF THE CONGREGATION

The Model Constitution referred to in para 6.4 is as follows.

1. Name:

The Congregation hereby constituted (or re-constituted) is named "....." and is hereinafter referred to as "the Congregation".

2. Legal Status:

The Congregation is a voluntary association of its members for the time being in the form of a corporate body having perpetual succession and the power to own and hold property (immovable, movable and incorporeal) in its own name independently of its members as well as power to sue and be sued in its own name. Rules on dealing with immovable property are laid down in Chapter 9 of the Church's Manual.

3. Relationship to the Church:

The Congregation is a fellowship of Christian believers recognised as a unit of The Uniting Presbyterian Church in Southern Africa (hereinafter called "the Church"). As such it adopts the Confessions of Faith of the Church, its forms of worship, and its system of Church Government as laid down in the Church's Manual of Faith and Order, hereinafter referred to as the Manual. Every reference to the Church's Manual in this Constitution is to the Manual for the time being in force and the appropriate para therein.

4. Constituent Member of Presbytery:

The Congregation is a constituent member of the Presbytery of the Church within whose boundaries it may for the time being fall. As such it exercises the rights and carries out the responsibilities of a member of that Presbytery, being under its care and discipline.

5. Membership:

- (a) The members of the Congregation are those who have been baptised in the Name of the Father and of the Son and of the Holy Spirit. Those members who shall have made public profession of their faith may be admitted as enrolled members of the Congregation by the Session, at which time their names shall be placed on the Roll of Members.
- (b) A member of any branch of the holy catholic Church may be accepted as a member of the Congregation on production of satisfactory proof of membership and his/her name may be placed on the Roll of Members after such instruction and profession, as may be required.
- (c) An enrolled member of the Congregation has the right to vote at meetings of the Congregation.

- (d) The Session may also admit to associate enrolled membership of the Congregation members of any branch of the holy catholic Church who, for acceptable reasons, are more closely associated with the Congregation to whose Session they are applying than with the Congregation from which they come. Such associate members shall have the rights and responsibilities of enrolled members of the Congregation.

6. Functions and Powers:

The Congregation has and exercises such functions and powers as are defined as Congregational functions and powers in the Church's Manual and in particular the following functions and powers:

- (a) to provide facilities for the conduct of public worship and for the carrying out of the various services normally forming part of the functions of a local Church;
- (b) to provide suitable premises for the conduct of public worship and for other Church purposes including a manse for the Minister;
- (c) subject to the provisions of para 6.26 of the Church's Manual, to acquire by purchase, exchange, hire or otherwise, any movable or immovable property, buildings, incorporeal rights or privileges which may be considered necessary or convenient for the purposes of the Congregation;
- (d) to erect, maintain, improve, alter, repair and equip any buildings or erections for the purposes of the Congregation;
- (e) to receive or accept moneys, funds, securities, donations, gifts, bequests and inheritances, whether conditional or unconditional for the purposes of the Congregation;
- (f) to invest its funds in such manner as it may see fit;
- (g) subject to the provisions of para 6.26 of the Church's Manual, to sell, exchange, donate, let, mortgage, pledge or otherwise deal with all or any of its assets;
- (h) to borrow or raise moneys for the purposes of the Congregation and to secure the repayment of such moneys by pledging or mortgaging any of its property or assets;
- (i) to open and operate banking and savings accounts in its own name;
- (j) to do all such things and to perform all such functions as are normally done or performed by a local Church.

7. Pastorate:

The Congregation is regarded as a pastoral charge and shall have as its Minister a Minister admitted to the Ministry by Presbytery or the General Assembly of the Church. The Minister is inducted to the pastoral charge by Presbytery and is responsible to Presbytery for the proper discharge of the duties of that office. The Minister is responsible for the conduct of public worship, including the direction of the Organist and Choirmaster. The Minister is the moderator of the Session.

The Presbytery controls all Ministerial appointments within its boundaries. The Congregation may also, with the agreement of Presbytery, have in

appropriate circumstances a Colleague or a Colleague and Successor to the Minister or an Assistant Minister.

The Congregation shall be bound by the provisions of the Church's Manual from time to time in force relating to vacancies in pastoral charges, the calling and induction of Ministers, the severance of the pastoral tie, Ministers' stipends, the provision of a manse for Ministers and other relevant provisions.

8. Government:

The Congregation adopts the Presbyterian system of Church Government in terms of which the Councils of the Church consist of Ministers and Elders and are presided over by a Moderator who is a member of the Council.

The Congregation has control of its own affairs and assets through its appointed organs: the Congregational Meeting, the Session and the body administering the financial affairs of the Congregation. In conformity, however, with the Presbyterian system of government the Congregation accepts the provisions of the Church's Manual relating to Complaints or Applications for Review to Presbytery and to the higher Councils of the Church.

The Congregation adopts the provisions of the Church's Manual relative to the Constitution, functions, powers and procedure of the Congregational Meeting, the Session and the body administering financial affairs.

9. Property:

- (a) All movable or incorporeal property acquired by the Congregation other than property referred to in para 9.1 shall vest in the Congregation.
- (b) The Congregation adopts the rules concerning the requirements to be fulfilled when dealing with immovable property in Chapter 9 of the Manual.
- (c) The meaning of the words "movable", "immovable" and "incorporeal" is explained in para .19.8.

10. Rules of Procedure:

The Congregation adopts the rules of procedure laid down in the Church's Manual.

11. Discipline:

The Congregation adopts the provisions of the Church's Manual relating to discipline and submits itself and its members to the jurisdiction of the various Councils and Courts of the Church.

12. Contributions to the funds of Presbytery and the Church:

The Congregation recognises its responsibility to contribute towards the funds required by Presbytery and by the Church for administrative and other purposes and undertakes to accept such assessments as Presbytery and the General Assembly of the Church may from time to time make upon it.

13. Merger with another Congregation of this Church

Subject to the Presbytery's approval the Congregation may merge with one or more other Congregations of this Church. After consulting the Presbytery the Session of each Congregation involved calls a special Meeting of the Congregation to discuss the proposed merger. The merger is effected when

- (a) these meetings adopt respective resolutions to merge with each other and to transfer their properties to the new Congregation and
- (b) the Presbytery ratifies these decisions.

The Presbytery is entitled to initiate such consultation and to send Commissioners to such meetings with full power to participate in the discussion but without the right to vote. Should the merger be agreed upon provision shall be made by way of resolution for all the properties vested in the names of the merging Congregations to be transferred into the name of the new Congregation.

14. Merger with a Congregation of another denomination within the CUC.

The Congregation may, subject to the approval of the Presbytery, merge with a Congregation of another denomination that is a member of the Church Unity Commission to form a United Congregation. The procedure to be followed to effect such merger is the same as that set out in the Church's Manual in para 6.76.

15. Dissolution

A Congregation may be dissolved and shall cease to be a unit of this Church:

- (a) if its circumstances become such that it is no longer financially viable even when in receipt of a stipend subsidy: see what is said under the heading "Financial circumstances" below in this clause; or
- (b) for any other reason: see what is said under the heading "Other reasons" below in this clause.

FINANCIAL CIRCUMSTANCES

Where a Presbytery has information that the active membership of a Congregation within its boundaries is dwindling to a stage where its diminishing resources indicate inability to maintain its financial obligations (including those as defined in paras 6.7 and 6.81) and to continue as a viable unit of the Church, the Presbytery may resolve to consider whether the Congregation should be dissolved. If it so resolves, Presbytery shall

- (a) require the Congregation to submit forthwith an up-to-date "Report to the Presbytery" on the form as is set out in Appendix D(3).

and

- (b) arrange, in terms of Section 4 of Chapter 10 for an early Presbyterial Visitation to take place.

The Presbyterial Visitation is conducted by a Visitation Committee which, on a date appointed by the Presbytery, meets and consults separately and/or together, with the Minister (or Interim Moderator), Session and relevant financial authority (Board of Management/Deacons'

Council/Committee of Management). The Visitation Committee then reports its findings and makes its recommendations to the Presbytery: either that new growth of the Congregation is possible to restore and ensure its viability, or that its declining life points to the advisability of the early dissolution of the Congregation. If the Visitation Committee's recommendation is that early dissolution of the Congregation is advisable and the Presbytery adopts such finding and recommendation, the Presbytery proceeds to set a date for its dissolution, on which date the Presbytery shall take over all assets and remaining liabilities of the Congregation. Any property registered in the name of the Congregation shall be transferred by the Congregation to the Presbytery, or its nominee, without any payment being required for such property.

Failing a duly authorized representative of the Congregation, the Moderator, Clerk or Treasurer of Presbytery shall be entitled to sign all such documents and to do all such things on behalf of the Congregation as may be necessary to give effect to the transfer. Provision shall be made for the removal to safety of all commemorative or memorial tablets, Minute Books, financial records, archival matter and the like.

OTHER REASONS

A Congregation may be dissolved and shall cease to be a unit of this Church if, for any reason other than financial circumstances, either by

- (a) a resolution of its enrolled members taken at a special Congregational Meeting convened for that purpose, after prior consultation with Presbytery, provided that:
 - (i) at least 90 days' notice of such special meeting has been given to the enrolled members and to Presbytery;
 - (ii) a quorum consisting of not less than one-third of the total enrolled membership is present at the meeting; and
 - (iii) not less than two-thirds of the enrolled members personally present at the meeting vote in favour of the resolution.

Presbytery shall be entitled to initiate such consultation and also to send Commissioners to such meeting with full power to participate in the discussion, but without the right to vote.

Or

- (b) a resolution of Presbytery taken at a meeting of Presbytery of which at least 60 days' notice has been given by edict to the members of the Congregation who shall have the right to be heard in their interests. The resolution of Presbytery shall be subject to the approval of General Assembly or its Executive Commission.

VESTING OF ASSETS

Upon dissolution of the Congregation all its assets shall vest in Presbytery and Presbytery shall use such assets to satisfy the debts and liabilities of the Congregation. Any assets which remain shall be retained by the Presbytery and used, or disposed of, and the proceeds thereof used, for the purposes of its work.

AFTER DISSOLUTION

Should the Congregation be dissolved the Presbytery may determine either:

- (a) that the work in the former Congregation may continue as a Preaching Station or a nuclear or transitional Congregation either under a Presbytery Committee or under the Session of an adjacent Congregation (paras 2.29-2.51 apply); and that all the assets of the former Congregation shall vest in the Presbytery and shall be used by the Presbytery for the purposes of that nuclear or transitional Congregation; or
- (b) that the work in the former Congregation shall cease and all its assets shall vest in the Presbytery and the Presbytery shall use such assets to satisfy the debts and liabilities of the Congregation. Any assets which remain shall be retained by the Presbytery and used, or disposed of, and the proceeds thereof used, for the purposes of its work.

16. Union or Merger of the Church with another Church:

If the Church unites or merges with any other Church or Churches, the Congregation shall by virtue of the fact become a unit of the new or united Church and it shall be regarded as having adopted the Confessions of Faith of such Church, its forms of worship, and its system of Church Government as laid down in such Church's Manual or the equivalent thereof. The Congregation thereby also becomes a constituent member of the Presbytery (or equivalent body) of such Church within whose boundaries it may for the time being fall.

17. Amendment of Constitution:

The Congregation shall not alter or amend this Constitution of the Congregation as adopted by it except in such manner as may have been resolved by the General Assembly. Should the General Assembly introduce changes to this Model Constitution, all Congregational Constitutions based on the Model shall be considered as having been changed in the same way.

Chapter 7

THE SESSION

Explanatory Note

The Session is composed of the Minister(s) (whose role is more fully described in Chapter 16 below) and the Elders elected by the Congregation. Elders share with all believers the task of proclaiming the Gospel. In particular, in co-operation with the Minister(s), their role is to care for the Congregation, especially for those in their districts, to discern God's will for the Congregation and to involve members in its life. Prominent in their role is their duty to devote themselves to the administration and organisation of the Congregation. They are often referred to as Ruling Elders, to distinguish them from Ministers, who are Teaching Elders (see Chapter 16 below).

Section 1 – ELDERS' PRIMARY DUTIES

- 7.1 Elders are obliged to be faithful in the study of Scripture and prayer, to live holy lives, to govern, guide and assist in the maintenance of the life of the Congregation, to participate in the fellowship and work of the Session, to subject themselves to the authority and discipline of the Church, and to seek its unity and peace.

Section 2 - THE FUNCTION AND DUTIES OF THE SESSION

- 7.2 The Session is a Council of the Congregation that is responsible for overseeing all aspects of the Congregation's life and work other than the actual conduct of Public Worship, which is the responsibility of the Minister, who is accountable to the Presbytery in this task (see paras 6.69 and 10.27(b)).
- 7.3 The Session's responsibility is to see to the Congregation's spiritual well-being. It exercises oversight over the Congregation's instruction in the faith and its doctrine, life, work, witness, mission, pastoral care, fellowship, discipline and administration. It sees that regular public worship (cf. 7.2 above) is arranged and the sacraments are duly celebrated. It approves the names of those to be baptized and those to be confirmed, on the recommendation of the Minister. It also shares with the financial authority in the Congregation responsibility for the relief of the poor in the Congregation and outside it. It is accountable to the Presbytery for the discharge of its duties.

Section 3 - THE SESSION AND MEMBERSHIP OF THE CONGREGATION

- 7.4 The Session receives people into the Congregation as members (see Chapter 1, Section 2, on Membership of the Church). It keeps the following rolls:
- (a) a Roll of all children baptized in the Congregation or else baptized elsewhere and registered with the Session;
 - (b) a Roll of all who have made public profession of their faith during or after the service of baptism. This Roll includes those who have been added to the Congregation by decision of the Session.

- 7.5 The Session, usually through the Minister, sees to it that parents, who are members and bring their children for baptism, are properly prepared for this; a register is kept of all baptisms in the Congregation; and a certificate of baptism is issued for every baptism (and copies are issued when requested).
- 7.6 The Session is responsible for preparing people who wish to make public profession of their faith and does so usually through the Minister. Such people have either not been baptised before or else were baptised as children who were too young to make their own profession of faith. Instruction may be, but is not necessarily, given to persons in both categories together. If people in both categories profess their faith in the same service, they all do so at the same point in the service and those who have not been baptised are then baptised. Thereafter all are enrolled as fully responsible members of the Congregation.
- 7.7 The Session receives as members of the Congregation anyone producing a Certificate of Transfer from another Congregation either of this Church, or of another Church which issues such certificates. Such certificates must have been issued within the two previous years.
- 7.8 The Session may receive into membership
- (a) those who have lost their Certificates of Transfer or whose Certificates are more than two years old, and
 - (b) those who come from other denominations of the Church which do not issue Certificates of Transfer.
- In arriving at its decision the Session satisfies itself as to the faith and character of the people making such application and that they have been baptised and have publicly professed their faith.
- 7.9 The Session may also admit, as Associate members, people who are members of any branch of the Church, but who, for acceptable reasons, are more closely associated with the Congregation to whose Session they are applying than with the Congregation from which they come. Associate members have all the rights and responsibilities of membership in the Congregation.
- 7.10 The Session issues a Certificate of Transfer to any member who, on leaving the Congregation, requests it.
- 7.11 The Roll of members is examined annually (as at 31 December) and at other times as may be required. The fact that this has been done, along with the number of names on the Roll, must be recorded separately in the Session minute book.
- 7.12 The Session does not remove the name of a member from the Roll unless
- (a) the member has died;
 - (b) the member has asked for and been given a Certificate of Transfer;
 - (c) the member has been dealt with under discipline;
 - (d) the member has left the Congregation;
 - (e) the member has shown indifference to the work and worship of the Church, and has not responded positively to efforts by the Session to encourage him/her to return to active membership; or

Replacement Page 2010

- (f) for sound administrative reasons Session or Presbytery or General Assembly directs that the name(s) of a certain member or members be removed from the Roll.

Section 4 - PASTORAL CARE

- 7.13 The Session is responsible for the pastoral care of the members of the Congregation. This is exercised by the Minister, Elders, and any other members appointed by the Session to do so. Those exercising this ministry are accountable to the Session for the fulfilment of this responsibility.
- 7.14 The Session establishes and maintains a system of pastoral care. The Session must monitor this system and regularly evaluate its effectiveness.

In the traditional model for pastoral care, the Session arranges for the members of the Congregation to be organised into districts of reasonable numbers to facilitate the pastoral care exercised by the Minister(s) and Elders. Districts may be, but are not necessarily, defined geographically.

It is the duty of each Elder

- (a) to keep a list of the persons in their districts;
 - (b) to visit them;
 - (c) to encourage the active and challenge the indifferent;
 - (d) to pray with the sick; and
 - (e) generally to promote the spiritual welfare of those under his/her care.
- 7.15 The Session may administer funds for the care of the poor and needy in the Congregation as well as those in the area where the Congregation is situated.

Section 5 - TEACHING AND DOCTRINE

- 7.16 The Session has oversight of the members of the Congregation in regard to their faithfulness to the teaching and doctrine of the Church. Where necessary it initiates discipline where teaching contrary to the Holy Scriptures and the doctrine of this Church is being promoted within the Congregation (see para 18.4 (a)).
- 7.17 The Session promotes knowledge of the Bible through the organisation of house churches or Bible Study groups and/or other appropriate Bible Study programmes and appoints responsible facilitators for such groups and programmes.
- 7.18 The Session, bearing in mind the commission of Jesus to make disciples and to teach, initiates, promotes and oversees a ministry also with children. This ministry is aimed at the Christian nurture of children. To this end, Session appoints those who coordinate this ministry, and also approves its content and method.

Section 6 - WORSHIP

- 7.19 The Session sets the time and place for public worship and the regular celebration of the sacraments of the Church.

- 7.20 The Session may arrange special times for services of thanksgiving, penitence or intercession, and shall do so if instructed by a higher Council of the Church.
- 7.21 The conduct of public worship, including the supervision of the organist, other musicians, and choir is the responsibility of the Minister. The Minister is responsible for the preaching in the Congregation and for the appointment of preachers when he/she will be absent from the Congregation.
- 7.22 When an Interim Moderator is appointed to a Congregation he/she is responsible for the oversight of pulpit supply, which may be arranged by the Session.

Section 7 - WITNESS

- 7.23 The Session promotes the proclamation of the Gospel to non-Christians within its area.
- 7.24 The Session encourages members to be Christ's witnesses (Acts 1.8) in their daily lives, and exercises discipline in regard to those whose conduct may harm this witness (see para 18.4 (b)).
- 7.25 The Session promotes the establishment of new Congregations wherever possible, working within the Church Development programmes approved by the General Assembly (see Section 8 of Chapter 6].

Section 8 - FELLOWSHIP

- 7.26 The Session exercises oversight of the fellowship within the Congregation and encourages unity and peace among the members.
- 7.27 The Session organises such fellowship groups or activities as will promote the sense of belonging of the members in the local Congregation, and will deepen their care of, and commitment to, one another.

Section 9 - DISCIPLINE

- 7.28 The Session has disciplinary jurisdiction over the members of the Congregation, including those in any nuclear or transitional Congregation, preaching station, preaching place or outstation under its oversight and over the members of any organisations of this Church entrusted to its care, but not over the Minister(s) (see paras 18.40-42).
- 7.29 When the Session exercises its judicial functions it acts as a court (see para 18.15).

Section 10 - GENERAL DUTIES AND RESPONSIBILITIES

- 7.30 The Session convenes meetings of the Congregation and decides what matters should be brought before such meetings.
- 7.31 The Session decides on petitions, appeals or complaints which are submitted to it, and transmits them to Presbytery if they are addressed to that Council.
- 7.32. The Session controls the use of Congregational properties. The Minister, however, controls their use if the purpose for which the properties are to

be used is clearly of a religious nature (e.g. funerals, weddings, united services, prayer meetings); provided that if an activity is to take place on a regular basis, the Minister consults the Session before reaching a decision.

- 7.33 The Session, in consultation with the relevant financial authority (see Chapter 8), may arrange for special collections of money for particular purposes, and may administer funds specifically entrusted to it (e.g. funds for the relief of the poor and needy).
- 7.34 The Session answers statistical and other questions that the Presbytery or General Assembly, or any Presbytery or Assembly commission or committee working within its terms of reference, addresses to it.
- 7.35 The Session may establish organisations in the Congregation for the promotion of its work, for example, house churches, Fellowship Groups, Youth Groups, Prayer and Bible Study Groups, the Sunday School, Women's Groups, Men's Groups, etc.
- 7.36 The Session has authority over all groups in the Congregation, taking account of the constitutions of those groups that function with constitutions approved by the General Assembly.

Section 11 - CONSTITUTION

- 7.37 The Session is a Council of the Church which consists of the Minister(s) of the Congregation, together with the Elders elected by the Congregation following the procedures set out below (see Section 12).

MINISTER(S)

- 7.38 The Minister of the Congregation is one who has been called or appointed to this position through the Presbytery following the proper procedures (see Chapter 16, Section 2). A colleague Minister, or Colleague and Successor, and an Assistant Minister or Ministers, are members of the Session. A Probationer, if appointed to serve in the Congregation, is also a member of the Session.
- 7.39 Ministers and Probationers are not subject to the jurisdiction of the Session but are accountable to the Presbytery, though their names are placed on the Roll of members of the Congregation. They are, however, required to abide by and act upon decisions of the Session and the relevant financial authority (see Chapter 8) in matters which fall within their jurisdiction. (See also paras 16.71-75 which deal with the relationship between the Minister and the Congregation.)
- 7.40 The Minister of the Congregation is the Moderator of the Session and as such is normally in the chair at all its meetings. Unless otherwise agreed with the consent of the Presbytery, if there are colleague Ministers the Ministers chair Session meetings in rotation. If there is a Minister and an Assistant Minister the Assistant Minister takes the chair only where invited by the Moderator to do so. Ministers elected as Elders in terms of para 7.63 and Ministers-in-Association (see para 16.161) do not take the chair unless specially invited to do so in the absence of other Ministers.

- 7.41 If there is no other Minister in the Congregation the Moderator may appoint
- (a) a Probationer who has been appointed to the Congregation; or
 - (b) another Minister of the Church; or
 - (c) an Elder of the Session to take the chair in his/her place. In the case of routine business the Moderator may make the appointment informally but it is minuted that there has been an appointment. If there is a special item or a special purpose to be dealt with and the person appointed is another Minister of the Church or an Elder of the Session, the appointment has to be in writing, stating the business to which the meeting of the Session is limited.

If there is an unforeseen emergency of a kind that needs to be dealt with before the Minister is available, the members of Session present at a duly called meeting, may deal with the business under the chairmanship of the Session Clerk, who then reports, in writing, to the Minister on his/her return. If the unforeseen emergency is of such a nature that the Minister is not expected to be able to fulfil his duties for a number of weeks or months (for example the Minister becomes ill or there is an accident), the Elders may conduct the business under the chairmanship of the Session Clerk, who then reports, in writing, to the Clerk of Presbytery, explaining all that has happened.

- 7.42 If the Moderator is to be absent from the Congregation for more than 90 days, he/she must obtain the permission of Presbytery for this. Under these circumstances the Presbytery appoints an Interim Moderator, who shall have the same authority and responsibility in the Session as the Minister.
- 7.43 An Interim Moderator may also be appointed by the Presbytery when the Moderator has been unable to fulfil his/her duties through illness or disability for a period longer than 30 days. An Interim Moderator shall be appointed when the pastoral charge of the Congregation is vacant.

ELDERS

- 7.44 An Elder is an adult member of the Congregation who has been elected by the Congregation and ordained and inducted to this office, following the procedures set out below in Section 12 of this Chapter.
- 7.45 An Elder, once elected, is ordained for life and inducted to office. Ordinarily this means that an Elder remains a member of the Session to which he/she was inducted until:
- (a) he/she ceases to be a member of the Congregation;
 - (b) the Session declares him/her to be no longer a member of the Session under the conditions set out in para 7.47 below;
 - (c) the Session accepts his/her resignation from the Session;
 - (d) he/she is removed from office under discipline;
 - (e) the period for which Presbytery has appointed him/her in terms of para 7.50 has expired; or
 - (f) he/she retires (see para 7.48).

- 7.45.1 Alternatively, a Session may limit the period for which its Elders are inducted to 3, 4 or 5 years. If a Session has decided to impose such limits, it may then also rule that after 2 or 3 consecutive periods of service an Elder must step down for at least one year, unless there are no suitable candidates to replace him/her.
- 7.45.2 Any Session wanting to introduce this system informs the congregation at a duly constituted Congregational meeting and in addition informs the Presbytery.
- 7.46 If an Elder moves to another Congregation, he/she does not thereby become a member of its Session. If nominated and elected as an Elder in that Congregation, he/she is then not re-ordained but is inducted to office in it following the normal procedures."
- 7.47 The Session may declare an Elder to be no longer a member of the Session if he/she has, without apparent good reason, been absent from its meetings for a period not less than twelve months and/or during that period has detached him/herself from the practical life and work of the Congregation. As a result, the Session, after giving the Elder due opportunity to be heard in his/her interest, declares him/her to be no longer a member of the Session.
- 7.48 An Elder may retire on reaching the age of 68 years or at any time after that. He/she may also retire in other circumstances such as ill-health. The Session may declare a retired Elder to be an Elder Emeritus.
- 7.49 The Presbytery may appoint Elders from within its boundaries to act as
- (a) where there are not enough Elders in the Congregation;
 - (b) where the Session requests such an appointment;
 - (c) in its own discretion.
- The period of appointment of such Elders must be stated at the time the appointment is made.
- 7.50 The Presbytery may in its own discretion, or at the request of the Session, appoint Assessors (who shall be Ministers or Elders) from among its own members for such purpose and with such rights as the Presbytery may decide.
- 7.51 The number of Elders in a Congregation depends on its size. There should be enough Elders to enable the effective care and oversight of the Congregation (see paras 7.13-18).
- 7.52 An Elder is a member of only one Session at any time unless appointed in terms of para 7.49 or 7.50 above.

Section 12 - THE ELECTION, ORDINATION AND INDUCTION OF ELDERS

- 7.53 The Session decides whether or not more Elders should be added to its number, and if so, how many. It then first examines to what extent its current composition reflects that of the congregation as a whole in terms of gender, race and age. It considers the names of members whom it wishes to propose to the Congregation for election and, in doing so, it seriously considers which members of the congregation from the gender,

Replacement Page 2011

race and age groups inadequately represented on it are suitable for nomination, in order to seek parity in men and women elders and a fair representation from the different races and age groups in the congregation. The Session may not exclude any member of the congregation from such nomination, or from being confirmed in his/her election, on the ground of race, gender or youth, so long as the member has the spiritual maturity and leadership potential that is needed.

When the Session has arrived at the names it wishes to nominate it obtains their consent to their nomination.

- 7.54 The Session announces to the Congregation how many elders are to be elected and, after the Minister has explained to the Congregation the qualifications and duties of an Elder (see para 7.1), calls on the members of the Congregation to submit their nominations to the Session Clerk by a stipulated date.
- 7.55 Only enrolled members may be nominated and each only with his/her consent. The Session may require all nominations to be in written form, signed by the nominator and the nominee, but if so the Session Clerk must provide forms for this timeously.
- 7.56.1 The Session considers all nominations submitted to it. If it has good reason to disapprove the nomination of any nominee, it may at this point approach the nominee to inform him/her of the reason and give him/her the option of withdrawing.
- 7.56.2 If a nominee whom the Session considers unsuitable for election to the eldership fails to withdraw his/her nomination when given the option to do so, the Session may, without furnishing reasons, decline to sustain the nomination. The Session Clerk then simply informs the nominee that his/her nomination has not been sustained and that the list of nominees to be put to the congregation in terms of para 7.57 will therefore not include his/her name.
- 7.56.3 If the Session so wishes, the Awareness Workshops referred to in para 7.58 may be arranged at this point in the procedure.
- 7.57 The Session then announces to the Congregation the list of nominations (including its own nominations) that it has sustained and calls for any objections to the doctrine, character or conduct of the nominees to be made within two weeks. If anyone does object to any nominee, the Session considers the objection. If it decides that the objection constitutes good reason to disapprove the nomination it may at this point approach the nominee to discuss the objection and give him/her the option of withdrawing.
- 7.58 The Session arranges Awareness Workshops for nominees to acquaint themselves fully with the first section of the 'Basic Eldership Course' or an updated version of it as approved by the Assembly. Thereafter nominees are asked to confirm their willingness to be ordained.
- 7.59 If for any reason the Awareness Workshops referred to in para 7.58 above have not already taken place they are arranged before further proceedings take place.

Replacement Page 2010

- 7.60 The Session then announces to the Congregation the list of the nominations (including its own nominations) that it has approved. Whether or not the number of nominees exceeds the number of vacancies determined by the Session, the Congregation votes separately on each nominee, either by a show of hands or, preferably, by secret ballot.
- 7.61 If the number of nominees exceeds the number of vacancies, those receiving the highest number of votes up to the number of vacancies stipulated by the Session are declared elected. If two or more names for the last place receive the same number of votes a separate vote then takes place to determine who is elected.
- 7.62 If the Session wishes to include in its membership a Minister without pastoral charge who is a member of the Congregation, it holds an election in the normal way. Should the Minister be elected, the Session applies to Presbytery for him/her to be appointed an Assessor on the Session. When appointed the Minister becomes a member of the Session with the same standing as any other Elder.
- 7.63 Any adult member of the Congregation may petition the Session to call for an election of additional Elders. If the Session rejects the petition, the petitioner has the right to require the Session to refer it to the Presbytery for consideration.
- 7.64 The ordination and induction of an Elder takes place at a time determined by the Session in the presence of the Congregation during public worship, and follows the form and order prescribed in the Service Book and Ordinal of the Church.

Section 13 - ADMINISTRATION AND MEETINGS

- 7.65 The Session elects one of its members to be Session Clerk. He/she holds this office for three years and may be re-elected after each period of three years.
- 7.66 The duties of the Session Clerk are:
- (a) to record the Minutes of Session meetings and provide extracts of such Minutes where necessary or required by Presbytery;
 - (b) to keep the Roll of members of the Congregation;
 - (c) to be responsible for the safe-keeping of the Congregation's books and records (except for the financial books and records, which are the responsibility of the Treasurer of the Congregation);
 - (d) to arrange for the announcement of meetings decided upon by the Session;
 - (e) to sign all certificates issued for baptisms, confirmation, or transfer of members, where such certificates require his/her signature;
 - (f) to complete and submit such reports as may be required by the Presbytery or General Assembly;
 - (g) to work in close association at all times with the Minister(s).

The Session may appoint a Minute Clerk and/or a Roll Clerk to assist the Session Clerk in the fulfilment of his/her duties.

- 7.67 The Session, having first obtained the permission of the Presbytery, may appoint an Executive Committee to deal with its ongoing business. The Executive Committee keeps Minutes (see paras 7.84-88) and reports to the next ordinary meeting of Session. The Executive Committee's powers are in general the same as those of General Assembly's Executive Commission with the necessary changes.
- 7.68 The Session may appoint any number of Session committees and delegate to them particular aspects of its work. Appointment to such Session committees need not be restricted to members of the Session. The Convener of any such committee, however, should normally be a member of the Session, or otherwise at least be regularly associated at meetings of Session.
- 7.69 The Session may be so structured that it undertakes as part of its function all the responsibilities of the body administering the financial affairs of the Congregation through the appointment of a Stewardship Committee of Session. It does so only after first obtaining the approval of the Congregation and the Presbytery for this. The Stewardship Committee operates in terms of the provisions of Chapter 8 of this Manual, and paragraph 8.4 in particular must be observed. If, after having a Stewardship Committee of the Session, a Stewardship Board is constituted, this must be reported to the Presbytery.
- 7.70 When a Session exercises its administrative review functions, it meets as a Council in the ordinary way (see para 15.6).

MEETINGS

- 7.71 The Session normally meets in private, and its proceedings are confidential. Only members of Session may attend its meetings. At any meeting the Session may, however, associate with itself any member of the Church. The purpose for which such person is associated and the period of time he/she may be in the meeting is decided by the Session. (See also para 7.83.) No one may be associated when the Session is sitting in a judicial capacity or when it is dealing with confidential matters.
- 7.72 The Session may meet in public for a particular occasion. The decision to meet in public, and the purpose of such meeting, shall be recorded in the Minutes.
- 7.73 The Session holds ordinary meetings each month for its business. If there are satisfactory reasons why this may not be possible, the Session must decide how often it shall meet. Notice of meetings is given from the pulpit and/or otherwise communicated to the Elders.
- 7.74 If the Session functions with an Executive Committee in terms of para 7.68 meetings of the full Session must be held at least quarterly.
- 7.75 A special meeting may be called on the authority of the Moderator in a matter of urgency. Notice of any such meeting must be given from the pulpit and/or otherwise communicated to the Elders.
- 7.76 The Moderator must call a special meeting of the Session on the instruction of a higher Council of the Church. He/she shall also do so

within ten days of receiving a request from three of the Session's members, or of two if the Session's total membership does not exceed eight.

- 7.77 A meeting of the Session may not be held when the Presbytery or the Synod within whose boundaries the Session is, is holding its ordinary meeting, except with the permission of the Council in question. If any member of the Session is a Commissioner to the General Assembly or its Executive Commission, the Session may not meet while the Assembly/Executive Commission is meeting, except for the Sacrament of the Lord's Supper, or for urgent business.
- 7.78 The Moderator, or his/her deputy (see para 7.41) and two Elders form a quorum.
- 7.79 Each meeting is opened with prayer and closed in the same way or with the pronouncement of the benediction (see para 14.1.)
- 7.80 The Moderator has no vote in deciding any proposal at any meeting unless the number of votes for the proposal equals the number of votes against the proposal in which case he/she has a casting vote (that is one which, whether it is for or against the proposal, decides the issue).
- 7.81 A person associated with a meeting has the right to speak but not to vote.

MINUTES

- 7.82 The Minutes of each meeting must contain a list of the members present and of the apologies for absence approved. (See also para 14.2.)
- 7.83 The Minutes of a meeting may be read, confirmed and signed at the close of the meeting to which they refer. Usually at each ordinary meeting of the Session the Minutes of the previous ordinary meeting and of any subsequent special meetings are read and, if approved as a correct record, signed by the Moderator and Clerk. The date of signature is also recorded. (See also para 14.2.) If printed copies of the Minutes have been made available to Elders at least one day in advance of the meeting, they may be taken as having been read.
- 7.84 Every correction in the Minutes must be certified by the initials of the Moderator and Clerk in the margin. (See Appendix D(4)9.) (See also para 14.2.)
- 7.85 An extract from the Minutes of the Session must be certified by the Clerk and provided to a higher Council of the Church if requested or required, or to any interested party at the discretion of the Session. (See also para 14.2.)
- 7.86 The Session is responsible to the Presbytery for the regular and faithful keeping of all its records. Whenever the Presbytery calls upon it to do so the Session must submit its records for inspection and attestation. (See Appendix D(1)- The Records of a Congregation.) (See also para 14.2.)

Section 14 – RELATIONSHIP TO OTHER COUNCILS OF THE CHURCH

- 7.87 The Session is accountable to the Presbytery for the fulfilment of its responsibilities.
- 7.88 (a) The Session commissions Elders to Presbytery. Every Session may commission one Elder, unless there are 150 or more members on the Roll of the Congregation, in which case the Session may commission two Elders. In exceptional circumstances and with the permission of the Presbytery, a Session may commission one Elder from another Session within the bounds. A Session may appoint an alternate to each Elder commissioned to the Presbytery.
- (b) Each Presbytery may determine whether Elders' commissions are to be for one year or for two. If for two years, the commissions are due at the first ordinary meeting of the Presbytery after the meeting of the General Assembly and are valid up to, but not including, the corresponding meeting of the Presbytery after the meeting of the General Assembly two years later.
- (c) If the Presbytery determines that Elders' commissions are to be for one year, the commissions are due at the first ordinary meeting of the Presbytery after the meeting of the General Assembly and are valid up to, but not including, the corresponding meeting of Presbytery in the next year.
- (d) If neither the commissioned Elder nor the alternate can attend a Presbytery meeting Session may commission another Elder in his/her place. His/her commission may be approved at any meeting of the Presbytery. (See para 10.8.)
- (e) Alternatively, if a Session finds that none of its elders is willing to be commissioned for a year, it may commission elder(s) to each meeting of the Presbytery. If a Session chooses this alternative, the Session Clerk of the congregation communicates this to the Presbytery Clerk at the first ordinary meeting of the Presbytery following the sitting of the General Assembly.
- (f) The Session Clerk communicates the names of the person(s) commissioned to the meeting of the Presbytery at least three weeks before that meeting of the Presbytery to ensure that the papers for the meeting can be delivered to the persons so commissioned in good time.
- (g) To assist Presbyteries which desire early notification of their membership Elders should be commissioned three months before the date on which the commission takes effect. Failure to do so does not invalidate a later commission.
- 7.89 The Elders commissioned to represent Sessions on the Presbytery are eligible to act in that capacity from the time their commissions are approved by the Presbytery.
- 7.90 The Session has access to the General Assembly through the Presbytery by whichever of the following methods is appropriate to the circumstances:
- (a) referral and appeal (see Sections 7 & 8 of Chapter 18); (b) review (see Section 1 of Chapter 15); and
- (c) overture or petition (see Sections 3 & 4 of Chapter 14).

Chapter 8

THE CONGREGATION'S FINANCES

Explanatory Note

Financial decisions need to be made with spiritual values in mind, so Stewardship Boards (which are separate from the Session), Stewardship Committees of Session and Deacons' Boards share in the task of ministering the gospel. Their special responsibility is to deal with income and expenditure, but they often have other tasks as well such as looking after the fabric of a congregation's church and buildings.

Section 1 - INTRODUCTION

- 8.1 The financial affairs of the Congregation are those that deal with the administration of the finances and the administration and maintenance of the properties that belong to, or are under the care of, the Congregation.
- 8.2.1 The body administering the financial affairs of a Congregation is either a Stewardship Board, which comprises the members of Session and Stewards elected by the Congregation (see para 8.21 below), or a Stewardship Committee as a Committee of the Session or a Deacons' Board. The phrase "relevant financial authority" refers to whichever of these bodies operates in a Congregation. (See also para 6.10.)
- 8.2.2 The provisions of this Chapter apply to all the bodies mentioned in para 8.2.1 above with the following provisions and exceptions:
 - (a) Deacons are inducted, whereas members of Stewardship Boards (other than the Elders serving on them) are not;
 - (b) paras 8.23-25 do not apply to Deacons whose period of service was determined for them by the rules that applied to Deacons before this Chapter was enacted.
- 8.3 A Stewardship Board is responsible to Presbytery for the faithful keeping of its records, and submits them to the Presbytery whenever requested to do so.
- 8.4 A Stewardship Committee is responsible to the Session for the faithful keeping of its records. Although its functions and duties are the same as those of a Stewardship Board, its recommendations are always subject to the approval of Session.
- 8.5 A Deacon's Board and a Stewardship Board report to the Annual Congregational Meeting. Their Sessions may also require them to report to Session on any particular matter. A Stewardship Committee reports to the Annual Congregational Meeting through the Session.

Section 2 - FUNCTIONS AND DUTIES

- 8.6 The relevant financial authority is responsible
 - (a) for raising and administering the funds necessary for the maintenance of the Ministry and other activities of the Congregation;
 - (b) for the proper care of the properties (buildings, grounds) or other facilities of the Congregation; and

- (c) for the keeping of proper books of account, which are to be audited annually by the Auditor whom the Congregation appoints at the Annual Congregational Meeting.

Minister's Stipend (emoluments)

- 8.7 The relevant financial authority is responsible for paying the stipend, allowances and related costs of the Minister(s) set out in Chapter 6.
- 8.8 The Minister's stipend is the first payment to be made out of the income of the Congregation and is to be paid by the 25th day of each month.
- 8.9 When a Congregation is about to call a Minister or the Presbytery is about to appoint one, the relevant financial authority in the Congregation recommends to the Congregation through the Session what stipend and other allowances are to be proposed. "Other allowances" here includes those prescribed in the *Manual* (see paras 16.73-74) and by any decisions of General Assembly. The stipend and allowances are put before the Presbytery for its approval when it considers the Call (see para 16.47(a)).
- 8.10 The relevant financial authority reviews the stipend and other allowances every year. This review normally effects a change at the beginning of either the calendar year (January) or the Income Tax year (March). Further reviews may take place at the discretion of the relevant financial authority.
- 8.11 All proposed changes in the stipend and other allowances of the Minister(s) are submitted to Presbytery for approval and come into force only after Presbytery has given its approval. The relevant financial authority may, however, propose to Presbytery a specific date of effect, which may be the date of its decision. In such a case the change is held in abeyance until Presbytery gives its approval, but then backdated to the specified date. (See also para 16.75.)

Employees' Salaries/Wages

- 8.12 The relevant financial authority is responsible for the appointment of persons who are not directly involved in the Ministry (e.g. the Church Secretary, the cleaner, the caretaker, the gardener etc.).
- 8.13 The relevant financial authority pays the salaries, wages or fees of persons employed by the Congregation. This includes any contributions that the law may require, including towards the payment of Income Tax or Unemployment Insurance Fund.
- 8.14 All salaries, wages and fees are reviewed at least once a year.

Assessments of the Church, and collections for special purposes

- 8.15 The relevant financial authority pays the assessments on the income of the Congregation by the Presbytery and General Assembly in accordance with what these Councils decide concerning the amounts and manner of this payment.

- 8.16 The relevant financial authority makes the necessary local arrangements for special collections to be taken up whenever the Presbytery or General Assembly calls for such collections for any purpose.

Relief of the poor

- 8.17 The relevant financial authority does not administer the funds collected in the name of the Session for the relief of the poor, unless the Session specifically requests it to do so. It does, however, administer other funds collected or set aside for the poor.

Property and Equipment

- 8.18 The responsibility of the relevant financial authority for the properties (church, hall, manse etc.) and grounds of the Congregation includes the proper maintenance of all buildings (painting, repairs, etc.) and their surrounds, together with such fencing and gardening as are appropriate. (For further regulations on property see Chapter 9 below.)
- 8.19 The relevant financial authority maintains all the Congregation's furniture and other equipment (organs or other musical instruments, sound systems, office equipment etc.) used for the worship and administration of the Congregation and is responsible for the replacement of such items when necessary.
- 8.20 The relevant financial authority is responsible for the maintenance of the motor vehicle used by the Minister, if the Congregation owns the vehicle.

Section 3 - MEMBERSHIP

STEWARDSHIP BOARD

- 8.21 A Stewardship Board consists of the members of the Session and the duly elected Stewards sitting together. The Minister is a member of the Stewardship Board. (On the Minister's choice whether to be the Convener see para 8.41 below.)
- 8.22 A Steward must be an adult enrolled member of the Congregation.
- 8.23 The Congregation, normally at the Annual Congregational Meeting, decides how many members the Stewardship Board is to have.
- 8.24 An election of Stewards takes place annually at the Annual Congregational Meeting.
- 8.25 The period in office of a Steward is three years. If at any time during this period a Steward for any reason becomes unable to continue in service, the Stewardship Board may co-opt another member of the Congregation to serve in his/her place until the next Annual Congregational Meeting. At that meeting an election takes place to fill the places of
- (a) the Stewards who are retiring at the end of their three year periods of office, and
 - (b) those who were unable to complete their terms of service.

Those elected in terms of (a) above serve for a period of three years. Those elected in terms of (b) above serve for the unexpired portions of the periods of service of the persons they replace.

Stewards are eligible for re-election for further periods of three years.

- 8.26 If a Steward dies or leaves the Congregation or is suspended from membership under discipline or is absent from the meetings of the Board for six consecutive ordinary meetings without acceptable apology, he/she ceases to be a member of the Stewardship Board.
- 8.27 A person may be proposed for election as a Steward only after having consented to nomination.

STEWARDSHIP COMMITTEE OF SESSION

- 8.28 Being a Committee of Session a Stewardship Committee consists of at least one current member of Session and any number of adult enrolled members of the Congregation that the Session chooses to appoint.
- 8.29 The rules in para 8.22-27 above are applicable also to Stewards elected to a Stewardship Committee.

DEACONS' BOARD

- 8.30 The Deacons' Board consists of the members of the Session and the duly elected and inducted Deacons sitting together. The Minister is a member of the Deacons' Board.
- 8.31 A Deacon must be an adult enrolled member of the Congregation.
- 8.32 A person may be proposed for election as a Deacon only after having given consent to nomination.
- 8.33 The Congregation decides whether to elect its Deacons to serve either for a limited period or for as long as they remain in that congregation.
- 8.34 The Session may recommend how many Deacons should be elected, but the Congregation determines the number. It does so before nominations are called for.
- 8.35 The Session decides whether to sustain each nomination before the election takes place, according to the same procedure as in para 7.56-57.
- 8.36 The Congregation normally elects its Deacons at its Annual Congregational Meeting, using the basic voting procedure in para 7.60-61. If a vacancy occurs on the Deacons' Board between Annual Congregational Meetings, a Special Congregational Meeting may elect a Deacon to fill it.
- 8.37 Deacons are inducted to office according to the prescribed order of service.
- 8.38 The Minister or his/her deputy chairs the Deacons' Board. In the absence of both, the Board may choose any of its members to chair it.

- 8.39 Deacons are subject to the same rule concerning age as Elders (para 7.48).

Section 4 - OFFICE BEARERS

STEWARDSHIP BOARD

- 8.40 The office bearers of the Stewardship Board are the Convener, the Secretary and the Treasurer.

Convener

- 8.41 The Minister of the Congregation has the first option to be the Convener of the Stewardship Board. If he/she so opts, he/she assumes this office at the first meeting after the Annual Meeting of the Congregation. Otherwise this first meeting chooses one of its other members as a Convener, who then remains in office for one year and is eligible for re-election. If the Convener is absent from any meeting, the Minister may act as Convener of that meeting or else the members present may choose one of their number to be Convener for the meeting.
- 8.42 The Convener may propose business and take part in all the discussions of the Board, but has no vote unless there are equal votes for and against a proposal, in which case he/she has a casting vote (that is, a vote that decides the issue by giving one side or the other one more vote).
- 8.43 After the Board confirms the Minutes of its previous meeting, the Convener signs them and initials all corrections.

Secretary

- 8.44 The Stewardship Board, Stewardship Committee of Session or Deacons' Board appoints one of its members as its Secretary. The second sentence of para 8.46 applies also to the position of the Secretary.
- 8.45 The duties of the Secretary, whether the system of administration is a Stewardship Board, Stewardship Committee of Session or Deacons' Board are:
- (a) to see that due notice is given of meetings by way of
 - (i) announcement at public worship services or
 - (ii) through a notice printed in the weekly bulletin or intimation sheet handed out at worship or
 - (iii) through the post or via e-mail or by telephone to all the members of the Board;
 - (b) to keep Minutes of the meetings of the Board (see Appendix D (4) for the rules for keeping Minutes);
 - (c) to conduct all necessary correspondence;
 - (d) to take charge of the books and other documents of the Board, except the financial books;
 - (e) to provide extracts from the Minutes of meetings when required to do so;
 - (f) to inform the Presbytery whom the Congregation appoints as its Auditor and to forward all relevant audited documents to the Presbytery (see para 8.55).

Treasurer

- 8.46 The Stewardship Board, Stewardship Committee of Session or Deacons' Court appoints one of its members as the Treasurer. If no suitable person is available, it may appoint another member of the Congregation but that person then has no right to vote at Board meetings. The same person may, but need not, be both Convener and Treasurer.
- 8.47 The duties of the Treasurer, whether the system of administration is a Stewardship Board, Stewardship Committee of Session or Deacons' Board are:
- (a) to receive and account for all monies under the care of the Stewardship Board;
 - (b) to keep a banking account in the name of the Congregation and see to it that all cheques paid from this banking account are signed by at least two people whom the Board has duly authorized;
 - (c) to report at each Board meeting on the income and expenditure of the Congregation;
 - (e) to make all payments authorized by the Board;
 - (f) to take charge of all receipts, vouchers and other financial documents and record books;
 - (g) to prepare regular (monthly) financial statements; and
 - (h) to submit the accounts to the Auditor appointed by the Annual Congregational Meeting.

STEWARDSHIP COMMITTEE OF SESSION**Convener**

- 8.48 The Session decides for how long the Convener of the Stewardship Committee will serve. It then appoints him/her, usually from among its own members but otherwise from among the enrolled members of the Congregation. The Session may at any time bring the appointment to an end.
- 8.49 The Convener presents to each ordinary meeting of Session a report on the work of the Stewardship Committee and a report on the income and expenditure of the Congregation.
- 8.50 After the Committee confirms the Minutes of its previous meeting, the Convener signs them and initials all corrections.

Treasurer

- 8.51 The Session appoints from among the members of the Congregation a Treasurer. The same person may, but need not, be both Convener and Treasurer.

Secretary

- 8.52 The Stewardship Committee appoints one of its own members as its Secretary. The second sentence of para 8.46 applies also to the position of the Secretary.

Section 5 - APPOINTMENT OF AN AUDITOR

- 8.53 At the Annual Congregational Meeting the Congregation elects an Auditor or Auditors to examine the books, vouchers and cash held by the Treasurer and to report thereon to the next Annual Congregational Meeting. No member of the relevant financial authority may be elected.
- 8.54 If a Congregation fails to appoint an Auditor, the relevant financial authority reports this to Presbytery and Presbytery does so.
- 8.55 By April 30 each year the Secretary of the relevant financial authority informs the Treasurer of Presbytery who the Congregation's Auditor is and forwards to the Treasurer of Presbytery a copy of the audited financial statements and any other reports the Auditor may make to the Congregation.

Section 6 - MEETINGS OF STEWARDSHIP BOARDS

- 8.56 In ordinary circumstances the Stewardship Board meets once a month to do its business. For the methods of giving notice of the meeting see para 8.45(a).
- 8.57 Special meetings may be called by authority of the Convener. For the methods of giving notice of the meeting see para 8.45(a).
- 8.58 The Convener calls a special meeting of the Board if the Presbytery so instructs it.
- 8.59 If three members of the Board request a special meeting, the Convener must call such a meeting within ten days of receiving the request.
- 8.60 A third of the total number of members of the Board (that is, Elders and Stewards) form a quorum. If the total number of members of the Board is less than nine the quorum is three, and if the number of members is more than 30 the quorum is ten.
- 8.61 When a vote is taken, only the members of the Board present may vote. No proxy votes may be cast on behalf of members of the Board not present at the meeting. (See para 8.42 concerning the voting rights of the Convener.)
- 8.62 If a member votes against any proposal and wishes to have his/her disagreement recorded in the Minutes, the provisions of Section 5 of Chapter 15, with the necessary changes, apply.
- 8.63 The recording of a dissent does not free the person or persons dissenting from the obligation to submit to the decision as long as it stands unchanged. Those who dissent in accordance with para 8.51 have the right to bring the decision under review of the Session by a written complaint in terms of the procedure laid down for complaints. (See Section 4 of Chapter 15.)

Chapter 9

IMMOVABLE PROPERTY

Explanatory Note

Meticulous adherence to rules concerning property, particularly immovable property, and funds of the Church is very important and contributes greatly to its smooth administration. To give that meticulous adherence is one of the ways of sharing the task of proclaiming the Gospel.

Section 1 - IMMOVABLE PROPERTY IN SOUTH AFRICA WHICH IS INTENDED FOR, OR HAS ON IT A CHURCH BUILDING, CHURCH HALL, OR MANSE IN SOUTH AFRICA. (FOR PROPERTY IN ZAMBIA, ZIMBABWE, AND NAMIBIA SEE SECTION 5 BELOW)

- 9.1 All immovable property purchased in the Republic of South Africa which is intended for, or has on it, a Church building, Church Hall or manse, shall be registered in the name of The Uniting Presbyterian Church in Southern Africa. Immovable property purchased elsewhere shall be registered as the Presbytery directs.
- 9.2 Any immovable property which is registered in the name of a Congregation, a Presbytery, or a Synod which is held for the use of a Congregation intended for, or having on it, a church building, church hall, or manse may not be acquired, sold, alienated, donated, mortgaged or let or otherwise dealt with, nor may any new buildings be erected, without first obtaining the approval of the Congregation in question, of the Presbytery, and of the Finance Committee of the General Assembly. The approval of the Congregation, if given, must be given by the adoption of a motion at a Congregational meeting.
- 9.3 Whether or not a property intended for, or having on it, a church building, church hall, or manse, belonging to a Congregation is registered under the terms of a Trust Deed, the Trustees (unless the relevant Trust Deed provides otherwise) shall be the Chairperson or Convener, Secretary and Treasurer for the time being of the relevant financial authority.

THE CONGREGATION'S POSITION

- 9.4 The Congregation shall not acquire, sell, let, mortgage, transfer ownership in, donate or otherwise deal with immovable property intended for, or having on it, a church building, church hall, or manse or select a site for a Church, Church Hall or manse or erect any new buildings without first obtaining the approval of Presbytery. The Session Clerk submits to Presbytery with the Congregation's application for approval:
- (a) a copy of the relevant resolution adopted at the Congregational meeting; and
 - (b) a full statement of finance setting out the manner in which it is proposed to meet such financial commitments as may be involved over and above the Congregation's normal financial commitments.

- 9.5 All plans and specifications for new buildings, or for alterations to existing buildings, which are to be used for the purposes of worship shall be prepared in full consultation with Presbytery and through Presbytery with the Assembly's Committee on Church Design.
- 9.6 Whether the property intended for, or having on it, a church building, church hall or manse is to be vested in the name of the Church or not each proposed property transaction shall be referred to the Finance Committee of General Assembly for advice and approval.

Section 2 – IMMOVABLE PROPERTY IN SOUTH AFRICA WHICH IS NOT INTENDED FOR, AND DOES NOT HAVE ON IT, A CHURCH BUILDING, CHURCH HALL OR MANSE.

Congregational property

- 9.7 A Congregation is permitted to hold in its own name immovable property which is not intended for, and does not have on it, a church building, church hall or manse.

If such property is held in the Congregation's name it (the Congregation) does not need the approval of the Presbytery or of General Assembly's Finance Committee for any transaction involving it.

Further, if in fact such property has been registered in the name of the Uniting Presbyterian Church in Southern Africa or of a Synod or of a Presbytery or in the name of Trustees appointed by that Congregation such property shall continue to be so held unless and until the Congregation takes transfer into its own name. See further para 13.25.

- 9.8 When registering immovable property (other than property that is intended for, or has on it, a church building, church hall or manse), in the name of a Congregation, the vesting shall be:
- (a) in the case of a Congregation named for a Saint: "The Congregation of St of The Uniting Presbyterian Church in Southern Africa"; or
 - (b) in the case of a Congregation bearing a name other than the name of a saint: "The.....Congregation of The Uniting Presbyterian Church in Southern Africa."

- 9.9 The Title Deeds of the immovable property belonging to the Congregation shall be entrusted to, and deposited with, the Church's Clerk of Assembly for safe-keeping. The said Clerk shall make such Title Deeds available when they are required for any purpose and if so requested shall furnish the Congregation with certified copies thereof or with a certificate to the effect that such Title Deeds are held by him/her.

Section 3 – PRESBYTERY PROPERTY

9.10 The Presbytery as a corporate body possesses the following legal powers in regard to property:

- (a) to acquire by purchase, grant, gift, exchange, hire or otherwise any immovable, movable or incorporeal property, including buildings, rights of occupation and site permits;
- (b) to erect, maintain, improve, alter, repair and equip any buildings or structures;
- (c) to receive or accept moneys, funds, securities, donations, gifts, bequests, and inheritances, whether conditional or unconditional;
- (d) to sell, exchange, donate, let, mortgage, pledge or otherwise deal with all or any of its assets;
- (e) to borrow or raise moneys for its own purposes or the purposes of any of its constituent or associated bodies and to secure the repayment of such moneys by pledging or mortgaging any of its property or assets;
- (f) to open and operate banking and savings accounts in its own name.

All movable and incorporeal property acquired by a Presbytery, other than property which has on it, or is intended for, a Church building, Church Hall or manse (which are required to be registered in the name of The Uniting Presbyterian Church in Southern Africa), shall vest in that Presbytery.

9.11 As stated in para 9,1 all immovable property purchased in the Republic of South Africa which has on it, or is intended for, a Church building, Church Hall or manse, shall be registered in the name of The Uniting Presbyterian Church in Southern Africa. Immovable property purchased elsewhere shall be registered as the Presbytery directs.

9.12 Immovable property, other than property which is intended for, or has on it, a Church building, Church Hall or manse, which is registered in the name of the Presbytery, and which is not held for the use of a Congregation may be dealt with without first obtaining the consent of the Finance Committee of the General Assembly but, as it is Presbytery's property, Presbytery's consent is required. The Presbytery may authorise actions taken on its behalf in ways the same as, or similar to, those mentioned in para 13.25 below.

9.13.1 If an existing Trust Deed governs any immovable property of a Presbytery such Trust Deed shall continue to govern the property concerned, and such property shall remain registered in the name of the appointed Trustees or their successors in office unless the Trust Deed permits of the same being transferred into the name of the separate property holding body established by the Church.

9.14 If any immovable property belonging to a Presbytery is registered in the name of the Church or in the name of the official Trustees of the Church such property shall continue to be so held unless and until it is decided to

have it transferred into the name of the separate property holding body established by the Church.

- 9.15 The Moderator, the Clerk and the Treasurer of Presbytery are the appropriate officials to represent Presbytery in property matters and to sign any Powers of Attorney, contracts and other documents required to give effect to any specific transactions which Presbytery has decided upon.

Section 4: THE ASSEMBLY'S POSITION

- 9.16 All immovable property, registered real rights, mortgage bonds, funds and securities belonging to this Church, including such as are registered in the name of the Moderator, the Clerk and the Treasurer as Trustees for the Church, but excluding such as vest in Trustees for Congregations, are administered by the Finance Committee of General Assembly, hereinafter in this Section described as "the Finance Committee".
- 9.17 The Finance Committee has authority to exercise in the name and on behalf of this Church all the legal powers vested in this Church under para 1.21 except 1.21(a) of the Manual, and may by resolution appoint one or more members of the Committee or other persons to sign any Powers of Attorney, contracts and other documents which may be required to give effect to any specific transactions which the Committee has decided upon.
- 9.18.1 In cases where immovable property belonging to a Presbytery or a Congregation has been registered in the name of this Church or in the names of the Moderator, the Clerk and the Treasurer of this Church as Trustees for a Presbytery or a Congregation, the Finance Committee shall, upon proper authorization by the Presbytery or
- 9.18.2 Congregation concerned, by resolution authorize the appropriate officials to sign any Powers of Attorney, contracts and other documents which are required to give effect to any competent transaction which the Presbytery or Congregation concerned has decided upon. Where the property is registered in the names of the Moderator, Clerk and Treasurer as Trustees they will be the appropriate officials for the purpose. Where the property is registered in the name of the Church one or more members of the Finance Committee, or such other persons as the Finance Committee appoints, may be designated as the signing officials.

Section 5: PROPERTY IN STATES OTHER THAN SOUTH AFRICA Zambia

- 9.19 All immovable property acquired by Congregations in Zambia is registered in the name of the registered Trustees of the Synod of Zambia. These are the Moderator, the Clerk and the Treasurer for the time being of the Synod. Each Trustee has the power to nominate a

person to act as alternate Trustee in his place during his/her absence or inability to act as a Trustee, provided that the appointment of an alternate Trustee must be approved by the remaining Trustees. The alternate Trustee, while acting in the place of the Trustee who appointed him/her, exercises and discharges all the duties and functions of that Trustee.

- 9.20 The relevant financial authority (acting through Session) of a Congregation in Zambia has the right, with the agreement of the Synod and of the Finance Committee of the General Assembly, to acquire leasehold or freehold property or any estate or interest in land and to hypothecate, mortgage, or charge, transfer ownership in, burden and borrow money to any amount on the security thereof. Such acts are effected by the Trustees under resolution passed by the relevant financial authority (acting through the Session), with the agreement of the Presbytery, and of the Finance Committee of the General Assembly.
- 9.21 All such Powers of Attorney, Deeds, Declarations, Affidavits and other documents as may be necessary to give effect to a decision of the relevant financial authority (acting through Session) are signed by two Trustees.

Zimbabwe and Namibia

Note. If there are special circumstances in Zimbabwe and/or Namibia, a petition or petitions may be directed to the Assembly.

Section 6 - procedures for planning for church buildings

- 9.22 Congregations planning to erect or alter buildings for public worship (including multi-purpose buildings) must contact the Faith and Order Committee before sketch plans are drawn.
- 9.23 In consultation with the Faith and Order Committee the Congregation should have a brief prepared setting out its understanding of the function and structural needs of the proposed project. The Congregation arranges at its expense for the Convener or the committee's representative to visit the site, if the Committee considers this advisable.
- 9.24 A qualified Architect, preferably with experience of church architecture, should be engaged.
- 9.25 Where a building with some pretensions to architectural form and beauty already exists, any new building erected on the site should harmonise as far as possible with the existing structure.
- 9.26 In the case of an entirely new project, a complete scheme should be envisaged and preliminary sketch plans prepared embracing the entire unit (hall, class rooms, church and possibly manse) even when the intention is to proceed piecemeal with the various buildings.
- 9.27 Careful consideration should be given to the lay-out of the Church interior, especially to the chancel end of the building, so that a proper balance may be maintained between the pulpit, the communion table, the lectern and the font, as the visual witnesses to the Word and sacraments.

- 9.28 If an organ is to be built, a qualified organ builder should be consulted to ensure that appropriate provision is made to house this instrument.
- 9.29 The Congregation should submit a site plan and sketch plans to scale showing:
- (a) access roads, on-site parking, any existing buildings and any proposed future development;
 - (b) sections, elevations, the lay-out of the building and its architectural features;
 - (c) the intended internal and external finishing;
 - (d) the position and lay-out of the font, Communion table, pulpit, lectern, Elders' chairs, organ, pews, aisles etc.;
 - (e) true north point, to indicate the orientation of the building.

Chapter 10

THE PRESBYTERY

Explanatory note

The Presbytery has important functions in regard to the proclamation of the Gospel. In its geographical area it is responsible for the regular and faithful preaching of the Word, the administration of the Sacraments and the pastoral care of the Congregations and their members. In addition it has oversight, discipline and jurisdiction over Ministers, Congregations and Sessions. It plays a vital role in Calls to Ministers to fill vacancies, and the appointment of Ministers to Congregations without the right to Call. The General Assembly draws attention to the fact that in 2013, the Executive Commission passed Chapter 20 which deals with the powers and functions of the Presbyteries and Synod of Zambia. Accordingly, any question as to the powers and functions of the Zambian Synod or any of its Presbyteries must be dealt with by reference to that chapter.

Section 1 - CONSTITUTION

- 10.1 Each Presbytery has a Council of the Church which is called “the Presbytery” or “the Council of Presbytery” which has oversight, discipline and jurisdiction over the Ministers and Congregations within its boundaries and over any preaching place or preaching station which is administered by or through a Presbytery committee. Each Presbytery is constituted by the General Assembly which establishes its boundaries and may, from time to time, alter its boundaries, change its name, and/or amalgamate it with another Presbytery or Presbyteries. When the General Assembly constitutes a Presbytery it gives it a name and appoints the time and place of its first meeting and one of its Ministers to act as Moderator in constituting it.
- 10.2 The legal status of a Presbytery is that of an association of the Congregations of the Church within its boundaries in the form of a corporate body having perpetual succession and power to own and hold property (immovable, movable and incorporeal) in its own name independently of its members as well as power to sue and be sued in its own name.
- 10.3 A Presbytery is governed by its own Council, which has all the functions and powers of the Presbytery as a corporate body. A Presbytery may also have a Court (see Section 4 of Chapter 18) and an Administrative Review Panel (see paras 15.7 and 15.10).

A Presbytery Council is composed of: -

- (a) Ministers of pastoral charges within its boundaries, including Ministers of other denominations serving as resident Ministers of United Congregations in which this Church is a constituent participant;
- (b) Colleague Ministers, Colleagues-and-Successors and Ministers-in-Association;
- (c) ordained Assistant Ministers;

Replacement Page 2013

- (d) Ministers who are leaders of transitional Congregations within its boundaries;
- (e) Ministers set apart by General Assembly to special work within this Church or seconded by General Assembly to work outside the Church have a seat in the Presbytery within whose boundaries the work is performed or, if the work extends over more than one Presbytery, within whose boundaries the Minister resides;
- (f) Probationers serving within its boundaries;
- (g) Ministers Emeriti;
- (h) Any Ministers with credentials without pastoral charge serving as Stated Supply, any other Ministers without pastoral charge to whom the General Assembly has granted seats on the Presbytery, and any Elders to whom the General Assembly has granted this right;
- (i) Elders commissioned by Sessions and Elders in Transitional Congregations commissioned by their Oversight Committees provided that the Sessions and Oversight Committees seek to commission an equal number of men and women to the extent that this is possible;
- (j) Elders appointed under the provisions of paras 10.5 and 10.6;
- (k) members of Church Councils of United Congregations within its boundaries who have been commissioned to attend Presbytery, provided that The United Presbyterian Church in Southern Africa is one of the participating Churches in the Congregation and provided that the Church Councils seek to commission an equal number of men and women to the extent that this is possible;
- (l) Ministers of other Churches who are seconded in terms of paras 16.116-121;
- (m) Ministers and Elders serving in positions in the Central Office from time to time. The General Secretary allocates such Ministers and Elders to Presbyteries. They cease to be members of Presbytery when they cease serving in the Central Office.

This Council is normally referred to as "Presbytery" and all the functions and powers of a Presbytery as a corporate body are vested in and exercised through its Council or Court.

- 10.4 Ministers whose credentials place them under the care and discipline of a Presbytery may be regularly associated with the Presbytery but do not thereby have a seat on Presbytery unless it is granted to them by General Assembly in terms of para 10.3(h) above. If a Presbytery wishes such a Minister to be granted a seat on Presbytery in terms of para 10.3(h) it forwards a request to General Assembly's Ministry Committee for report to General Assembly and provides a written motivation for the request. The granting of a seat on the Presbytery within whose boundaries he/she may reside to a Minister who on retirement is declared to be a Minister Emeritus, takes place upon his/her being granted leave to retire. It does not require any further application or motivation.
- 10.5 Should the number of representative Elders fall below the number that the Sessions and Oversight Committees of Transitional Congregations

within the boundaries are entitled to commission, the Presbytery may itself appoint a sufficient number of Elders to fill the vacancies.

- 10.6 The General Assembly may appoint to a Presbytery Ministers and Elders from other Presbyteries as Assessors for specified purposes, with full rights of membership within their terms of reference. When the General Assembly is not in session its Moderator may appoint such Assessors if requested by the Presbytery.
- 10.7 Every Elder, however appointed, is duly commissioned by his/her own Session, Church Council or, in a Transitional Congregation, Committee of Oversight, in accordance with the form of commission set out in Appendix B(1).
- 10.8 An Elder's commission may be approved at any meeting of the Presbytery, whereupon the Elder's name is added to the Roll of Presbytery.

Section 2 – OFFICE BEARERS

MODERATOR

- 10.9 The Presbytery elects a Moderator from among its members. He/she continues in office as Moderator until his/her successor has been inducted. The procedure for the election of the Moderator is set out in para 10.11 and his/her authority and duties are set out in paras 10.16 to 10.20.

Election and tenure of office

- 10.10 The Presbytery determines whether the period of office of the Moderator is to be one year or two years.
- 10.11 If the period is to be one year the election takes place at least three months before the first ordinary meeting of the Presbytery following the stated meeting of General Assembly in the years in which the General Assembly meets and in other years at least three months before the meeting at which the Moderator's period of office ends. If the period is to be two years an election takes place at least three months before the first ordinary meeting of the Presbytery following the stated meeting of General Assembly.
- 10.12 The method of election of the Moderator is the same as that in paras 16.37-38.
- 10.13 If the period of office of the Moderator is one year he/she may be re-elected for a maximum of three further annual periods after which the Presbytery elects another Moderator. If the period of office is two years the Moderator may be elected for a second period of two years after which the Presbytery elects another Moderator.
- 10.14 Should the Moderator die, or resign, or for any reason be removed from office during his/her term, his/her predecessor or another former Moderator acts until a successor is elected at the next ordinary meeting of the Presbytery. Should there be no former Moderator in Presbytery,

the Clerk nominates a member of Presbytery to act until the next ordinary meeting of Presbytery, at which it elects a successor

- 10.15 If the Moderator is an Elder, Presbytery may grant him/her, while in office, authority to administer the Sacrament of the Lord's Supper in accordance with the prescribed services in the Service Book and Ordinal, subject to his/her satisfying the General Assembly's Ministry Committee as to his/her understanding of that Sacrament.

The authority and duties of the Moderator

- 10.16 The Moderator

- (a) presides over the meetings of the Presbytery, takes precedence over its members, and acts officially on its behalf but is subject to the Presbytery in all matters and abides by and acts upon its decisions;
- (b) acts as pastor to all Ministers and Probationers within the Presbytery;
- (c) may be invited by any Minister or Session of a Congregation within the boundaries of the Presbytery to visit that Congregation to mediate between and/or counsel any parties within the Congregation.

- 10.17 The duties of the Moderator are

- (a) to constitute and conclude each meeting with prayer, or other devotions;
- (b) to decide who may speak at any time;
- (c) to take the vote;
- (d) to announce decisions;
- (e) to moderate the discussion and keep order;
- (f) to call on members to discharge any function which may have been or is assigned to them;
- (g) to see that business done has been duly recorded;
- (h) to sign the minutes;
- (i) and in general to speak and act officially in the name of the Presbytery as instructed by it.

- 10.18 The Moderator obtains the leave of the Council to vacate the chair in favour of a former Moderator (or if no former Moderator is present, another member of Presbytery) should he/she wish to speak on any matter before the Presbytery. If he/she is a party in a case before the Presbytery, he/she must vacate the chair while the case is under adjudication. If a meeting is to be held from which the Moderator will be unavoidably absent, he/she may nominate an ex-Moderator, or if no ex-Moderator is able to attend, another member of Presbytery to chair the meeting.

- 10.19 An acting Moderator must so designate himself/herself when signing any records or documents of the Council.

- 10.20 The Moderator does not have a vote in determining the outcome of any proposal before the Presbytery other than if there is an exact (50/50) division among the members of the Presbytery who have voted, in which case he/she exercises a casting vote.

CLERK

10.21 At the meeting at which the Moderator is elected the Presbytery elects a Clerk who holds office for the same period as the Moderator (note para 10.11), but may be re-elected for as many further periods as the Presbytery wishes. Presbytery may also appoint a Minute Clerk who, if not a member of the Council, has the right to speak but not to vote.

10.22 The Clerk

- (a) keeps the Roll of members;
- (b) brings before the Council all business entrusted to him/her;
- (c) minutes the proceedings of the Council;
- (d) takes charge of its records and papers;
- (e) gives extracts from its minutes to those entitled to them; and
- (f) discharges other duties laid on him/her by the Council.

TREASURER

10.23 At the same meeting at which the Moderator is elected the Presbytery appoints a Treasurer who holds office for two years, but may be re-elected for any further periods of two years as decided by the Presbytery.

10.24 The Treasurer takes charge of the funds and accounts of the Presbytery and reports on them as required. The audited accounts of the Presbytery must be submitted annually at an ordinary meeting of the Presbytery.

ADMINISTRATOR

10.25 The Presbytery may appoint an Administrator for such periods and on such conditions as the Presbytery may determine; provided that the first period may not exceed five years, and, the Administrator being eligible for re-appointment, each subsequent period may not exceed three years.

10.26 Provided they are either Ministers or Elders of the UPCS, the Moderator, the Clerk, the Treasurer and the Administrator are members of Presbytery by virtue of being appointed to these offices, even if not commissioned by their Sessions (or Committees of Oversight or Church Councils in terms of para 10.3(i) and 10.3(k)).

If any one or more of the Clerk, Treasurer and Administrator have not been commissioned to Presbytery by their Session, Committee of Oversight, or Church Council in terms of para 10.3 (k) but are Ministers or Elders of the UPCS or Ministers or Church Council members in terms of para 10.3 (k) he/she/they become members of Presbytery by being appointed to their offices. In such a case the holder of one of these offices ceases to be a member of Presbytery when he/she ceases to hold the office to which he/she was appointed.

Section 3 - FUNCTIONS AND DUTIES

10.27 The Presbytery:

- (a) is responsible for the regular and faithful preaching of the Word, the administration of the Sacraments, and the pastoral care of the Congregations within its boundaries;

- (b) exercises oversight and discipline over all Ministers, Probationers, Students for Ministry, Church Development Evangelists, Lay Preachers and all other members of this Church within its boundaries (see para 18.43). While Students for the Ministry and Probationers are under the care and discipline of the Presbytery, any allegation that calls into question their suitability for the Ministry is dealt with in accordance with the provisions of chapter 17 of the Manual;
- (c) ordains Ministers to their office (note paras 17.39-44), inducts or introduces Ministers to their charges, releases them therefrom, and sets apart those appointed to special work within the boundaries of the Presbytery. A Probationer is ordained only if he/she has been awarded a Ministry Certificate (see para 17.39) and has been appointed to a charge or has received a Call to a Congregation;
- (d) constitutes new Congregations following the procedure set out in paras 6.29-52; approves the merger of Congregations in accordance with para 6.84 ; dissolves Congregations in accordance with paras 6.77-83; maintains a register of Congregations within its boundaries and of preaching stations;
- (e) appoints acting Sessions (see para 10.59) and Interim Moderators of Session (para 16.25(a)). (An Interim Moderator has the right of delegation in all matters save those relating to the filling of a vacancy.);
- (f) satisfies itself through its Interim Moderator that adequate pulpit supply is arranged in vacant charges and that such charges are filled without undue delay;
- (g) receives Ministers without charge certified to it by other Presbyteries and Ministers seconded by the General Assembly who reside within its boundaries;
(Every seconded Minister or Probationer is required to be an enrolled member of a Congregation within the Presbytery's boundaries. (See also para 16.27.);
- (h)
 - (i) receives applications from sessions for members who wish to be recognised as members of the Order of Supportive Lay Ministries,
 - (ii) forwards these to the Administrator for the Order of Supportive Lay Ministries,
 - (iii) assists in any training and formative processes that are applicable, and
 - (iv) holds a service of recognition and blessing when a candidate is accepted into the Order. (The Order of Supportive Lay Ministries is covered in detail in Section 12 of Chapter 16 and should be consulted by Presbyteries).
- (i) arranges regular Presbyterial Visitations with all Congregations within the boundaries, considers all matters relating to the condition of such Congregations, with full power to review and, as occasion may require, to call for the Membership Roll and other rolls, Minute Books and records of the Sessions and bodies administering the temporal affairs of such Congregations for scrutiny and attestation;

- (j) takes advantage of opportunities for Church development within the boundaries and originates or encourages the establishment of development work;
- (k) takes and exercises the oversight of Church educational and welfare work within its boundaries;
- (l) (i) considers and, as it sees fit, approves or declines to approve Calls;
(ii) appoints any Minister or retired Minister employed by the Congregation to assist part-time or full-time in the ministerial work of the Congregation; (Presbytery consults with the Ministry Committee of General Assembly before making such an appointment, and paras 16.158-161 apply);
- (m) grants leave of absence to Ministers of Congregations within the boundaries in terms of paras 16.81-83 and appoints an Interim Moderator in cases where the special leave granted is for a period longer than 90 days;
- (n) severs forthwith the pastoral tie when the Minister's absence from his/her charge is intended to exceed twelve months;
- (o) ensures that each Minister within its boundaries, who is eligible for admission under the rules of the Pension Fund, becomes a member of that Fund;
- (p) reviews the minimum stipend within its boundaries at its second stated meeting of the calendar year and reports to the Maintenance of the Ministry Committee (see para 8.9);
- (q) receives from every Congregation a report on all the emoluments its minister/s receive no later than the Presbytery's second stated meeting of the calendar year, and reports to the Maintenance of the Ministry Committee, (see para 8.10);
- (r) receives applications by Ministers within its boundaries for leave to retire from the active ministry and to be granted Pension Fund benefits and transmits the applications to the General Assembly with recommendations ;
- (s) decides on the resignation of Ministers and other agents of the Church;
- (t) issues a Certificate of Credentials in accordance with Appendix C(4)7;
- (u) appoints special times for penitence, intercession, or thanksgiving;
- (v) transmits to higher Councils of the Church overtures and petitions addressed to such Councils, and approaches such Councils by overtures and references;
- (w) gives public expression to its view on matters relating to the welfare of the people within its boundaries;
- (x) commissions Ministers and Elders to represent it in the General Assembly in accordance with the basis of representation decreed from time to time by the General Assembly (note paras 12.2-3);
- (y) nominates, if it so desires, a candidate to be Moderator Designate of the General Assembly;

- (z) appoints representatives to the Nominations Committee of the General Assembly in terms of the Standing Orders of the General Assembly;
 - (aa) sends to the Clerk of General Assembly, before the date specified in the Standing Orders of the General Assembly a brief report embodying the following particulars:
 - (i) the dates on which it holds its stated meetings;
 - (ii) the changes in the ministry that have taken place;
 - (iii) the names of any of its Ministers and of its Elders who have been Commissioners to the General Assembly, who have died during the year;
 - (iv) the names and addresses of any Ministers without charge under its care; and
 - (v) any other matters upon which the General Assembly may require it to report;
 - (bb) has oversight of all methods of fund-raising within its boundaries;
 - (cc) acts in all matters the General Assembly remits to it;
 - (dd) sends out annually to each Congregation a questionnaire to gain all necessary factual information. (See Appendix D(3) for form "Annual Report to Presbytery".) Each Congregation is required to submit this information to its Presbytery within three months of the end of the Congregation's financial year.
- 10.28 The Presbytery has the right to assess Congregations within its boundaries to obtain such funds as may be necessary for the exercise of its functions. The Presbytery may control, invest and disburse any funds received for its own use.

Section 4 - PRESBYTERIAL VISITATION

- 10.29 The Records Committee of each Presbytery is responsible for sending out annually to each Congregation a questionnaire to gain all necessary factual information. (See Appendix D(3) for form "Annual Report to Presbytery".) Each Congregation is required to submit this information to the Records Committee of the Presbytery of the boundaries within three months of the end of the Congregation's financial year.
- 10.30 Presbytery determines the numbers of Ministers and Elders that will conduct a Visitation and submits to the Session of the Congregation to be visited the names of three Ministers and three Elders from which the Session may make its selection of visitors to form the Visitation Committee.
- 10.31 On the appointed date, the Visitation Committee meets with the Minister, Session, Board, and with any other organization of the Congregation that wishes to be included. The Visitation emphasis is to help, encourage and advise the Congregation. No schedule of any kind will be submitted to the Congregation during the Visitation.
- 10.32 The final meeting is with the Congregation. The Visitation Committee remains available to the Congregation until its final report is submitted to Presbytery.

- 10.33 The Visitation Committee's report is sent to the Minister and the Session. If the Minister and Session so desire, the Visitation Committee will return to meet them again. The report will then be considered by Presbytery and, if approved, is read to the Congregation at a time convenient to the Congregation.

Section 5 - ADMISSION OF CONGREGATIONS FROM OTHER CHURCHES

- 10.34 If a Congregation of another Church desires to be admitted as a Congregation of this Church, it applies to the Presbytery within whose boundaries it is situated, and the Presbytery makes full enquiry into all the circumstances including the provision proposed in regard to any property owned by the Congregation. The Presbytery forwards the application, with a full report thereon, to the General Assembly. If the General Assembly grants the application, it instructs the Presbytery to take the necessary steps for the incorporation of the Congregation. That Congregation is constituted as a unit of this Church when it adopts in proper form the Constitution of the Congregation as set out in Appendix A to Chapter 6 and is recognized by the Presbytery within whose boundaries it is situated.

Section 6- UNSATISFACTORY STATE OF A CONGREGATION OR OF A UNIT WITHIN IT

- 10.35 Proceedings under this section are administrative in nature. They are aimed at rectifying the unsatisfactory state of a Congregation and/or of any body or group within it (e.g. Session, Stewardship Board, Deacons' Board, Women's Fellowship, Choir, Youth Fellowship). It is competent for the Presbytery, or a Commission appointed by it, to take such administrative measures in regard to individuals or groups within the Congregation as are appropriate in the circumstances and within the rules given below if, in the opinion of the Presbytery or Commission, such measures are in the best interests of the life of the Congregation. The proceedings are therefore distinct from disciplinary proceedings and the rules in Chapter 18 do not apply. A person who, or group which, is dissatisfied with the findings of the Presbytery or Commission, may require that the proceedings be taken on review to the General Assembly's Administrative Review Panel.
- 10.36 It is competent for any member of Presbytery at any stated meeting to raise the question of the apparently unsatisfactory state of a Congregation within the boundaries of the Presbytery
- 10.37 Apart from his role as Minister to Ministers (*Pastor Pastorum* in the older terminology) the Presbytery, not the Moderator by himself/herself, exercises oversight in all Presbytery matters, including any case of an unsatisfactory state of a Congregation or of a significant body or group within a Congregation, within the Presbytery's boundaries. The Moderator should not give the impression of claiming the right to exercise such oversight in his/her own right.

Preliminary steps

- 10.38 Every Presbytery appoints at least two Ministers and two Elders to form a pastoral team with the Moderator and Clerk to help them in making a preliminary investigation of an allegation of an unsatisfactory state of a Congregation or of a body or group within a Congregation. The team needs to represent the different cultural and/or language groups in the Presbytery and, if possible, both genders. The pastoral team may co-opt members of Presbytery for a particular investigation.
- 10.39 (a) If a Presbytery Moderator or Clerk receives information that the state of any Congregation within the Presbytery's boundaries or any significant body or group within such a Congregation, including its Session and/or relevant financial authority, is unsatisfactory, the Moderator and Clerk consult with each other, and, as they see fit, with other members of the pastoral team.
- (b) If they conclude that the information may be reliable, the Moderator, with the help of the pastoral team ascertains whatever details they deem necessary from the person(s) making the allegation.
- (c) If on the basis of what it finds out the pastoral team perceives the allegations to have sufficient grounds, it immediately notifies the Minister of the Congregation concerned before proceeding further. If the Minister lives within reasonable distance, the pastoral team does this face to face.
- (d) The Moderator and as many other members of the pastoral team as can attend a meeting of the Session concerned called for the purpose notify the Session.
- (e) If the pastoral team deems it appropriate it may consult with the Minister and/or the Session and/or invite the Minister and/or the Session and the persons alleging the unsatisfactory state to meet with the pastoral team in an attempt to resolve the matter.
- (f) If the matter remains unresolved, the pastoral team then reports on it to the next ordinary meeting of the Presbytery. Alternatively the Moderator calls a special meeting of Presbytery to deal with it and the pastoral team reports.
- 10.40 Any member of Presbytery may at any stated meeting raise the question of the apparently unsatisfactory state of a Congregation or of a significant body or group within a Congregation within the boundaries of the Presbytery.

Action by the Presbytery

- 10.41 The Presbytery deals with the matter by deciding how urgent the matter is and then proceeding in one of the following ways:
- (a) Presbytery may decide that the situation needs no further action on its part.
- (b) If the matter is first raised as in para 10.40, the Presbytery may ask the Moderator to act in any of the ways in para 10.39.
- (c) Presbytery may refer the matter to the Session of the Congregation concerned, instructing it to deal with the matter according to the laws of the Church and any further instructions the Presbytery deems appropriate. The Presbytery may then also appoint assessors to assist the Session.

- (d) Presbytery may appoint a Presbytery commission to visit the Congregation or the group or body within it and seek to rectify the situation. The Presbytery defines the powers of the commission (see para 14.43). The commission reports back in writing to the Presbytery as soon as possible. If the commission has been unable to rectify the situation, its report includes a brief summary of the situation as it sees it.
- (e) Presbytery may ask a special committee of Synod or of General Assembly, consisting of the Moderator, Clerk and Treasurer of the Synod or of General Assembly (who are hereby authorised to act as such a committee of the Synod or General Assembly) to appoint a commission. The commission then has the powers assigned to Presbytery in paras 10.55-59. The commission reports to the Council whose special committee appointed it.

Guidelines for Pastoral Teams and Commissions

- 10.42 When a Presbytery receives an allegation that calls for an investigation into the affairs of a congregation, the Presbytery needs to proceed with caution and sensitivity.
- 10.43 On one hand a Presbytery needs generally to support its ministers when they are under attack or vulnerable to attack.
- 10.44 On the other the Presbytery needs to support its congregations from serious failure, negligence or misconduct on the part of their ministers.
- 10.45 Accordingly, whenever a pastoral team or a committee or a commission is appointed to investigate an unsatisfactory state of affairs in a congregation and/or of any organisation or group within it or the breakdown of a Minister's marriage, the pastoral team or committee or commission has the right and the responsibility to investigate every facet of the problem.
- 10.46 In particular it should always seek to observe the principle "hear the other side" and listen to what all the parties in any split or alienation have to say about it.
- 10.47 It has the right and the responsibility, at its discretion, to discuss any facet or facets of the problem with all and/or any of the parties concerned and in doing so:
 - a) to seek to ascertain all the relevant facts;
 - b) to confront any or all of the parties with its findings in a pastoral manner; and
 - c) to seek to bring about reconciliation between any alienated parties or a solution of the problem(s).

It should not allow itself to be manipulated by any party to the dispute that tries to the pastoral team, committee or commission from hearing any of the other parties.

- 10.48 In reporting back to the council that appointed it, the pastoral team or committee or commission needs to report clearly
 - a) what the basic problem is, or problems are, and

- b) what it has done and/or proposes should be done to bring about reconciliation or a solution to the problem(s).
- 10.49 Such a report should normally be made with the council in question meeting in camera. unless meeting in camera would lead to a manifest injustice to one of the parties to the matter before the Council.
- 10.50 The pastoral team or committee or commission is called to act at all times in a pastoral manner and is not bound to report every detail of the problem(s) that it has unearthed. In particular it should refrain in its report from publicly exposing details of fact or behaviour that may unnecessarily embarrass or humiliate any of the parties concerned.
- 10.51 On the other hand the pastoral team or committee or commission should not cover up any misconduct or other details that need to be exposed or that the council needs to know in deciding on the matter.
- 10.52 Evidence of criminal behaviour such as child abuse or rape should be handed over to the police.

Rules of procedure

- 10.53 If the Commission appointed to make the visitation reports that it has been unable to rectify the situation, and it appears to the Presbytery that the responsibility for the unsatisfactory state of the Congregation or any body or group within it, may lie with the Minister, or with any member(s) of the Congregation, the Presbytery, or a Presbytery Commission, or a Commission appointed in terms of para 10.41(e) it shall order persons in the Congregation likely to be involved, and those likely to be of assistance to the Commission in reaching a conclusion, to appear before itself at a specified place and time where an investigation is to be held. The order to appear shall inform each person so ordered
- (a) briefly but clearly of the contents of the information which has been received by the Presbytery and has given rise to the investigation, and
 - (b) that each person ordered to appear will be afforded an opportunity to lead evidence and be heard in argument.

When the alleged unsatisfactory state is in the Congregation as a whole, in addition to the order to appear, public intimation of the time, place and purpose of the meeting of Presbytery (or Commission) shall be made at all services of worship of the Congregation concerned on a Sunday not later than the Sunday preceding the appointed date (or if time permits on each of the two Sundays preceding the appointed date).

With the permission of the Presbytery or the Commission (as the case may be) any member of the Congregation as a whole, or of the body or group within it being investigated, may give evidence provided that it is relevant. The Presbytery or Commission may call any member as a witness. The Presbytery or Commission must give those ordered to appear the opportunity to present argument after evidence is given. The Convener of a Commission presides over the proceedings and ensures that the evidence is adequately recorded. "Adequate" has regard to the substance of the evidence. Important matters should not be omitted. It is

not necessary to record every word. Audio and visual recording of the evidence is permissible, but not necessary.

- 10.54 Members of Presbytery or of its Commission or of a Commission appointed in terms of para 10.41(e) are required to be present at all times, because they need to hear all the evidence and all the arguments presented to the Council/Commission before reaching a decision. No one may absent himself/herself for a part of the proceedings and then return to take part in making the decision. If a member has to absent himself/herself the body adjudicating needs to adjourn if he/she is at a later time or date to rejoin the proceedings, or he/she should not return. This is particularly important if the body is a Commission, because the quorum may be affected.
- 10.55 The Presbytery or Commission records its findings under the following headings:
- (a) whether the state of the Congregation, or of the body or group within it that has been investigated, is seriously unsatisfactory;
 - (b) and if so, whether this is mainly due to defects or errors personal to the Minister;
 - (c) or whether it is mainly due to any member(s) of the Congregation, or of the body or group within it in question.
- 10.56 The findings of a Commission shall be considered to be the findings of the Presbytery.
- 10.57 If the finding is against the Minister, the Presbytery may
- a) order that the Minister be placed under the mentorship of a Minister, or other person with the necessary skills, whom it then names, and/or
 - b) order that the Minister undergo skills development training, and/or
 - c) order that the Minister undergo psychological or pastoral counselling, and/or
 - d) dissolve the pastoral tie and declare the charge vacant, in which case it must report the circumstances to the Clerk of the General Assembly.
- In (a), (b), and (c) above, the Presbytery will cover the costs of the required action.
- 10.58 If the finding is against any office-bearer and/or any member(s) the Presbytery may:
- (a) remove from office;
 - (b) suspend from Church membership for a specified period;
 - (c) remove from the Roll of the Congregation;
 - (d) dissolve the Stewardship Board or Deacon's Board;
 - (e) dissolve the Session;
 - (f) dissolve the body or group within the Congregation investigated; or
 - (g) do any one or more of these things.
- 10.59 If the Session is dissolved, the Presbytery appoints a Committee consisting of not less than one Minister and two Elders as an acting Session, which arranges, when advisable, for the election and/or induction of Elders to form a new Session.

If the Stewardship Board or Deacons' Board is dissolved, the Session, or acting Session as the case may be, calls a Congregational meeting for the election of a new Board or Deacons' Board.

It is for the Presbytery to determine when or whether all or any of the members of the dissolved Session or Stewardship Board or Deacons' Board shall be eligible for re-election.

- 10.60 (a) Any person referred to in paras 10.57 or 10.58 against whom a finding has been made, may request the Administrative Review Panel of the General Assembly to review the decision of Presbytery or of its Commission. (See paras 15.2-4.)
- (b) Pending the decision of the review, the finding of the body that gave it stands.
- (c) If as a result of the review any person is re-instated to a position or office previously held, that person shall be regarded as having continued in his/her position or office without interruption unless the General Assembly's Administrative Review Panel decides otherwise.

Failure of leadership

- 10.61 Without detracting from the substance of paras 10.35-60, the procedure in the above paragraphs may be followed if a Minister or office-bearer fails to give adequate leadership, or attempts to lead the Congregation in a direction which the Presbytery considers to be detrimental to the witness, unity and/or peace of the Church, or if a Minister, office-bearer or member fails to be reconciled to another member of the Congregation in circumstances in which the Presbytery considers he/she ought to be reconciled.

When the above procedure is not to be followed

- 10.62 The procedure described in the above paragraphs is not followed:
- (a) in the case of a Minister incapacitated by mental illness (see paras 16.21-22) or
- (b) in the case of any investigation involving the moral character or doctrinal views of a Minister, office bearer or member, where the rules governing the procedure in discipline must apply. (See Chapter 18.) "Moral character or doctrinal views" in this sub-paragraph do not include the actions or inactions referred to in para 10.53ff above.

Section 7 – MEETINGS

Ordinary meetings

- 10.63 An ordinary meeting of Presbytery is held at a stated time and place. Before the close of each ordinary meeting the Presbytery appoints the time and place of the next ordinary meeting and records in its minutes that this has been done. A Presbytery may adjourn an ordinary meeting to an appointed time and place for the disposal of any business not completed at that meeting or refer it to its Executive Commission, if any, for attention. (See para 14.43.)

- 10.64 Should the Presbytery neglect to appoint the time and place of its ordinary meeting as required in para 10.63, or if at the time and place appointed there is no quorum, its powers and functions lapse until revived in constitutional manner by a special meeting convened to appoint the time and place of the next ordinary meeting.
- 10.65 The Moderator and Clerk arrange the order of business at an ordinary meeting, subject to confirmation by the Presbytery.
- 10.66 The provision of paras 7.84-87 as to the keeping of Minutes apply, with the necessary changes, to Presbytery. The Presbytery is responsible to the Synod, or if there is no Synod, to the General Assembly for the regular and faithful keeping of all its records and submits its Minutes annually to that Council for inspection and attestation. (See also para 14.2.)
- 10.67 The Presbytery requires its members to attend its stated meetings or to give satisfactory reasons for absence. The Minutes of each meeting must contain a list of the members present and of the apologies for absence approved. (See also para 14.2.)

Special meetings

- 10.68 A special meeting may transact only that business for which it was called. If necessary, the meeting may be adjourned to complete its business at a later meeting.
- 10.69 A special meeting may either
- (a) be appointed by the Presbytery or by a higher Council having jurisdiction for the transaction of specified business. The time, place and business is set and is recorded in the Minutes; or
 - (b) be called by the Moderator to deal with specific business needing immediate attention.
- 10.70 When the Moderator calls a special meeting, seven days' notice of the meeting and its specific business must be given to every member of Presbytery. When such a meeting is constituted, it must first consider the action of the Moderator in convening it. If it approves his/her action, it proceeds with the business stated in the notice of the meeting; if it does not approve his/her action, it may not proceed to any business.
- 10.71 The Moderator may convene a special meeting either on his/her own authority or on the request in writing of two or more members of the Presbytery. The request must state their reasons.
- 10.72 The Moderator may decline to call a special meeting on requisition. In such a case he/she must submit his/her reasons to the next ordinary meeting of Presbytery and seek approval of his/her action.

All meetings

- 10.73 Each meeting is opened with prayer and closed in the same way or with the pronouncement of the benediction. (See para 14.1.)

- 10.74 Three members of the Presbytery, two Ministers and one Elder, form a quorum.
- 10.75 The Presbytery may associate with itself for the time being any enrolled member of this Church, or of any other Church who is present at its meeting. Such an associate has the right to speak but not to vote. When sitting in a judicial capacity or in camera, however, it may not so associate anyone.
- 10.76 The Presbytery may not meet for the transaction of business while a higher Council having jurisdiction is in session, except by special leave of such higher Council.

Section 8 - ADMINISTRATION OF PROPERTY

- 10.77 The Presbytery as a corporate body possesses the following legal powers in regard to property:
 - (a) to acquire by purchase, grant, gift, exchange, hire or otherwise any immovable, movable or incorporeal property, including buildings, rights of occupation and site permits;
 - (b) to erect, maintain, improve, alter, repair, and equip any buildings or structures;
 - (c) to receive or accept moneys, funds, securities, donations, gifts, bequests, and inheritances, whether conditional or unconditional;
 - (d) to sell, exchange, donate, transfer ownership in, let, mortgage, pledge or otherwise deal with all or any of its assets;
 - (e) to borrow or raise moneys for its own purposes or the purposes of any of its constituent or associated bodies and to secure the repayment of such moneys by pledging or mortgaging any of its property or assets;
 - (f) to open and operate banking and savings accounts in its own name.
- 10.78 On the vesting of Presbytery property see paras 9.16-17. Immovable property acquired elsewhere than in the Republic of South Africa shall be registered as the Presbytery directs. (See para 1.22.)
- 10.79 Immovable property which is registered in the name of a Presbytery which is held for the use of a Congregation intended for, or having on it, a church building, church hall, or manse may not be acquired, sold, alienated, donated, mortgaged or let or otherwise dealt with, nor may any new buildings be erected without first obtaining the approval of the Congregation in question, of the Presbytery, and of the Finance Committee of the General Assembly. The approval of the Congregation, if given, must be given by the adoption of a motion at a Congregational meeting.
- 10.80 Immovable property which is registered in the name of a Presbytery which is not held for the use of a Congregation, may be dealt with in the ways indicated in para 10.79 without first obtaining the consent of the Presbytery and of the Finance Committee of the General Assembly.
- 10.81 If an existing Trust Deed governs any immovable property of a Presbytery, the Trust Deed shall continue to govern the property concerned and such property shall remain registered in the name of the

appointed Trustees or their successors in office, unless the Trust Deed permits of the same to be transferred into the name of the separate property holding body the Church establishes.

- 10.82 If any immovable property belonging to a Presbytery is registered in the name of the Church or in the name of the official Trustees of the Church

the property shall continue to be so held, unless and until it is decided to have it transferred into the name of the Presbytery or of a separate property-holding body established by the Church.

- 10.83 The Moderator, Clerk, and Treasurer of Presbytery are the appropriate officials to represent Presbytery in property matters and to sign any powers of attorney, contracts and other documents required to give effect to any specific transaction which Presbytery has decided upon.

Section 9 - THE RIGHT TO OBTAIN A RULING ON A QUESTION WHETHER A PRESBYTERY HAS ACTED CORRECTLY

- 10.84 In matters other than those falling within the terms of paras 10.35- 61 and/or paras 14.34-40 any enrolled member of a Congregation within the boundaries of Presbytery, directly affected by the decisions of a Presbytery and/or a Session and/or a Committee of the General Assembly, may request the General Assembly's Administrative Review Panel to rule on the question whether or not the Presbytery or the Session or the Committee acted within the powers given by, and/or according to the procedures required by, the Manual. Anyone making such a request is obliged to state clearly the grounds on which he/she considers that the Presbytery or Session or Committee exceeded its powers or failed to act according to the procedures required by the Manual. The person requesting the review gives a copy of the request and of any supporting documents to the Clerk of the Presbytery concerned or, in the case of a Committee, the Clerk of Assembly. Before the General Assembly's Administrative Review Panel considers the matter it gives the Presbytery or Session or Committee an opportunity to comment within a month after receipt of the request and supporting documents, if any, on the allegations.

Chapter 11

THE SYNOD

Explanatory note

In geographical areas where there is a need the Synod exercises a role intermediate between the Presbyteries in its area and the General Assembly. Hence it has its share of opportunities to promote the proclamation of the Gospel and to supervise the life of the Church. The General Assembly draws attention to the fact that in 2013, the Executive Commission passed Chapter 20, which deals with the powers and functions of the Presbyteries and Synod of Zambia. Accordingly, any question as to the powers and functions of the Zambian Synod or any of its Presbyteries must be dealt with by reference to that chapter.

Section 1 – CONSTITUTION

- 11.1 The Synod is the Council of this Church immediately above the Presbytery.
- 11.2 General Assembly forms a Synod, fixes its name and specifies the Presbyteries, not less than two, that fall within its boundaries. It forms a Synod only if a majority of the Presbyteries in the proposed Synod agree to its formation.
- 11.3 The General Assembly fixes the time and place of a Synod's first meeting and appoints a Minister within its boundaries to convene and constitute the meeting.
- 11.4 The members of a Synod are:
 - (a) all the Ministers and Elders who are on the Rolls of all the Presbyteries within its boundaries and
 - (b) any Ministers and Elders whom adjoining Synods have duly appointed and commissioned as members of it. (See para 11.9.)
- 11.5 The General Assembly may add to a Synod any Ministers or Elders, or both, from other Synods for specified purposes. Such Assessors have all the rights and privileges of members of the Synod for the term for which the General Assembly has appointed them.
- 11.6 A Session's commission to Presbytery also constitutes an Elder a member of the Synod and for the same period. No Elder may take his/her seat in the Synod, however, until
 - (a) the Clerk of Presbytery has certified to the Clerk of the Synod that the Presbytery has placed the Elder's name on its own Roll or
 - (b) the Session has commissioned the Elder to the Presbytery and the Synod and formally informed both Councils of this, and the Synod has received and approved the commission.The Session thus commissions an Elder to represent it on both the Presbytery and the Synod and in notifying them indicates that it has done this.

The Clerk of every Presbytery in a Synod sends to the Clerk of the Synod a list of the names and addresses of the Elders whose commissions the Presbytery has received and approved. The Presbytery Clerk does this not later than 2 months after the end of the month in which General Assembly has a stated meeting or, in years when General Assembly has no stated meeting, not later than 1 December. The Presbytery Clerk advises the Clerk of the Synod without delay of any subsequent changes in the commissions. A Synod may call for the production of the commission of any Elder if it so wishes.

- 11.8 A Synod may receive and approve the commission of an Elder from a Session or of a member from an adjoining Synod at any of its meetings, whether such meetings are ordinary, or special, or adjourned.
- 11.9 A Synod is entitled to appoint not more than one Minister and one Elder from within its boundaries to each of its adjoining Synods. It furnishes those appointed with commissions in due form. An adjoining Synod that receives and approves such a commission thereby constitutes the person appointed a member of that Synod for the period of the commission. Everyone so commissioned reports to the appointing Synod when he/she first attends the other Synod.
- 11.10 The Synod may associate with itself for the time being, with the right to speak but not to vote, any enrolled member of this Church, or any other Church, who is present at its meeting. No one may be associated when the Council is meeting in private (see para 14.16).
- 11.11 At its first constituted meeting, and thereafter at its first ordinary meeting after the last previous meeting of the General Assembly, the first business of Synod must be:
 - (a) to examine and adjust its Roll of members, and then
 - (b) to induct from among its members a Moderator.

The duties of the Moderator are to constitute and conclude each meeting with prayer; to preserve order; to take the vote; to announce decisions; to call on members to state their views or to discharge any function which may have been assigned to them; to see that business done has been duly recorded; to sign the Minutes; and in general to speak and act officially in the name of the Synod as instructed by it.

- 11.12 At its last ordinary meeting before every ordinary meeting of the General Assembly a Synod appoints its Moderator Designate for the ensuing year.
- 11.13 During the Moderator's term of office the Synod may appoint him/her to visit various charges within its boundaries with a view to giving them advice and/or stimulating their interest in the life and work of the Church. He/she must report his/her diligence to the Synod.
- 11.14 A Synod appoints one or more Clerks to take its Minutes, keep its records, and perform such other duties as it assigns. If it appoints more than one Clerk, it designates one of them its Senior Clerk.

- 11.15 A Synod is entitled to assess the Congregations within its boundaries for the funds necessary to carry out its duties. It bases the assessment on the annual income of the Congregation.
- 11.16 A Synod appoints a Treasurer to take charge of its funds and to report to it thereon when required. It appoints also one or more Auditors to audit its accounts and report thereon.

Section 2 - FUNCTIONS AND DUTIES

- 11.17 A Synod
- (a) cannot legislate;
 - (b) handles, orders, and/or corrects anything that any Council or party within its jurisdiction has omitted or done incorrectly or raised or that appears in Presbytery records.

SYNOD'S AUTHORITY

- 11.18 Subject to the provisions of the preceding paragraph a Synod has authority to deal with the following matters:
- (a) **General supervision**
The general supervision and promotion of the life and work of the Church within its boundaries.
 - (b) **The supervision of Presbytery records**
The power to supervise entitles the Synod to express disapproval of any recorded proceedings. It does not entitle it to reopen any matter that has been finalized or to require any other papers to be produced for it to examine in that connection.
 - (c) **The visitation of Congregations by Presbyteries**
It is the duty of every Presbytery within a Synod to report the results of every visitation within its own boundaries to the Synod. If the Presbytery is unable to report satisfaction with the state of a Congregation and sees fit, it may withhold its report for a period not longer than one year, in order to remedy the situation by another visitation. If at the end of this period it is still unable to report satisfaction, it must report on the whole situation to the Synod.
It is the duty of Synod, whenever a Presbytery reports dissatisfaction, to appoint a Commission of the Synod:
 - (i) to make further enquiry in consultation with Presbytery,
 - (ii) to take such steps as it considers necessary to remedy the situation, and
 - (iii) to report back to Synod.The steps taken in (ii) above may, if the Synod considers it advisable, be in the form set out in paras 10.35-61 with the necessary changes.
 - (d) **Delimitation of Areas**
Synod has jurisdiction to adjudicate on matters affecting the delimitation of areas within its boundaries.
 - (e) **Synod's Administrative Review Panel and Synod's Court**

This Panel, acting within its jurisdiction, deals with applications for Reviews and Complaints (see Chapter 15). Synod's Court, acting within its jurisdiction, hears Appeals (see Chapter 18).

(f) **Petitions**

The Synod hears and disposes of Petitions (see Section 4 of Chapter 14) brought before it from Presbyteries, subject to the right of the General Assembly's Administrative Review Panel to review Synod's decisions.

(g) **Change in method of administering the financial affairs of Congregations**

The Synod has authority to dispose of any case in which a Congregation within its boundaries wishes to change the method of administering its financial affairs. This is provided that when the Congregation receives or seeks a grant from any General Assembly Committee, the Synod acts only if it has the approval of the Committee concerned and has legal advice that the proposed change is not in conflict with any Trust Deed or other legally binding documents that apply to the Congregation concerned.

(h) **Appointments to Standing Committees of the General Assembly**

The Synod makes such appointments to the Standing Committees of the General Assembly as that Council may provide for in its Standing Orders.

(i) **Activities of General Assembly Committees**

The Synod is entitled at its ordinary meetings to receive reports from General Assembly Committees on their activities within its area. To that end it may at its own expense invite the Conveners or other members of such Committees to attend its meetings and report on their activities within its boundaries. It may also make such recommendations as it sees fit to such Committees.

(j) **Transmission of Overtures**

The Synod transmits to the General Assembly any overture originating in itself or transmitted to it from or through a Presbytery.

(k) **Presbytery Records**

The Synod calls for Presbytery records in order to examine and attest them and fixes the times by which Presbytery must deliver these to it. It takes such action as it deems necessary on the basis of such examination. The Moderator and Senior Clerk of Synod sign Presbytery records to attest them.

(l) If any matter requiring the urgent attention of Synod arises after the meeting of Synod and before the meeting of General Assembly, an Executive Commission or any other such body as that Synod may appoint shall act on behalf of Synod, subject to the provisions of para 13.8 with the necessary changes.

REVIEW BY, AND REPORTS TO, GENERAL ASSEMBLY

- 11.19 The Synod must submit its records to every ordinary meeting of the General Assembly for examination and attestation and report on the following matters:

- (a) the name of its Moderator;
- (b) the time and place of its ordinary meeting(s);
- (c) changes in the ministry within its boundaries during the period under report;
- (d) the establishment, reduction, and/or dissolution of charges within its boundaries during the period under report;
- (e) the creation of new charges within its boundaries, either by establishment or by the union or amalgamation of existing charges;
- (f) any matter arising in any of its Presbyteries which requires to be dealt with by the General Assembly;
- (g) the activities of its Administrative Review Panel and of its Court;
- (h) the names of Ministers without charge and Ministers from other Churches who have been received by any of its Presbyteries during the period under any law of the Church;
- (i) any other matters on which the General Assembly directs it to report.

The report of the Synod deals with no other matters than those specified above. If a Synod desires to bring before the General Assembly any matters not covered by its report, it does so by overture or petition.

- 11.20 A Synod has the right to call on any of its Presbyteries to report to it on any matter on which the General Assembly requires it to report.
- 11.21 It is the duty of the Senior Clerk of the Synod to forward its report to the Clerk of the General Assembly in terms of the Standing Orders of the General Assembly.

ACCESS BY PRESBYTERIES TO GENERAL ASSEMBLY

- 11.22 A Presbytery within a Synod's boundaries has access to the General Assembly only through its Synod, except that it submits its commissions appointing members to the General Assembly and its returns of General Assembly remits directly to that Council.

Section 3 - MEETINGS AND PROCEDURE

- 11.23 The Synod holds an ordinary meeting either as the General Assembly directs or as its own preceding ordinary meeting appoints.
- 11.24 A Synod holds an ordinary meeting at least once annually not later than 31st May.
- 11.25 A Synod may appoint a special meeting. The rules governing such a meeting are the same as those applicable to Presbyteries.
- 11.26 The Moderator of a Synod, either on his/her own authority or on a requisition from at least a quorum of the Synod (defined in para 11.31 below), may convene a special meeting to deal with any business that appears to call for immediate decision.
- 11.27 At a special meeting of a Synod called by the Moderator the first business is to approve or disapprove of his/her action in convening the meeting. If this action is disapproved, no further business can be transacted at the meeting. If his/her action is approved, no other

business than that for which he/she convened the meeting can be transacted.

- 11.28 If the Moderator has ceased to be a member of the Synod or is for any other reason unable to act, his/her duties and responsibilities in convening a special meeting become those of the Senior Clerk.
- 11.29 If the Moderator or the Senior Clerk refuses to convene a special meeting after receiving a requisition in proper form to do so, the whole circumstances of the matter must be brought before the Synod at its next ordinary meeting for its judgement.
- 11.30 The Synod's Senior Clerk must give 14 days' notice of every meeting of the Synod to all its members. Notices of any special meeting must state the business it will transact.
- 11.31 Every session of a Synod is opened and closed with prayer.
- 11.32 A quorum of the Synod consists of nine members representing at least two Presbyteries, of whom five must be Ministers and four Elders.
- 11.33 A quorum being present, the Moderator constitutes the meeting with prayer. Failing him/her, a former Moderator or the senior Minister present constitutes the meeting.
- 11.34 A Synod is an open Council. It therefore meets in public, but it may sit in private if it considers it necessary or advisable to do so.
- 11.35 A Synod may appoint such Committees as it considers necessary to deal with, and to report on, matters within its jurisdiction, including a Business Committee to submit recommendations regarding the arrangement of its Agenda and the method of disposing of matters to be brought before the Synod.
- 11.36 The Synod appoints a Records Committee to examine and report on the records of the Presbyteries within its boundaries. The Synod prepares and submits to the next ordinary meeting of the General Assembly a return showing its findings on its examination of Presbyterial records and on the visitation of Congregations by Presbyteries within their respective boundaries.
- 11.37 Any business proposed to be brought before a meeting of Synod, including notice of proposed overtures, must be intimated to the Clerk at least three weeks before the date of the meeting. The text of any overtures of which notice is given must appear on the notice calling the meeting.

All documents and papers in connection with any business to be laid before the Synod must be in the hands of the Clerk at least ten days before the date of the meeting.

- 11.38 The same provisions for the keeping of Minutes apply to Synods as to Presbyteries and Sessions. (See paras 7.84-88.) A Synod is responsible to the General Assembly for the keeping of its records, which it must send up to that Council for examination and attestation at each ordinary meeting of the General Assembly, and which must be in the hands of

the Clerk of the General Assembly not later than the first day on which that Council sits in its ordinary meeting. (See also para 14.2.)

Chapter 12

THE GENERAL ASSEMBLY

Explanatory note

As the supreme Council of the Church the General Assembly has great opportunities to develop the life and work of the whole Church and so promote the proclamation of the Gospel. It also has far reaching responsibilities to oversee discipline and the administration of financial matters. Its judicial functions and administrative review functions are fulfilled through special bodies set up for these purposes.

Section 1 – THE CONSTITUTION OF THE GENERAL ASSEMBLY

- 12.1 The General Assembly (from now on referred to as the Assembly) is the supreme Council of the Church. Its members (in a non-technical sense) are
- a) the office bearers specified in para 12.5,
 - b) Commissioners appointed by Presbyteries and
- The Church's legal status is defined in paras 1.14 and 1.19-22.
- 12.2 The following rules are followed by the Assembly in deciding on the basis of representation:
- (a) The number of Commissioners appointed by a Presbytery is (subject to the maximum referred to in para 12.3(c)) in proportion to the number of Congregations with Sessions¹, or, in the case of united Congregations, with Church Councils, within its boundaries which are entitled to commission Elders to the Presbytery.
 - (b) Half the Presbytery Commissioners and Association Delegates shall be Ministers who are members of the Presbytery, and the other half shall be Elders who are active on Sessions in the Presbytery.
-
- ¹ In this Chapter the word "Session" is to be read as including Church Councils in united Congregations. With an initial capital "S" the word refers to a Council as described in Chapter 7. The word "session", beginning with a lower case (small) "s" means a period in a sitting: see eg the first sentence of para 12.7 below.
- 12.3 The number of Commissioners each Presbytery elects to Assembly is to be calculated as follows:
- (a) Count the number of Congregations within the boundaries that have Sessions.
 - (b) Divide the total number of these Congregations by five. If the result is not a whole number, change it to the nearest whole number. (If the number ends in .5, change it to the next whole number; eg 3.5 becomes 4.)
 - (c) The number arrived at in (b) is the number of Ministers and the number of Elders the Presbytery is entitled to elect as Commissioners.

- (d) Ministers are commissioned first. Thereafter, the same number of Elders are commissioned. If, for any reason, fewer Ministers than the number to which the Presbytery is entitled, are commissioned, the number of Elders commissioned is restricted to the number of Ministers commissioned. Similarly, if Elders of a number less than the number of Ministers are commissioned, the Presbytery determines which of the Ministers previously elected is no longer to be regarded as commissioned. (See para 12.2(b).)
- 12.4 The rules in paras 12.2 and 12.3 may not be changed without the approval of the Presbyteries in terms of para 12.50.
- 12.5 The retiring Moderator, the incoming Moderator, the Clerks and Business Convener of the Assembly, and the General Treasurer are members of the Assembly by virtue of holding these positions.
- 12.6 The Clerk of each Presbytery sends the Clerk of Assembly a letter of commission for all Ministers and Elders appointed by that Presbytery as members of the Assembly in terms of the Standing Orders of the Assembly. This letter of commission shall give the name, postal address, telephone number(s) and e-mail address, if any, of each person commissioned by the Presbytery.
- 12.7 The commission of a member of the Assembly extends to, but does not include, the first session of the next ordinary meeting of the Assembly. If a Commissioner ceases to be a member during the term of his/her commission for whatever reason, his/her Presbytery may fill the vacancy for the unexpired period with a Minister, in the case of a Minister, and with an Elder, in the case of an Elder. In such case the necessary certified commission must be forwarded to the Clerk of the Assembly. If a member is suspended by the Assembly for any reason, the Presbytery cannot fill his/her place with another.

Section 2 – OFFICE BEARERS

MODERATOR

- 12.8 The Assembly elects a Moderator who must be a Minister or Elder who is involved in the work of the Church or is retired. He/she continues in office as Moderator until his/her successor has been inducted. The procedures for the election of the Moderator are set out in paras 12.9-15, and his/her authority and duties are set out in paras 12.16-32.

Election of the Moderator

- 12.9 A Moderator of Assembly is elected at the ordinary meeting of the Assembly before that at which he/she will take office. He/she holds the title of Moderator Designate until taking office.
- 12.10 At the time when the Clerk of Assembly notifies the Clerks of Presbytery of the appointments Presbyteries are to make to the Assembly, he/she also notifies them of the right of Presbyteries to nominate a candidate as Moderator Designate. Presbyteries are not bound to make such nomination.

Replacement Page 2012

- 12.11 Nominations as Moderator Designate must be sent by Clerks of Presbytery to reach the Clerk of Assembly not later than 30th June in each year. The nominee's written consent must be submitted to the Clerk of Presbytery before his/her name is proposed in the Presbytery meeting.
- 12.12 Each Presbytery which nominates a Minister or Elder as Moderator Designate submits the name to the Clerk, together with the nominee's acceptance, a brief biographical statement about the nominee and a brief motivation. Copies of the nomination documents are circulated to members of the Assembly by the Clerk along with the other papers for the meeting at which the election is to take place.
- 12.13 (a) At the appointed time during the Assembly the names of the Presbytery nominees are put before the Assembly.
- (b) The Moderator then calls for any nominations from the floor. Anyone wishing to propose an additional name may do so, provided that the prior consent of that nominee has been obtained and 10 members have signed the nomination form. The proposer may make a brief one-minute statement in support of the nomination.
- (c) If on any ballot a candidate receives more than half the votes cast, he/she is elected. If not, the name of the candidate with the fewest votes falls away and a new ballot is taken. In cases where two or more candidates each receive the fewest number of votes, the Assembly decides whether the names of all those candidates fall away or an intermediate ballot is taken to decide which name falls away.
- (d) If more than one ballot is necessary, after the first ballot the names of the remaining candidates will be listed in order from the one who has received the most votes to the one who has received the least. The number of votes each candidate received in the previous ballot will be listed next to his/her name. The Clerk of the Assembly will inform the losing candidate(s), if present at the meeting, immediately the result of each ballot is known. If a candidate is not present at the meeting the Clerk informs him/her of the outcome of the voting as soon as possible after the final result is known.
- 12.14 On election, if the Moderator Designate is present, the Moderator presents him/her to the Assembly providing an opportunity for him/her to address the meeting.
- 12.15 The full title of the Moderator is "The Moderator of the General Assembly of The Uniting Presbyterian Church in Southern Africa (UPCSA)".

The authority and duties of the Moderator of General Assembly

- 12.16 The Moderator presides over the meetings of the Assembly and acts officially on its behalf. He/she is subject to the Assembly in all matters and abides by and acts upon its decisions.
- 12.17 The duties of the Moderator are to constitute and conclude each meeting with prayer; to preserve order; to decide who may speak at any time; to take the vote; to announce decisions; to administer rebukes and warnings; to call on members to discharge any function which may have

been assigned to them; to see that business done has been duly recorded; to sign the minutes; and in general to speak and act officially in the name of the Assembly, as instructed by it.

- 12.18 The Moderator has full personal responsibility for the devotions which take place during the Assembly - usually working through his/her Chaplain. Only the Moderator may call the Assembly to prayer during a business session. (See also Standing Orders of the Assembly.)
- 12.19 In preserving order in the Assembly the Moderator may rule on Points of Order when asked by any member of the Council to do so. The authority to do so rests entirely with the Moderator who may allow, or disallow, discussion on the Point of Order, and may, but need not, consult with any member of the Assembly on the point. It is customary for a Moderator to consult with the Clerk and Business Convener if the Point of Order is not clear.

On the nature of a Point of Order see para 14.17.

- 12.20 The Moderator controls the debate by calling on people appointed to speak to do so at the appropriate time. Others who wish to speak during a debate indicate this in the customary manner (i.e. by raising their hands, standing or saying, "Moderator" if there is a pause in the debate) and wait for the Moderator to give them the opportunity to speak. The Moderator may change the order in which people are allowed to speak.
- 12.21 The Moderator controls the time allocated to speakers, normally within the limits indicated in the Standing Orders of the Assembly. However, the Moderator may allow some latitude in the amount of time given if he/she deems it desirable to do so. In other cases, the Assembly may be asked if it is willing for any particular speaker to be allowed to continue beyond the agreed time limit.
- 12.22 (a) Once the Moderator has called for a vote no more speakers may be heard, other than on the manner in which the vote shall be taken. The Moderator may call upon the Clerk, if necessary, to state clearly the full terms of the proposal¹, before the Assembly proceeds to vote, and shall do so if the proposal is not in the form as printed in the Papers already before the Council. (See also para 14.14.)
- (b) The Moderator does not have a vote in determining the outcome of any proposal before the Assembly other than if there is an exact (50/50) division among the members of the Assembly who have voted, in which case he/she exercises a casting vote.
- (c) The Moderator may not rule on the acceptance or rejection of a proposal before the Assembly (i.e. the Moderator may not make a decision on behalf of the Assembly on any proposal before the Council.)

¹ In this context, as in para 12.50 below, the word "proposal" is used in the general sense. With this meaning all propositions put forward in any of the correct ways, ie "Proposals" in the narrow sense of propositions put forward by Committees (which used to be called

Replacement Page 2012

“Deliverances”), overtures, motions and amendments, are included.

- 12.23 When the Assembly has voted the Moderator clearly announces the result.
- 12.24 The Moderator ensures that the proceedings of the Assembly are properly recorded by the Clerk and, when they have been confirmed in proper form, signs the minutes to attest that they are a true record according to the approval given by the Assembly.
- 12.25 The Moderator speaks publicly in the name of the Assembly whenever so instructed by the Assembly. The Moderator may speak publicly after consultation with the General Secretary and such other persons or Committees of the Church as are most closely involved with the subject matter being dealt with. If the Moderator expresses any personal opinion it shall be clearly indicated that he/she is speaking in a personal capacity and not on behalf of the Church.
- 12.26 The Moderator may vacate the chair in favour of a former Moderator (or, if no former Moderator is present, another member of the Assembly) should he/she wish to speak on any matter before the meeting. In such an event he/she has the normal voting rights of a member of the Assembly.
- 12.27 The Moderator may attend and participate, without vote, in the meetings of all Committees of the Assembly.
- 12.28 The Moderator is an ambassador of the Assembly to all parts of The Uniting Presbyterian Church in Southern Africa (UPCSA) and shall, insofar as possible, make visits to Congregations, institutions, and regions of the Church in response to invitations. These visits are for the purpose of representing, strengthening and encouraging the Church, its people and its work. In particular, the Moderator shall tour a Presbytery or Presbyteries of the Church as may be appointed by the Assembly.
- 12.29 The Moderator shall be the official representative of the Church at gatherings and functions, both civic and ecclesiastical, to which The Uniting Presbyterian Church in Southern Africa (UPCSA) is invited or at which it is to be represented, unless otherwise provided by the Assembly. The Moderator may appoint a deputy to represent him/her at a specified gathering or function.
- 12.30 If the Moderator is an Elder, the Assembly may grant him/her, while in office, authority to administer the Sacrament of the Lord's Supper in accordance with the prescribed service in the Service Book and Ordinal of the Church.
- 12.31 If the Moderator, through any cause, is unable to discharge his/her duties, the previous Moderator acts in his/her place or, failing him/her, the most recent Former Moderator available. Should there be no Former Moderator available

- (a) if Assembly is sitting at the time, the Clerk calls upon members to choose a temporary Moderator, who shall hold office until the Moderator is able to resume his/her duties or a Former Moderator becomes available; and
 - (b) if the Assembly is not sitting at the time, the Clerk, the Deputy Clerk(s), the Business Convener and the General Treasurer, who are hereby authorised to act as a Special Committee, appoint a temporary Moderator whose period of office will be as mentioned in (a) above.
- 12.32 The Moderator shall select a Chaplain (or Chaplains) whose duties are set out in para 12.33 below.

Duties of the Moderator's Chaplain

- 12.33 The Moderator's Chaplain is in attendance on the Moderator on all official occasions during the Assembly, and performs such duties as the Moderator assigns to him/her. These may include:
- (a) conducting devotions in the vestry prior to each session of the Assembly;
 - (b) selecting and notifying those who are to conduct Public Worship at the commencement of each session of the Assembly;
 - (c) selecting and notifying the Elders who are to assist the Moderator in Communion services during the Assembly;
 - (d) preaching, should the Moderator so determine, at the opening Communion service, and on any other occasion;
 - (e) interviewing those seeking personal appointments with the Moderator, and arranging such appointments;
 - (f) arranging for other official occasions personal to the Moderator, such as luncheons, receptions, etc.

GENERAL SECRETARY

- 12.34 The Assembly or its Executive Commission appoints a General Secretary. In emergencies the Church Office Committee may make an acting appointment. The tasks of the General Secretary are:
- (a) to manage the Central Office and its staff, working closely with the Financial Officer and the Clerk of Assembly;
 - (b) to communicate to the whole UPCSA the mission, goals and objectives of the Assembly and actively facilitate progress towards their achievement;
 - (c) to interact with the Moderator of Assembly, and the Presbytery Moderators and Clerks in the fulfilment of (b);
 - (d) to be responsible for fraternal relationships within the UPCSA and with the Church's fraternal partners, and to represent the position of the UPCSA, as approved by its General Assembly, to the outside world.
- 12.35 The Assembly or its Executive Commission may appoint a Search Committee to report to the Assembly or its Executive Commission on the person who the Committee recommends for appointment, the report to contain a full motivation including the candidate's c.v.

CLERK

- 12.38 The Assembly or its Executive Commission appoints a Clerk of Assembly. In emergencies the Church Office Committee may make an acting appointment. The tasks of the Clerk of Assembly are:
- (a) to work closely with the General Secretary and the Financial Officer to facilitate the life and work of the UPCSA;
 - (b) to ensure the efficient administration of all General Assembly business and concerns;
 - (c) to arrange the meetings of General Assembly, the Executive Commission and any other Commissions;
 - (d) in consultation with the Business Convener to prepare the Agenda for meetings of the General Assembly and Executive Commission;
 - (e) in consultation with the Moderator to prepare the Agenda for meetings of other Commissions;
 - (f) to write the minutes of all such meetings;
 - (g) to prepare and publish all papers relevant to meetings of the Assembly, the Executive Commission and other Commissions, as well as printings, revisions and replacement pages of the Manual.
- 12.39 The Assembly or its Executive Commission may appoint a Search Committee to report to the Assembly or its Executive Commission on the person who the Committee recommends for appointment, the report to contain a full motivation including the candidate's c.v.
- 12.40 The Clerk is a full-time office-bearer of the Assembly.
- 12.41 Three months' notice is required on either side to terminate any such appointment. On the side of the Church this period of notice may be given by the Church Office Committee, but the appointee shall have the right to require the Assembly's Administrative Review Panel to review the decision of the Church Office Committee. (See para 15.12.)

GENERAL TREASURER

- 12.42 The Assembly or its Executive Commission appoints a General Treasurer of the Church who holds office until he/she resigns, retires or is replaced. The Assembly may delegate the authority to appoint the General Treasurer to a Commission or Committee of the Assembly.
- 12.43 The appointment of the General Treasurer is neither on a full-time nor part-time basis, and he/she is an unpaid office-bearer of the Assembly.
- 12.44 The General Treasurer is Convener of the Finance Committee of the Assembly and acts through it.

Section 3 – POWERS, FUNCTIONS AND DUTIES

- 12.45 The Assembly is the highest legislative, executive, administrative and judicial Council of this Church. It has oversight of the whole Church. All the functions and powers of this Church as a corporate body are vested in, and exercised through, the Assembly. As the highest Council of this Church its decisions are final and binding on the whole Church. The Assembly exercises its powers through its appointed office-bearers, The Court of the General Assembly, The General Assembly's Administrative

Review Panel, Commissions and Committees, and in co-operation with the other Councils of the Church.

A Legislative Council

- 12.46 The Assembly, as a legislative Council, passes all laws governing this Church as a whole, which includes those for the conduct of its own proceedings.
- 12.47 In any matter which would change the Constitution of this Church, or its laws respecting doctrine, discipline, government, or worship, the Assembly follows the procedure in para 12.50.
- 12.48 The Assembly has extraordinary powers to deal with, and dispose of, any matter which may arise and for which no provision exists in the Manual.
- 12.49 It may also deal with, and dispose of, a matter otherwise than is directed in the Manual if, in its judgement, it is right and necessary to do so. It adopts this course of action only in exceptional circumstances.
- 12.50 The Assembly deals with proposals¹ which, if adopted, would change the Constitution of this Church or its laws respecting doctrine, discipline, government or worship, in accordance with the following procedures.
 - (a) The normal procedure for bringing such a proposal before the Assembly is by way of
 - (i) a Proposal motivated in the report of a Committee to the Assembly; or
 - (ii) an Overture presented following the proper procedure for Overtures.

A Notice of Motion at the Assembly is not adequate when dealing with any such proposal, unless the Assembly specifically resolves to allow it.

- (b) If the Assembly does not consider the proposal to be one involving a material change in the Church's Constitution, or in its laws respecting doctrine, discipline, government or worship, it may enact it in its original or an amended form.
- (c) If the Assembly considers the proposal to be one involving a material change in the Church's Constitution, or in its laws respecting doctrine, discipline, government or worship, and that it, in its original or an amended form, merits approval, it adopts whichever form it prefers, and sends the adopted form down to Presbyteries for their consideration and report. At this stage it remains a proposal to change the laws of the Church.
- (d) In reporting back the Presbyteries are to state clearly whether they approve of, or disapprove of, each proposal. They may also propose amendments to the proposals. A Presbytery that proposes an amendment or amendments to any proposal must make clear with regard to every amendment it proposes which of the following applies:
 - (i) the Presbytery approves the proposal as a whole even if Assembly does not accept that particular amendment;

- (ii) the Presbytery disapproves a particular item in, or part of, the proposal, but approves the rest of it;
- (iii) the Presbytery regards that particular amendment as of such importance that it disapproves of the whole proposal if Assembly does not accept the amendment.

A Presbytery may not abuse option (iii): where its real sentiments are in accordance with (i) or (ii), it may not resort to purporting (iii), in order to try to compel acceptance of the amendment.

Moreover if a Presbytery does disapprove of the whole proposal unless it is amended and proposes more than one amendment, it specifies to which amendment or amendments the condition applies.

If a report is not clear, the Clerk of Assembly is authorised to obtain clarification of its meaning.

If the proposal originated with any General Assembly Committee or Commission, the Clerk informs the Convener of the Committee or Commission of each Presbytery's return and sends its Convener a copy.

If a report is not clear the Clerk of Assembly is authorised to obtain clarification of its meaning. If the proposal originated with any General Assembly Committee or Commission, the Clerk informs the Convener of the Committee or Commission and sends the Convener a copy

- (e) The Assembly sets a time limit for the submission by Presbyteries of their reports.
- (f) The Assembly may authorise the Executive Commission, or a Commission specially appointed by the Assembly for the purpose, to receive the reports of the Presbyteries and to enact or otherwise deal with the proposal as provided for in the following subparagraphs.
- (g) If a majority of Presbyteries report, and of those Presbyteries which report a majority approve the proposal, the Assembly may enact it, with or without minor amendments which do not change its intention, or it may resolve not to do so, or to send it down again in an amended form.
- (h) If a majority of Presbyteries report, and of those Presbyteries which report half or more disapprove, the Assembly passes from the proposal or sends it down again in an amended form.
- (i) If half or more of the Presbyteries fail to report, the proposal is sent down again with or without amendment.
- (j) If, after a proposal has been sent down for the second time, half or more of the Presbyteries fail to report, the Assembly may enact, reject, or pass from it without further reference to Presbyteries.
- (k) The Assembly may authorise that the procedure may start or end, or both start and end in the Executive Commission.

¹ In this context the word "proposal" is used in the general sense indicated in footnote 1 to para 12.22 above.

- 12.51 The Assembly may follow the procedure in para 12.50 whenever it believes broader consultation throughout the Church on any matter is desirable.

An Executive Council

- 12.52 The Assembly, as an executive Council, is authorised to give effect to any and all of its decisions arrived at in proper order.

- 12.53 The Assembly:-

- (a) forms new Presbyteries, fixes their names and boundaries, and alters these boundaries from time to time, as circumstances may require;
- (b) admits a Congregation, or Congregations, of another Church when this is agreed to as provided for in para 10.34;
- (c) ensures that proper provision is made for ministerial training;
- (d) lays down minimum salary scales for all ordained Ministers;
- (e) promotes programmes of Christian education;
- (f) promotes evangelistic work, the growth of new Congregations and the support of worthy causes;
- (g) arranges for the annual examination and attestation of the records of Synods and Presbyteries, and of its own Committees;
- (h) authorises its Moderator to issue pastoral letters as occasion arises, after consultation with his/her advisers;
- (i) gives public expression to its views on questions relating to the well-being of the people;
- (j) appoints special seasons for penitence, intercession or thanksgiving;
- (k) maintains communication with other branches of the Church and commissions representatives to attend ecumenical Conferences;
- (l) determines the basis upon which each Congregation shall contribute towards the financial requirements of the Church, as set out in the Budget of Expenditure adopted by the Assembly. It may appoint special offerings to be made in each Congregation for any project;
- (m) authorises the retirement of a Minister in terms of the rules of the Presbyterian Ministers' Pension and Widows' and Orphans' Fund (see paras 6.64 and 10.27(r)) and may grant emeritus status to such retired Minister;
- (n) deals with and decides every matter brought before it by petition or referral from, or through, a lower Council (note Section 4 of Chapter 14 and para 14.42);
- (o) receives and determines upon matters referred to it by lower Councils and the reports of its own Commissions and Committees.

- 12.54 No matter which belongs to the jurisdiction of Synods, Presbyteries or Sessions, as provided for in this Manual, may be considered by the Assembly, unless it has been brought up properly in accordance with the rules of this Church.

An Administrative Council

- 12.55 The Assembly, as an administrative Council, is authorised to appoint, or arrange for the appointment of, any person(s) necessary to undertake the administration of its responsibilities and powers.

- 12.56 For the administration of the various departments of its work the Assembly appoints: -
- (a) Commissions and Standing Committees, having charge, under the Assembly, of the continuing interests of this Church;
 - (b) special Commissions and Committees to deal with such matters as may be assigned to them;
 - (c) the Conveners and members of all its Commissions and Committees; and
 - (d) The Administrative Review Panel of General Assembly.

Judicial Functions

- 12.57 The Assembly's judicial functions are exercised through The Court of the General Assembly (see Chapter 11).

Section 4 – MEETINGS AND PROCEDURES

- 12.58 The ordinary meeting of the Assembly is held at the time and place appointed at the last previous ordinary meeting or by the Executive Commission.
- 12.59 Twenty-four members, commissioned by at least six Presbyteries, and including at least eight Ministers and at least eight Elders, form a quorum.
- 12.60 When the Assembly is constituted, the retiring Moderator conducts Public Worship. Adjustments to the roll of Commissioners are then reported and the roll is adopted.
- 12.61 The retiring Moderator inducts his/her successor. (See *Service Book and Ordinal* for form of induction.)
- 12.62 The Standing Orders of the Assembly are adopted and regulate the course of business, subject to any amendments which may be approved.
- 12.63 The new Moderator delivers an opening address at a time set by the Assembly.
- 12.64 The business of the Assembly having been disposed of, the Moderator declares the time and place of its next meeting, unless the matter is left to the Executive Commission to decide.
- 12.65 The Assembly keeps minutes of its proceedings and such minutes, read and approved by the Council and signed by the Moderator and Clerk, constitute the official record of these proceedings. (See also 14.2.)
- 12.66 The Assembly may appoint a special meeting for specified purposes.
- 12.67 An emergency meeting of the Assembly for specified purposes may be convened at any time by the Executive Commission or by the Moderator on his/her own responsibility after consultation with the Clerk of the Assembly. The convening of any such meeting must be confirmed by the Assembly before it proceeds with the stated business.
- 12.68 The Assembly may confer on any enrolled member of this Church, or of any sister Church present at its meeting, the right to speak but not vote during that meeting. Such persons are referred to as "Associates". No

one may be associated when the Assembly is sitting in a judicial capacity, or in private.

Section 5 – IMMOVABLE PROPERTY

- 12.69 Immovable property registered in the name of The Uniting Presbyterian Church in Southern Africa, which is held for the use of a Congregation, on which there already stands, or on which it is intended to build, a church building, church hall, or manse may not be acquired, sold, alienated, donated, mortgaged, let or otherwise dealt with, and no new buildings may be erected on it without first obtaining the approval of the Congregation for which it is held, and of the Presbytery and of the Finance Committee of the Assembly. The approval of the Congregation, if given, must be given by the adoption of a motion at a Congregational meeting.

Chapter 13

COMMISSIONS AND COMMITTEES OF GENERAL ASSEMBLY

(For the powers of delegation see Section 7 of Chapter 14)

Explanatory Note

The more responsibility a Council has, the more Commissions and Committees it needs if it is to take advantage of its opportunities and to carry out its duties. The role of, and terms of reference of, the more important of General Assembly's Commissions and Committees are to be found in this chapter,

Section 1 – COMMISSIONS

CONSTITUTION AND FUNCTIONS

- 13.1 The General Assembly constitutes Commissions of two kinds:
- (a) Standing Commissions, which are permanent and continuing; and
 - (b) Special Commissions, which are temporary and constituted for special purposes.
- Their functions and powers are determined by this Manual or by resolutions of the General Assembly or Executive Commission.
- 13.2 A Commission consists of Ministers and Elders who have been appointed by the General Assembly or the Executive Commission to serve on the Commission.
- 13.3 The Moderator and Clerks of the General Assembly are members of every Commission. In their absence the Commission may elect from among its members a Moderator and Clerk for the time being.
- 13.4 The General Assembly or the Executive Commission may refer any administrative or executive matter to a Commission for recommendation, action or decision. The Commission's terms of reference will specify its functions and authority (see para 14.43).
- 13.5 Every Commission reports to the General Assembly which has authority to review all decisions of its Commissions (see para 14.44).
- 13.6 The decisions of a Commission are final, but any person, Council or body affected by a decision may request the General Assembly's Administrative Review Panel (see Chapter 15 or for judicial reviews see Chapter 18) to review the Commission's decision on one or more of the following grounds:
- (a) that the Commission has exceeded its powers;
 - (b) that the Commission has acted incorrectly, that is, not in accordance with the rules of procedure;
 - (c) that its decision is contrary to the laws of the Church;
 - (d) that obvious injustice has been done.

The General Assembly's Administrative Review Panel may confirm, reverse, or alter the decision. A decision of a Commission that the Assembly confirms in the normal way or on review becomes a decision of the Council.

- 13.7 If the Moderator learns from any reasonable source that a Commission of General Assembly may have exceeded its powers, or may have acted irregularly, that is, not in accordance with the rules of procedure, or may have given a decision contrary to the laws of the Church, or that its actions or decisions may have caused obvious injustice, he/she consults with the General Assembly's legal advisers, after which he/she may postpone the action of the Commission until the next meeting of the General Assembly, which reviews the Commission's action in terms of para 13.5.

EXECUTIVE COMMISSION

- 13.8 The Executive Commission is a Standing Commission entrusted with, and authorised to exercise in its discretion, all the functions and powers of the General Assembly in the period between meetings of the General Assembly subject to the following provisos:
- (a) it has no inherent authority or jurisdiction, and in particular it does not have the powers of the General Assembly to deal with or dispose of matters otherwise than is directed in the Manual;
 - (b) it is bound by any restrictions or conditions that the General Assembly imposes from time to time;
 - (c) it does not rescind decisions of General Assembly except in circumstances which in its judgement are new and require urgent attention, in which case it reports its reasons to the next General Assembly.

The Executive Commission reports to the General Assembly, ordinarily through the Commission's Minutes, on the business it has handled and the decisions it has taken.

- 13.9 The Executive Commission consists of:
- (a) the Moderator, the immediate Former Moderator, the Moderator Designate, the General Secretary, the Clerk of the General Assembly, the Business Convener and the General Treasurer; and
 - (b) a Minister and an Elder appointed by each Presbytery from within its boundaries. Each Presbytery also appoints, from within its boundaries, alternates to these members. Such appointments are communicated timeously by the Presbytery Clerks to the Clerk of General Assembly.
- 13.10 The Executive Commission fixes the dates for its meetings and determines its procedures. The Moderator and Clerk may on their own responsibility convene a meeting of the Executive Commission and shall do so upon receipt of a requisition signed by enough members to constitute a quorum.
- 13.11 The quorum for meetings of the Executive Commission is two-thirds of its total membership.

- 13.12 The Executive Commission ordinarily associates with itself those Conveners of General Assembly Committees it considers necessary (bearing in mind the nature of the business to be transacted at the meeting), for whatever portion of its meeting it considers necessary. It may also associate with itself individual Ministers and Elders of this Church when it is dealing with any particular matter but it does not ordinarily associate for the duration of its meeting. Association gives the right to speak but not to vote.

PASTORAL COMMISSION

- 13.13 This commission is a Standing Commission, to be called on when a Minister faces a personal crisis, other than a possible marital break-up, in which case the matter falls under the Ministerial Marriage Committee. (See Chapter 16, Section 14.) The Commission consists of the Moderator, the General Secretary and other members appointed by General Assembly. The Commission should be so constituted that it is able to consider sympathetically differences arising from, or embodied in, different cultural communities. It has the right of co-option.

SPECIAL COMMISSIONS

- 13.14 A Special Commission is constituted to deal with a specified particular matter or case.

MEETINGS

- 13.15 The quorum for meetings of every Commission, other than the Executive Commission, is at least one-half of the members of the Commission unless a different quorum has been prescribed.
- 13.16 The Moderator and the Clerk may, on their own responsibility, convene a meeting of any Commission and shall do so on receipt of a requisition signed by enough members to constitute a quorum.

REPORTS

- 13.17 Commissions report diligence to the next ordinary meeting of the General Assembly and hand over their documents to the Clerk of that Council.
- 13.18 When a Special Commission has reported to the satisfaction of the General Assembly and handed in its records, the General Assembly discharges it.
- 13.19 When a Report of a Commission is before the General Assembly, members of that Council who had part in the work of the Commission retain their full rights of participation in the proceedings.

Section 2 - COMMITTEES

- 13.20 The functions and powers of committees are those contained in this Manual or given to them by resolution of the General Assembly or the Executive Commission.

FINANCE COMMITTEE

- 13.21 The Finance Committee takes charge of all funds belonging to this Church or administered by the General Assembly. It administers these funds in accordance with the General Assembly's instructions.
- 13.22 The Finance Committee may, in its discretion, administer any assets not belonging to this Church at the request of the body controlling such assets and in terms of that body's request.
- 13.23 All immovable property, registered real rights, mortgage bonds, funds and securities belonging to this Church, including such as are registered in the name of the Moderator, Clerk and Treasurer as Trustees for the Church, but excluding such as vest in Trustees for Congregations, shall be administered by the Finance Committee.
- 13.24 The Finance Committee has authority to exercise in the name and on behalf of this Church all the legal powers vested in this Church under para 1.21. It may by resolution appoint one or more of its members or other suitable persons to sign any powers of attorney, contracts and other documents that may be required to give effect to any specific transactions that the Committee has decided upon.
- 13.25 In cases where immovable property belonging to a Presbytery or a Congregation has been registered in the name of this Church or in the name of the Moderator, the Clerk and the Treasurer of this Church as Trustees for a Presbytery or a Congregation, the Finance Committee shall, on proper authorisation by the Presbytery or Congregation concerned, by resolution authorise the appropriate officials to sign any powers of attorney, contracts and other documents which may be required to give effect to any competent transaction which the Presbytery or Congregation concerned has decided upon. Where the property is registered in the name of the Moderator, the Clerk and the Treasurer as Trustees they will be the appropriate officials for the purpose, but where the property is registered in the name of this Church, one or more members of the Finance Committee, or such other persons as the Finance Committee may appoint, may be designated as the signing officials.
- 13.26 The Finance Committee has power to lend, put out at interest, place on deposit, make advances of or otherwise deal with all the funds under its control upon such securities and in such investments as it from time to time decides, and to sell, vary, reinvest, or otherwise deal with such securities and investments as it from time to time decides; provided that it is bound by the terms of any separate Constitution governing any fund.
- 13.27 The Finance Committee has power to borrow on such terms as it thinks fit such sums as it decides.
- 13.28 Between meetings of the General Assembly the Finance Committee has power to make such minor donations as it sees fit.
- 13.29 Every Power of Attorney, Deed, Declaration, Affidavit, Contract, cheque or other document necessary to give effect to any decision of the Finance Committee is signed by one or more members of the Finance Committee authorised by the Finance Committee.

- 13.30 Every Title Deed and document relating to security held by the Church shall be kept by the Clerk of General Assembly in a safe or strong room or deposited with a banking institution, as the Finance Committee decides.
- 13.31 Every year the Finance Committee reports to General Assembly or the Executive Commission every transaction in the preceding financial year relating to immovable property belonging to, or vested in, the Church.
- 13.32 The Finance Committee causes to be prepared annually an audited Statement of the accounts of the Church as at 31st December and presents this Statement to General Assembly or the Executive commission in such form as it thinks fit.
- 13.33 Before 31st May every year each Committee of General Assembly informs the Finance Committee of its financial requirements for the next year. A summary thereof is presented to the General Assembly or Executive Commission for approval as the Budget of Expenditure. The Finance Committee presents to the General Assembly or Executive Commission also an estimate of income for the next year and makes recommendations as to how the difference between the proposed expenditure and the proposed income shall be dealt with. When the General Assembly has determined the basis upon which each Congregation is expected to contribute towards the required income, the Finance Committee informs each Congregation accordingly and advises each Committee of General Assembly of the amount allocated to it.
- 13.34 The Finance Committee from time to time informs each Committee of General Assembly of the amount allocated to it to spend in the light of the decisions of General Assembly or the Executive Commission and the amount contributed by Congregations. No Committee spends more than the amount allocated to it or incurs any expenditure not included in the Budget without the consent of the Finance Committee. Any amount spent by a Committee in excess of its allocation is taken into consideration in determining its allocation for the next financial year. Any amount allocated to a Committee that is not spent in any financial year reverts to the general funds of the Church unless the Finance Committee otherwise determines, or unless subject to a special ruling of the General Assembly.
- 13.35 The Finance Committee sends a copy of the Minutes of each of its meetings to the Clerk of each Presbytery and Synod for the information of the Presbytery or Synod.
- 13.36 No appeal for money is made to the members or Congregations or Presbyteries of the Church as a whole, unless the Finance Committee has first authorised it.

MISSION AND DISCIPLESHIP COMMITTEE

- 13.37 The Mission and Discipleship Committee seeks to encourage evangelism as a core purpose of the Church. The Committee develops and collects resources on evangelism and motivates Presbyteries and Congregations

to become involved in evangelism. The Committee identifies structures and oversees training programmes for missionaries within the UPCSA.

- 13.38 The Mission and Discipleship Committee encourages the establishment of new congregations within the UPCSA. This is achieved through the oversight of Church Development Evangelists (CDEs), financial support of the purchase, erection and, or extension of buildings for growth work.
- 13.39 Loans, Grants and Subsidies for Church Growth Projects only are to be made by the Mission and Discipleship Committee.
- 13.40 Loans made to Congregations by the Mission and Discipleship Committee for the purchase, erection, or extension of buildings shall bear interest at the normal rate set by General Assembly's Finance Committee. Repayment by the Congregation shall commence at a time agreed by the Finance Committee in consultation with the Presbytery within whose bounds the Congregation falls.
- 13.41 The Mission and Discipleship Committee is not required to pay to any aided Congregation in any one year a Stipend subsidy in excess of one-third of the total minimum stipend applicable.
- 13.42 The Mission and Discipleship Committee oversees the work of the Order of Supportive Lay Ministries (see paras ...) as well as the administrator of this Order.
- 13.43 The Mission and Discipleship Committee takes the initiative in proposing legislation with regard to minimum Stipends, ministerial transport and ministerial pulpit supply fees. Ministers and office-bearers furnish such information as the Mission and Discipleship Committee may from time to time require for this purpose.
- 13.44 The Mission and Discipleship Committee may make grants in aid of Stipend to Congregations to assist them to pay the minimum stipend. The financial authorities in Congregations needing such grants apply for them through the Presbytery (in Zambia, through the Synod) before the end of April each year. A grant, if given, is conditional upon biannual reports being made by the Congregation to the Convener of the Mission and Discipleship Committee by the end of May and November respectively. If biannual reports do not reach the Convener by the end of the second month following that in which they should have been made, the grant ceases to be paid. Should a Presbytery make an appointment without the consent of the Mission and Discipleship Committee any grant in aid of Stipend will be the Presbytery's responsibility.
- 13.45 If the Presbytery within whose boundaries a Congregation falls decides that the Congregation ought to merge with another Congregation (note paras. 6.74-76), or that its form of administration ought to be changed to that of a nuclear, or transitional Congregation (note para. 6.29-37), or Preaching Station and neither of these courses proves practicable the

Presbytery may, if the General Assembly's Mission and Discipleship Committee agrees, declare that the minimum stipend regulations do not apply to the Congregation.

- 13.46 The Mission and Discipleship Committee seeks to strengthen the united witness of the UPCSA through providing assistance to Presbyteries who seek to integrate smaller/less financially feasible/duplicate congregations within geographical areas of the denomination.

COMMITTEE ON CHURCH DESIGN

- 13.47 All plans and specifications for new buildings to be used for worship, or for alteration to existing buildings used for worship, must be made in full consultation with the Committee on Church Design.
- 13.48 If, in the opinion of the Committee on Church Design, consultation should be in person and not by correspondence, the Session or the Stewardship Board or Deacons' Board arranges for this to be done. The Session or Board then meets the accommodation and travelling expenses of the Convener of the Committee or his/her deputy.
- 13.49 Presbyteries do not pass plans and specifications for new buildings used for worship, or for alterations to existing buildings used for worship, until the Committee on Church Design has approved them.

COMMITTEE ON ECUMENICAL RELATIONSHIPS

- 13.50 This Committee handles all matters relating to:
- (a) relationships with other Reformed Churches;
 - (b) consideration of material received from ecumenical bodies and other Churches;
 - (c) responses to issues raised by such bodies;
 - (d) transmission of General Assembly concerns to such bodies; and
 - (e) appointment of delegates to meetings of such bodies.
- NB The Committee on Ecumenical Relationships does not handle negotiations with denominations where the General Assembly has appointed specific Commissions or Committees for this.

THE CHURCH OFFICE COMMITTEE

- 13.51 The Church Office Committee consists of a Convener and seven members. These shall include:
- (a) at least one lay person with knowledge and experience of personnel management;
 - (b) at least one person with special skills in personal assessment;
 - (c) the General Secretary;
 - (d) a member of the Finance Committee appointed by that Committee;
 - (e) at least one woman.
- 13.52 The Church Office Committee determines the vision, mission, goals and key outcomes of the General Assembly Office and reports these to the General Assembly or Executive Commission on an annual basis.

- 13.53 The function of the Church Office Committee is to fulfil a directive, co-ordinating and monitoring role over the activities of the administrative and other departments at the General Assembly Office by:
- (a) receiving clear, measurable goals and associated plans from the General Secretary and Heads of the General Assembly Office Departments;
 - (b) monitoring the carrying out of these plans and attainment of these goals through regular reports from the General Secretary and Heads of Departments, lending support whenever necessary;
 - (c) assessing and reporting on results achieved (that is, plans carried out and goals attained) to General Assembly;
 - (d) setting remuneration levels and packages according to the Budget;
 - (e) reviewing and ratifying staff appointments according to established General Assembly procedures;
 - (f) assessing and reporting on the overall performance of the General Secretary and Heads of Departments and their staff to General Assembly;
 - (g) drawing up and managing an Annual Budget for the Committee.
- 13.54 The Church Office Committee has power
- (a) to appoint the staff required to enable the General Secretary to administer the affairs of the Church; and
 - (b) to determine the salary and other emoluments and conditions of service to apply to each person appointed. The Church Office Committee reviews annually the remuneration and allowances of every employee of the General Assembly and its Committees.

MANUAL COMMITTEE

- 13.55 The Manual Committee
- (a) advises on the meaning of provisions in the Manual and may, if it considers it appropriate, issue a general Advisory Notice on such provisions, but does not rule on them or decide questions of policy;
 - (b) corrects errors especially those resulting from imperfect typing, proof-reading, punctuation and grammar in paragraphs the General Assembly or the Executive Commission has approved or revised for insertion into the Manual, in pages being replaced and in new editions being produced;
 - (c) may make changes of wording and punctuation that correct, clarify, simplify or render more precise the wording of such paragraphs, pages or editions;
 - (d) whenever provisions are unduly complex or obscure, simplifies and/or clarifies the exposition and/or re-arranges the order of paragraphs;
 - (e) advises the Clerk of General Assembly, whenever the Clerk proposes that replacement pages or supplements are to be issued;
 - (f) makes changes in the text of proposals enacted by the General Assembly or the Executive Commission after the procedure in para 12.50 has been completed, in order to make the text conform to any new rules on the same or similar subjects enacted by General

- Assembly or the Executive Commission while the earlier proposals were before Presbyteries; and
- (g) proposes improvements to the General Assembly or the Executive Commission.

GENERAL

- 13.56 The expenses of persons required to attend meetings of Committees or Commissions of the General Assembly convened in centres other than those in which they reside are at the rate of first class rail travel or travel by bus together with such out-of-pocket expenses as may be considered reasonable. Air travel shall be permitted only on grounds of suitability, time, distance and/or health.
- 13.57 Each Committee, other than those whose work is by correspondence, keeps Minutes of its proceedings, and these may constitute its Report to the General Assembly.
- 13.58 All Committees authorised by General Assembly to issue publications consult the Clerk of Assembly on practical details before making arrangements to print such publications.

MEMBERSHIP OF A COMMITTEE OF GENERAL ASSEMBLY

- 13.59 The General Assembly's Nominations Committee proposes, and the Assembly or its Executive Commission approves, those nominated to serve as the Conveners and members of Assembly Committees (including the Nominations Committee itself). Every ordinary meeting of the General Assembly adds to the Nominations Committee one Commissioner from every Presbytery that is not already represented on it. The Nominations Committee may meet at the Assembly venue before the Assembly, and during breaks in the Assembly's business and, with the Assembly's approval, at other times.
- 13.60 The Clerk of General Assembly informs each Convener by letter of his/her appointment and of the members elected to serve with him/her on the Committee.
- 13.61 If a vacancy occurs on a Committee, the Committee may co-opt another member of the Church to fill it until the General Assembly next meets.
- 13.62 Only a person in full standing as an enrolled member of this Church, or of a United Congregation in which this Church is a constituent participant, may be appointed as a member on a Committee of General Assembly.
- 13.63 In nominating persons as Conveners, the Nominations Committee seeks to propose the most suitable person in the UPCSA for the position irrespective of race, gender, status (Minister, Elder, etc), age or geographical location. It seeks also, in the case of Committees other than those which conduct their business by correspondence, to take account of the availability of support persons within reasonable distance of the place of residence of the Convener who may be able to serve on the Committee. The Nominations Committee also seeks to spread the convenerships as widely through the Church as possible.

- 13.64 In nominating persons as members of Committees that do not conduct their business by correspondence the Nominations Committee:
- (a) attempts to find enough persons within a reasonably small geographic area to keep the costs of travel as low as possible. It should nominate persons who will need to travel long distances only if they have special expertise that makes their contribution to the Committee's work essential or at least highly desirable. Otherwise persons with special skills residing a long way away from where the Committee will meet should rather be appointed as "corresponding members", who do not attend but contribute to the work of the Committee by e-mail or correspondence;
 - (b) as far as possible includes persons of different races, ages and genders, taking into account at all times the need for women and young people to be included in the Committee structures of the Church;
 - (c) may consult Presbyteries and Congregations about whether they have suitably gifted and informed persons to nominate to specific Committees.
- 13.65 Committees should normally have no more than 10 to 12 members.
- 13.66 In the nominating of Conveners and Committee members care should be taken that no persons are proposed to be included on more than two Committees at a time. Appointment onto more than two Committees shall be made only where specific knowledge and expertise is required.
- 13.67 The normal period of tenure of an Assembly Committee shall be four years, with the possibility of this tenure being extended for a further four years. Should the Committee desire to extend its life beyond the first four years, it should motivate this to the Convener of the Nominations Committee, who presents the motivation to the General Assembly. If a Committee is able to show that it has specific tasks which will be completed through the extension of its appointment for a further period, it should bring this specifically to the attention of the General Assembly in its written Report.
- 13.68 Where the General Assembly has determined the criteria for the appointment of persons to serve on specific Committees, and/or to be selected for specific expertise, the Nominations Committee implements the Assembly decision in recommending names to the Assembly.

Chapter 14

RULES OF PROCEDURE IN ALL COUNCILS

Explanatory note

Rules of procedure are needed to help those who want to say something in a debate or who want to start a debate on a certain proposition. They will find that if they know and obey the rules of procedure, their tasks will be much easier than they would otherwise have been. If everyone else also knows the main rules, the debate proceeds more calmly and more quickly than it would have done had there been no rules. Ministers, and Elders who have been to Presbytery, and/or General Assembly, will have noted that the larger the body the more strictly the rules are applied. Moderators of General Assembly are called upon to apply the rules more frequently and more strictly than Moderators of Presbytery; while in Sessions procedural points seldom need to be made. The more the members of a gathering know and obey the rules the better the prospect of the Council being able to deal adequately with the subject before it.

Section 1 – INTRODUCTION

- 14.1 Every meeting of each Council is opened with prayer. It is closed in the same way or with the pronouncement of the benediction. The minutes must record that this has been done.
- 14.2 If sufficient proof of the fact that a meeting has been held and evidence of the nature of any decisions taken at the meeting is available, failure to comply with the provisions of rules for the keeping of minutes does not invalidate the meeting or the decisions taken at the meeting, if any.

All Councils, however, are to make every endeavour to keep proper minutes and are responsible to higher Councils for doing so.

Section 2 – CONDUCT OF DEBATE

Introduction

- 14.3 Matters for debate are brought before a Council either by motions or amendments introduced by members of the Council on their own behalf, or by members who are introducing Proposals on behalf of a Commission or of a Committee.
- 14.4 The procedure for introducing proposals or amendments at a Council meeting may be laid down by the Council concerned in Standing Orders of the Council. This shall always be the case for meetings of the General Assembly. Presbyteries may also adopt Standing Orders if they so desire. The procedure for introducing motions or amendments may, as in the case of General Assembly and some Presbyteries, be laid down in Standing Orders of the Council in question. The following are the rules for aspects of the subject not dealt with in Standing Orders, and for Councils that have no Standing Orders. In Sessions the formalities required by these rules need only be applied if the Moderator so rules, but complicated motions are to be presented in writing if the Session Clerk so

requests. Clerks of Councils other than General Assembly, including Session Clerks, should be informed in good time (in writing if there is a motion to be moved) of any matters which a member wishes to have placed on the agenda.

What a motion is and what alternative motions are

- 14.5 A motion introduces a topic not dealt with in a proposal in a Commission or Committee report or in a motion previously introduced by another member of the Council. A member who wishes the Council to vote on his/her proposition on a subject which is dealt with in a proposal in a Committee report, or on a motion previously introduced, should move an amendment : see para 14.6.

When notices of motion are called for, all members of the Council wishing to introduce motions should come forward to give their notices. From these motions and from amendments moved in terms of para 14.6 below, the Council learns of the possibilities before it. It may happen that two or more members, not having had any notice of the other members' intentions, give notice of proposals which differ from each other, but are concerned with the same subject. These are called alternative motions. When there are alternative motions, the Moderator may ask the movers to meet to discuss whether a single joint motion can be drawn up. If the movers are unable to agree, the Moderator decides the order in which the alternative motions are to be debated. Any one or more of the motions may be re-phrased by the mover, if so desired, as an amendment to one or other in the Moderator's list.

What an amendment is

- 14.6 An amendment, within the meaning of the word in these rules, is a proposal which asks the Council to change the wording in the original motion in such a way as to reach a decision which differs in a material respect¹ from the suggested motion or decision in the original motion or proposal. Members of a Council who do not wish to have the motion or proposal in any form, may speak and vote against it. They are not permitted to propose, as an amendment, that it is not to be accepted (called a direct negative) because that does not change the terms of the motion.

¹ Any change at all to a motion falls within the dictionary definition of "amendment", but those which do not alter the substance of the motion or proposal, do not fall within the terms of these rules. Examples are proposals to re-phrase certain statements in the interests of clarity or precision, or to change time limits for returns.

When a motion or proposal needs special permission

- 14.7 Any motion or proposal which re-opens a matter already disposed of at any session of a current meeting, is allowed only if the permission of the Council is expressly obtained by way of a vote to re-open the matter.

When a motion or amendment falls away

- 14.8 If a motion or amendment is not seconded, it falls away. This applies even if it is a proposal by a Commission or a Committee.

Alterations to a motion

- 14.9 After a motion has been seconded it may only be altered
- (a) with the consent of the mover, the seconder, and the Council, or
 - (b) by an amendment.
- It cannot be altered in any other way before being voted upon.

Meeting in Committee

- 14.10 If, after notices of motion and of amendments have been given, or at any other time, it becomes apparent that there are more than three proposals^{1,2} for the Council to consider, the Moderator rules that the Council is to meet in Committee. While in Committee the normal time limits on speeches are maintained and members of the Council are allowed to speak up to three times. In unusual circumstances the Moderator may, in his discretion, allow more frequent speaking.

Subject to what is said in the two preceding sentences, any Council may resolve itself into a Committee of the whole Council. While in Committee, the formal rules of debate are suspended. The Council decides whether or not, and if so, in what form, minutes of the session in Committee shall be kept. When the Council resumes, the Committee reports its findings. The motion to adopt the findings will be voted upon without discussion.

¹ Using the word "proposals" to include both alternative motions and amendments to motions.

² For example, if there are numerous motions and amendments there may be more than three important issues to be debated before the Council is in a position to decide.

Motions during debates

- 14.11 When a proposal is under consideration, no other proposal is allowed except:
- (a) to adjourn the Council. This means that all debate ceases and no further business may be done until the Council resumes its sitting. At such time the Council immediately takes up the proposal under debate, or decides when the debate on the proposal will be resumed.
 - (b) to adjourn the debate. This means that the debate on the specific proposal stops and the Council continues with the next proposal or with different business altogether. The Council may specify the time when the proposal will be debated again, in which case that time becomes an Order of the Day and the proposal cannot be discussed sooner. If no time is specified the Moderator or Business Convener may raise the proposal again at any suitable time.
 - (c) to pass from the subject. This proposal is not allowed when the Council is debating an Administrative Review, a Complaint, a Referral or a Petition. If it is passed, the Council proceeds immediately to the next proposal or to new business.

- (d) that the vote be taken immediately without further debate. The Moderator decides whether or not to allow this proposal - it may not be debated by the Council. If he/she allows it, the vote to end the debate is taken immediately. If it is passed, the Moderator allows the mover of the motion under consideration the right of reply to the debate referred to in para 14.12 below and the vote to approve the proposal or not is then taken.
- (e) to amend. Proposals to amend are dealt with as follows:
 - (i) Notice of intention to propose an amendment may be given at the time notices of motion or amendment are called for, or unless Standing Orders prohibit it, when the motion is moved or is being debated. If more than one such notice is given the Moderator or Business Convener decides the order in which they will be debated.
 - (ii) When a motion has been proposed and seconded, the Moderator may call on members of the Council who wish to propose an amendment to declare the nature of their amendments so that the Council may know the possibilities before it. If more than one amendment is indicated the Moderator or Business Convener decides the order in which the amendments will be debated.
 - (iii) It is not permissible to move a second amendment while the Council is debating the first, nor to move a third while the Council is debating the second.
 - (iv) If an amendment is adopted, the debate continues on the notice in its amended form. (This is often said to be "the substantive motion/proposal".) If there is a second amendment, it is then moved as an amendment to the motion in that form (substantive). If the first amendment is rejected, the second amendment is then moved as an amendment to the motion in its original form. The same principle applies in the case of a third amendment. No more than three amendments are allowed in a formal debate; but if there are more than three, the Moderator may direct, or a member of the Council may move, that the Council go into Committee. When the Council has reached its decision on all the amendments offered, the debate continues on the motion as finally amended, or, if no amendments were accepted, the debate continues on the motion in its original form. It is then voted upon. The reason is that the debate so far has been on the amendments and the Council needs an opportunity to hear arguments for and against the motion itself. An amendment may have been approved because the Council would rather have the motion in its amended form than in its original form. However, the motion, on then being voted on, may be rejected because the majority of the Council does not want it at all, preferring the situation as it was before the motion was introduced.
- (f) to refer the matter to a Commission or Committee. This motion is only allowed if accompanied by a full explanation of the reason for referring the matter to a Commission or Committee.
- (g) to meet as a Committee.¹ Motions to meet as a committee are not limited to circumstances in which there are more than three motions

or amendments to be debated. It is possible that a single motion may be so complex that the Council decides to meet as a committee when it is moved, or soon thereafter. In this case the various issues raised may be discussed separately. After that discussion the Council meeting in Committee may reach a decision on the whole matter in one reframed motion or decide the various issues separately. The (reframed) motion or the separate decision(s) are then dealt with as explained in para 14.10 above.

¹ On meeting in Committee see also the preceding sub-paragraph and para 14.10.

Limits on the number of times a member may speak

- 14.12 No member is entitled to speak to a motion or an amendment¹ more than once, with the exception of the mover of the motion and the mover of an amendment who each have a right of reply. If an amendment is being debated, the mover of the amendment replies to the debate first and thereafter the mover of the motion is entitled to speak, provided that he/she has not already spoken to the amendment. After the mover of the motion has replied no other person is entitled to speak except in regard to the manner of putting the vote. For special circumstances in General Assembly see the Standing Orders of that Council.

¹ If a member has spoken to a motion and then an amendment is moved, he/she may speak again, because it is now a different proposal. So, also having spoken on a first amendment, he/she may speak again on the second or third amendment.

The Moderator's position

- 14.13 The Moderator of a Council does not have a vote when the vote is first taken. However, if the votes for and against are equal, he/she has a casting vote.

Voting for appointments to fill vacancies

- 14.14 When a vote is taken to fill a vacant office in this Church the procedure is as follows.
- (a) Where more names than one have been proposed, they are put successively in alphabetical order.
 - (b) The name having fewest votes is dropped, and the vote is again taken on the remaining names and so on until only one name remains.
 - (c) If at any stage in the voting more votes are given for one person than for all the others combined, the names of those others are dropped without further voting and the person who received more votes than all the other persons combined is declared to be elected.
- 14.15 The Moderator decides whether voting will be by show of hands or by ballot. Counting is to be done by persons appointed by the Moderator, or, in the case of a ballot, by at least two persons appointed by the Council.

Private/Closed meetings

- 14.16 Any Council may decide to meet privately (previously referred to as "*in camera*"), in which case all persons who are not accredited members of that Council, including persons associated with the Council, leave the meeting. Before resuming in open session the Council determines the form of the minutes of the private session. Sessions are an exception as they normally meet privately, and only meet in public by special resolution for a particular occasion. A "private meeting" may also be described as a "closed meeting."

Points of Order

- 14.17 A point of order refers to any matter in which the provisions of the Manual or the Standing Orders of the Council in question have not been followed; or to a question of fact contained in the proceedings or papers of a Council; or to any serious misinformation being given to the Council. Any member of a Council has the right to raise a point of order. Immediately he/she does so the speaker, who is addressing the Council at the time, resumes his/her seat until the question of order is resolved. The member calling to order is then allowed to state briefly the ground on which the point of order has been made; but no other member is entitled to speak, unless with the permission or at the request of the Moderator, with whom alone the decision rests. Any member calling to order incorrectly or frivolously is liable to be rebuked by the Moderator on behalf of the Council.

Rescinding a Decision

- 14.17A (a) Any member of a Council who was present or had registered an apology for the meeting where the decision in question was made, may, in a meeting of that Council, move that the Council rescind a previous decision of that Council. The Council must fully investigate the implications of rescinding the decision. If after such an investigation the Council is reasonably satisfied that no person will suffer prejudice if the decision is rescinded and that the implications of rescinding the decision will not adversely affect any person or party, it may rescind the decision.
- (b) Except where a party is or will be prejudiced as a result of a decision of a Council or if a decision of a Council is found to be unlawful or illegal, or made in error, a Council may entertain a motion to rescind a decision only at a subsequent sitting of a Council;
- (c) An Executive may not rescind decisions of a full Council, unless the Council grants permission to its own Executive to rescind decisions of the full Council. A Council may rescind decisions of its Executive.

Section 3 – OVERTURES

- 14.18 An overtture is a formal proposal submitted to the General Assembly to commence legislative or executive action. An overtture may originate from an individual or from a Council, but in either case it must pass through the intervening higher Councils, if any, to the General Assembly, through the Clerk of General Assembly. The Clerk, having examined each overtture, recommends to the General Assembly how it is to be dealt with in terms of para. 14.26(b)(iii) hereunder.

- 14.19 Notice of intention to propose an overture for adoption by a Session, Presbytery or Synod is normally given at a meeting of the Council previous to that at which the proposal is to be made. In the case of a Presbytery such notice may also be given in writing with the notice calling the meeting of the Presbytery. It may not be given at the beginning of the meeting of the Presbytery at which it has to be discussed. The notice must include the details of the propositions to be included in the overture.
- 14.20 A Session, Presbytery or Synod may adopt a proposed overture and in doing so may amend it, if it so wishes.
- 14.21 When a Session, Presbytery or Synod adopts an overture, two of its members are appointed to appear in support of it before the higher Council to which it is sent. They are heard in support of the overture and, if also members of the higher Council, are entitled to vote on it.

- 14.22 The decision by a Session, Presbytery or Synod not to adopt the overture is final, but the Overture will be transmitted if the originator so requests.
- 14.23 A Session, Presbytery or Synod requested to transmit an overture which it has not adopted, may do so without comment or with an expression of its disapproval. A Session, Presbytery or Synod has no power to amend an overture which it is requested to transmit, but has not adopted.
- 14.24 A Council transmitting an overture is required to transmit the terms of the overture, and a certified extract minute of the decision of the Council on it. A Council in which an overture originates may, if it so desires, transmit a short report. A Council transmitting an overture from a lower Council transmits also the short report, if any, received with the overture.
- 14.25 Overtures for the consideration of General Assembly must be submitted to the Clerk not later than the date prescribed in the Standing Orders of General Assembly.
- 14.26 When an overture is presented to the General Assembly it is dealt with as follows:
- (a) The Clerk of General Assembly makes available in writing the text of the overture in the form in which it is to be moved.
 - (b) When the overture is one which has been adopted by a Presbytery or Synod:
 - (i) The Moderator calls upon those appointed by the Presbytery or Synod in terms of para. 14.21 to speak.
 - (ii) If they are members of the Council they move and second the adoption of the proposal contained in the overture. If they are not members of the Council, any member of the Council may move and second the adoption of the proposal.
 - (iii) If the matter of the overture falls within the subject entrusted to a General Assembly Committee, the Moderator calls upon the Convener of that Committee to speak. If the matter is not one on a subject which is entrusted to a General Assembly Committee, the Moderator calls upon the Clerk to report on his/her consideration of the matter.
 - (iv) The Moderator places the matter before the General Assembly for debate.
 - (v) Any member of the Council is allowed to move an amendment to the proposal.
 - (vi) After debate, the mover of the overture has the right of reply before a vote is taken.
 - (c) When an overture is transmitted by a Presbytery or Synod without comment, or with disapproval:
 - (i) The Moderator calls upon the persons, if present, who moved and seconded the overture in any of the lower Councils to speak. If no such persons are present the Moderator calls upon any member of the Council, who may wish to do so, to speak in support of the overture and to move the adoption of the proposal contained in the overture.
 - (ii) If the adoption of the proposal contained in the overture is not moved and seconded, the overture falls away.
 - (iii) If the adoption of the proposal contained in the overture is moved and seconded, the General Assembly follows the

procedure set out in sub-sub-paras. (b)(iii), (iv), (v) and (vi) above.

Section 4 - PETITIONS

- 14.27 A petition is a request either
- (a) for recognition of a status (eg paras 6.34, 6.38); or
 - (b) that attention be given to a matter or matters relating to the doctrine, discipline, worship or government of the Church as a whole, or of any bodies within the Church, which affect the petitioner's interests. If a member of Session or Presbytery proposes as a petition that Assembly act or legislate in any way that does not affect the mover's own personal interests, the mover should be told to move it not as a petition but an overture (para 14.18).
- The reasons for the petition are stated in the petition, and may be amplified and/or discussed by the petitioner at the hearing. A Council may not pass from the subject when debating a petition (para 14.11(c)).
- 14.28 Either an individual or a body within the Church may be a petitioner.
- 14.29 A petitioner, or someone who is appointed (at the petitioner's own expense, if any) to speak on his/her behalf, has the right to be heard. If the petition originates from a Council, Court, Administrative Review Panel, Congregation, or group of persons, not more than two representatives are heard.
- 14.30 If a petition is directed to, or falls within the field of activity of, a Court or an Administrative Review Panel, the rules made by those bodies apply. In what follows in this Section, for simplicity's sake, only petitions to, or within the field of activity of, Councils will be referred to.
- 14.31 A petition should be directed to the body within whose field of activity the subject lies. Hence, if a member of a Congregation wishes to petition on a question concerning the domestic arrangements of the Congregation, he/she directs the petition to the Session. If the question concerns a wider issue, for example, if the petitioner wants the Presbytery to come to a decision which will affect all, or many, within the Presbytery, he/she directs the petition to the Clerk of Presbytery, who then informs all Session Clerks, who inform their Sessions of the date, place, and time at which the Presbytery will consider the petition. If a petitioner wants the General Assembly to instruct the Presbytery of which he/she is a member, or within whose boundaries is the Congregation to which he/she belongs, to do something or to abstain from doing something he/she sends the petition to the Clerk of General Assembly, who then informs the Clerk of the Presbytery of the date, place, and time of the meeting at which the petition will be considered.
- 14.32 If a petition sent to the Clerk of a Council affects the interests and rights of particular persons as distinct from, or in addition to, other Councils referred to in the preceding paragraph, the Clerk gives such persons due notice of the date, place, and time when it will be considered. If notice to members of a Congregation is required, it may be given by the method of communication used when a Congregational Meeting is called. The notice informs the Congregation that not more than two persons from the Congregation will be heard (see para 14.29). Before coming to a decision

the Council hears the petitioner and the persons referred to above (see again para 14.29).

- 14.33 If a petition deals with a general subject affecting large numbers of members throughout the Church, the petitioner sends it to the Session Clerk with the request that it be considered and forwarded to the Presbytery with the further request that it be referred to the General Assembly. In such a case the Session and Presbytery are required to consider the matter and then send it on unaltered with a separate statement giving the views of the Council in question (Session or Presbytery). The Session's and/or Presbytery's statement may indicate approval, or disapproval, or what amendment should, in its opinion, be considered, and give the reasons for their views. The petitioner, or someone appointed (at his/her own expense) to speak on his/her behalf has the right to be heard at all stages of the process and, if the Session and/or Presbytery so wish, they may (at their own expense) nominate not more than two representatives to be heard.

Section 5 - DISSENTS

(DISAGREEMENT WITH DECISIONS TAKEN)

- 14.34 A member of any Council who has voted on a motion, and is dissatisfied with the decision, may dissent and require his/her dissent to be entered in the minutes.
- 14.35 A dissent is not received and recorded unless it is voiced immediately after the announcement of the decision in question.
- 14.36 Other members of the Council who are present, or whose absence results from having to attend to duties imposed upon them by their own or a higher Council, may, at the next ordinary meeting of the Council or, in the case of the General Assembly, at the session or time when the minutes of the debate are being confirmed, associate themselves with the dissent. Their names are recorded.
- 14.37 On complaints arising from dissents see paras 15.14-23.
- 14.38 A dissent may be either with or without reasons given. If reasons are given, a written copy, for inclusion in the minutes, must reach the Clerk within ten days, or, in the case of the General Assembly, at the next succeeding session of the Council.
- 14.39 The Council may subsequently decide to record its answers to the reasons for dissent.
- 14.40 A member of a Council, who records his/her dissent from a decision, is not thereby freed from the obligation to submit to the decision.

Section 6 - OBLIGATIONS OF COUNCILS, COURTS, ADMINISTRATIVE REVIEW PANELS AND PARTIES

- 14.41 It is the duty of a Church Council, Court or Administrative Review Panel, when requested to do so, or when it thinks it necessary, to instruct parties on the rules and procedures applicable to whichever case is being considered.

- 14.42 Parties to a dissent, complaint, appeal, referral, application for review, or petition may not distribute privately to members of the Council/Court/Administrative Review Panel before which a matter comes, papers bearing on the question in issue, but they may, through the Clerk of the Council/Court/Administrative Review Panel before which the question comes, distribute
- (a) a summary of their argument, and
 - (b) relevant supporting documents.

Section 7 – POWERS OF DELEGATION

Commissions

- 14.43 The General Assembly appoints its Commissions in terms of Chapter 8. Every other Council has power to appoint Commissions consisting of such of the Council's members as it thinks fit, to delegate to each such Commission all or any of the Council's powers, as the Council may determine, to define the Commission's terms of reference and to fix its quorum. Commissions, other than those whose terms of reference cover investigations into matters that may lead to future cases before Courts or Administrative Review Panels, are normally presided over by the Moderator of the Council concerned, or his/her duly appointed deputy. The Clerk of the Council, or his/her duly appointed deputy, keeps the minutes of the proceedings. (Clerks and Moderators, if members of the Court or Administrative Review Panel, ought not to be involved in the earlier stages of enquiries, which may later come before the Courts or Administrative Review Panels.)
- 14.44 The Council which appoints a Commission may, on its own initiative or upon the request of any person affected by a decision of the Commission, review such decision but only on one or more of the following grounds:
- (a) that the Commission has exceeded its powers;
 - (b) that the Commission has acted incorrectly;
 - (c) that the Commission's decision is contrary to the laws of the Church;
 - (d) that obvious injustice has been done;
- and may confirm, reverse, or alter the decision. A decision of a Commission which is confirmed in the normal way or upon review, becomes a decision of the Council.

Committees

- 14.45 Every Council/Court/Administrative Review Panel may appoint such Committees as it sees fit to undertake duties specified by the respective parent body. The parent body may appoint the Convener of each Committee, or instruct the Committee to do so. The Committee may co-opt additional members only if permission to do so is given by the parent body. Although Committees carry out the tasks given them by the parent body, they do not act as the respective parent bodies, but must report to the respective parent bodies. In the case of a Council, but not of a Court or Administrative Review Panel, persons who are not members of the Council may be appointed to its Committees. Committees must be made up of members of the Church but may ask experts in a subject being

Replacement Page 2009

discussed to join them for the discussion. Such persons do not become members of the Committee and do not have the right to vote.

Chapter 15

ADMINISTRATIVE REVIEWS AND DISSENTERS' COMPLAINTS

Explanatory note

Church law differs from secular law concerning the meaning of the word "review". In secular law if a question of irregularity of procedure is to be raised, the proceedings are on "review", whereas if it is claimed that a lower Court gave a decision against the weight of the evidence or not in accordance with the law, the proceedings are on "appeal". In Church law, however, irregularity of procedure, the weight of the evidence and questions of law are all reasons for an "appeal". (See para 18.110.)

The procedures of review and appeal may sometimes result in outcomes which are similar in certain respects; but the aims of the two procedures are different and the procedures themselves are also different. The aim of an Administrative Review is to improve the administrative efficiency of whatever part of the Church is under consideration. There is no alleged "misconduct" and no one alleged to have misconducted himself/herself in Administrative Reviews as there would be, for instance, in a disciplinary hearing. For example, the severance of a pastoral tie or removal from office of Elders or members of the relevant financial authority can result from an Administrative Review or from a disciplinary hearing. There may also, for example, be a review to consider a possible failure to give adequate leadership, which is a subject far removed from the aims and procedures of a disciplinary hearing. The aims of an appeal are set out in the Manual section dealing with appeals. (See paras 18.1 and 18.4.)

The nature of the proceedings is also different. Proceedings which lead to decisions which are subject to review are administrative. For example, there may have been a general enquiry into the state of a Congregation or of part of it, such as the Session, to ascertain whether or not everything is satisfactory. This does not involve, as the proceedings in the Chapter on Discipline do, the appointment of a "Representative" to take part in a hearing concerning an "alleged offender". What it involves is an enquiry into the general spiritual and/or administrative health of the part of the Church in question, and into the quality of the leadership given by its leaders.

Section 1 - REVIEWS

- 15.1 A Review is a procedure to correct, or change, or otherwise improve an administrative decision of a Council. A person who requests a Review is said to be an applicant. Applications for review may be made to the Clerk of the council in writing within 15 (fifteen) days of the decision being recorded in a confirmed Minute of the body in question.

Applications for Review are to be sent within fifteen days of the decision being recorded in approved or confirmed Minutes of the body in question (whichever is the earlier) to the Clerk of the Administrative Review Panel which is being requested to hear the Review. Applications which have to be in writing may be delivered by hand and a receipt therefor obtained; or sent by e-mail or fax, provided that the addressee acknowledges

- receipt in writing, eg by return e-mail or fax; or sent by registered post. A copy is to be sent to the Clerk of the Council which took the decision in question.
- 15.1A Throughout this Chapter 15 “day” or “days” means the days of the week excluding Saturdays and Sundays and, in relation to any step to be taken or procedural requirement to be complied with by a party, excluding public holidays of the country in which such party is located.
- 15.1B An Administrative Review Panel may on application or affidavit by any party in pending proceedings and on good cause shown extend any prescribed time period on such terms and conditions as it deems fit. Such application may be made before or after expiry of the time period in question.
- 15.2 Any enrolled member of a Congregation has a right to request the Session to review any decision of the body administering the financial affairs of the Congregation. Any enrolled member also has the right to request the Session to review any decision of any organisation within the Congregation which is responsible to the Session, if the applicant is directly affected by the decision.
- 15.3 Any enrolled member of a Congregation within the boundaries of a Presbytery has the right to request The Administrative Review Panel of the Presbytery to review any decision of the Session.
- 15.4 Any enrolled member of a Congregation within the boundaries of a Presbytery, or any Session of such a Congregation directly affected by a decision of that Presbytery, has the right to request the Administrative Review Panel of the Synod, or, if there is no Synod, of the General Assembly, to review a decision of the Presbytery. The same right is given to any enrolled member or Session or any Presbytery within the boundaries of a Synod, to request the Administrative Review Panel of General Assembly to review a decision of the Synod.
- 15.4.A No Council of the Church may pressure an applicant who has made application for review to withdraw his/her application, either by threat or otherwise, prior to the Administrative Review Panel's hearing of the pending application. This rule applies *inter alia* to any Council whose decision is to be subjected to review.
- 15.5 The Reviews referred to in this Manual are ones of serious intent. An Administrative Review Panel may decide not to hear any Review which it considers to be one which has no reasonable prospect of success or is trivial. The decision not to hear a Review on these grounds may, itself, be taken on review to The Administrative Review Panel of the next higher Council. Applications for Review are to be sent within twenty-one days of the decision being recorded in approved or confirmed Minutes of the body in question (whichever is the earlier) to the Clerk of the Administrative Review Panel which is being requested to hear the Review. Applications which have to be in writing may be delivered by hand and a receipt therefor obtained; or sent by e-mail or fax, provided that the addressee acknowledges receipt in writing, eg by return e-mail or fax; or sent by registered post. A copy is to be sent to the Clerk of the Council which took the decision in question.

Section 2 – THE STRUCTURE OF ADMINISTRATIVE REVIEW PANELS

- 15.6 When a Session exercises its administrative review functions, it meets as a Council in the ordinary way.
- 15.7 Presbyteries, Synods and the General Assembly exercise their administrative review functions through their Administrative Review Panels, which are structured in the same way as their Courts in Section 4 of the Chapter on Discipline, and the rules in that Section apply with the necessary changes. There is one exception: General Assembly's Administrative Review Panel always has ten members (including the Convener and the Clerk or his/her deputy) and the quorum is seven. Hence the number of members elected by the General Assembly at each stated meeting, to serve on the Administrative Review Panel is four Ministers and four Elders. The number of alternates remains the same, namely three Ministers as alternates to the Ministers and three Elders as alternates to the Elders.
- 15.8 The Ministers and Elders elected to Administrative Review Panels may be, but are not necessarily, the same as those elected to Courts.
- 15.9 The various Councils exercise their administrative review functions through Administrative Review Panels, whose decisions are final unless those decisions have to be sent to the Administrative Review Panel of the next higher Council for further review in terms of para 15.14 below. A Council that has established an Administrative Review Panel may not, itself, review the decisions of its Administrative Review Panel.

Section 3 – THE JURISDICTION OF ADMINISTRATIVE REVIEW PANELS

- 15.10 A Presbytery's Administrative Review Panel has jurisdiction over all administrative decisions of Sessions and Stewardship Boards of the Congregations within its boundaries, and of groups over whose administration the Sessions have jurisdiction.
- 15.11 A Synod's Administrative Review Panel has jurisdiction over all administrative decisions of its constituent Presbyteries, and bodies which are responsible to those Presbyteries.
- 15.12 General Assembly's Administrative Review Panel has jurisdiction over every administrative decision made within the Church, whether by a Session, Presbytery or Synod, or by a Committee, including any Committee of General Assembly, or by an association recognized by the Church, or a council office bearer. In the interests of equity and fairness the General Assembly's Administrative Review Panel may review any administrative decision except decisions of the General Assembly or of the Executive Commission.
- 15.13 Although Presbyteries, Synods and the General Assembly have jurisdiction over all administrative decisions of Councils of lower rank, they normally exercise this only on complaint or application for review.

Section 4 – PROCEDURE CONCERNING DISSENTERS' COMPLAINTS

AND APPLICATIONS FOR REVIEW

- 15.14 A dissenter may require that the decision, from which he/she dissents, be sent to the Administrative Review Panel of the next higher Council for review. The procedure is known as a Complaint.
- 15.15 A Complaint must be presented immediately after the announcement of the decision and be accompanied by reasons in writing. The reasons may either be submitted by the complainant at the time, or reach the Clerk of the Council within fifteen days thereafter. An apology for absence which has been approved, does not give the right to complain.
- 15.16 Other members of the Council who are present, or whose absence results from having to attend to duties imposed upon them by their own or another Council, may associate themselves with a Complaint, either for the reasons given by the complainant or for other reasons given in writing by themselves, provided these reach the Clerk of the Council within fifteen days after delivery of the reasons.
- 15.17 A complaint may be withdrawn at any time and is regarded as abandoned if the reasons do not reach the Clerk within fifteen days, or if it is not pursued at the meeting of the higher Council's Administrative Review Panel at which it is to be considered, and of which the Clerk of the Administrative Review Panel has given the complainant notice.
- 15.18.1 A Council against whose decision a complainant or applicant for a review has duly given reasons for the complaint or review delivers a Response within fifteen days of the delivery of such reasons. This is a concise statement of the Council's answer to the complainant's or applicant's reasons and of the Council's own case.
- 15.18.2 The complainant or applicant, within fifteen days of the Council's Response, delivers a Reply which is limited to a concise statement of the complainant's or applicant's answer to the Council's case.
- 15.18.3 The Council appoints one or more of its members to appear before the Administrative Review Panel of the higher Council in support of its decision.
- 15.19 The Council against whose decision complainants or applicants for a review have taken proceedings must send to the higher Council's Administrative Review Panel all relevant records and papers.
- 15.19 Complainants and applicants for review are entitled to such extracts from the minutes of the lower Council and to copies of such papers as they consider necessary to enable them to state their complaint or case for review before the higher Council's Administrative Review Panel which shall be provided by the Clerk of the lower Council within fifteen days of such a request being received.
- 15.20 Having received an application for review, the higher Council's Administrative Review Panel, may decide whether there is a reasonable prospect of the review succeeding. If, in the opinion of the Panel, there is clearly no such reasonable prospect, the Secretary of the Panel informs the complainants or applicants accordingly. If in the opinion of the Panel there is such a reasonable prospect, the Secretary of the Panel orders the

complainants or applicants for review, or their appointed representatives, and the representatives of the Council, against whose decision the complaint or application for review is made, to appear before it at a specified time and place on a specified date. It may, in its discretion, also order any other members of the Church to appear. It may invite, but not order, persons who are not members of the Church to appear as well.

- 15.21 A Complaint or Application for Review suspends the proceedings of the lower Council in the matter awaiting review by the higher Council's Administrative Review Panel, unless the lower Council considers that there is no reasonable prospect of the complaint or Application for Review succeeding, or that the suspension of the proceedings would, in itself, damage the interests of any of the parties, in which case the Council records its opinion and may proceed to put its decision into effect. The lower Council, however, does so at its own risk, as the Complaint or Application for Review must still go forward.
- 15.22 In dealing with Complaints or Applications for Review an Administrative Review Panel
- (a) calls for relevant papers and minutes and hears a statement on the matter from its Clerk;
 - (b) calls all parties in the complaint or review and ascertains that those who have been ordered to appear, are present;
 - (c) hears the complainant or applicant or their appointed representatives; the appointed representative(s) of the Council against whose decision the complaint has been made; together with any other persons whom it may have ordered to appear;
 - (d) gives the members of the Panel, through the Convener, an opportunity of putting questions to the parties;
 - (e) hears a complainant or applicant who desires to exercise the right of reply;
 - (f) removes the complainant or applicant for review and others, or if convenient, retires to another venue, considers the matter and reaches a decision;
 - (g) recalls the parties or returns to the place where the matter was heard, and announces the decision;
 - (h) orders a copy of the decision to be sent to the Clerk of the Council concerned, and to the complainant or applicant.

Section 5 – IMPLEMENTATION OF THE DECISION OF A PANEL

- 15.23 If it appears that a decision of an Administrative Review Panel is not being, or has not been, implemented the Convener of the Panel may request the appointment of a General assembly Commission in terms of paragraph 10.41(f) to see to it that the decision of the Panel is duly implemented.

APPENDIX

Administrative Review Worksheet

[(*) denotes delete that which is not applicable]

The Uniting Presbyterian Church in Southern Africa

The Administrative Review Panel of General Assembly / Synod / Presbytery * of

1. APPLICATION FOR REVIEW OR COMPLAINT*

The Session / Presbytery / Synod * of [name] at its meeting on
..... [date] made the following decision

*Insert here the extract of the confirmed minute of the Council concerned
indicating the decision made that you wish to have reviewed or about which you
wish to complain or attach it to this document:*

Full Names of Applicant / Complainant:

ID Number:

Residential address:

Postal address:

Tel no: Home and work:

Fax Number:

Cell Number:

* a) In the case of an application for review:

"I warrant that I have been warned by the Presbytery that bringing an application for review lightly or maliciously is a serious matter. I am a communicant member of a congregation in good standing of the UPCS A. I understand that this application must be presented within 21 days of the decision being recorded or confirmed."

* b) In the case of a complaint:

"I dissented from the above-mentioned decision and my dissent is recorded in the minutes of the Council. I warrant that I have been warned by the Presbytery that bringing a complaint lightly or maliciously is a serious matter. I am a communicant member of a congregation in good standing of the UPCS A. I understand that this application must be presented within 10 days of the decision being recorded or confirmed."

Signature

Date

..... (Congregation)

2. CRAVE

* a) Applicant (in the case of an application for review):

I hereby request the Administrative Review Panel to

- * i) Correct the decision, or
- ii) Change the decision, or
- iii) Improve the decision of the Council in the following terms:

Describe here how you want the Administrative Review Panel to correct, change or improve the decision:

.....

OR

* b) Complainant (in the case of a complaint)

I hereby give you reasons for my complaint

.....

The following members of the Council associated themselves with this complaint

Full Names of Co Complainant:

ID Number:

Residential address:

Postal address:

Tel no: Home and work:

Fax Number:

Cell Number:

.....

Signature Date

.....

Congregation

Declaration of a co-complainant:

"I hereby give the following reasons for associating myself with this complaint: "

.....

3. DELIVERY

Please note that delivery must be made to the Council that made the decision and the Administrative Review Panel that you wish to undertake the review or deal with the complaint within 21 days (for a review) or 10 days (for a

complaint) and you must furnish proof of delivery to both the Council and the ARP concerned.

application / complaint * was delivered The Clerk of the Court delivers or causes to be delivered to the alleged offender in writing to the Session / Presbytery

/ Synod * of [name of the Council that made the decision] and the Administrative Review Panel [which is being requested to undertake the review / deal with the complaint *] of the General Assembly / Synod / Presbytery

* of the [name] in the following method:

* By hand:

.....

Signature

Date

OR

* The Clerk of the Council refused to receive the notice.

OR

By registered post or other mail system requiring acknowledgement of receipt (attach receipt)(ii) it may be sent

OR

* By courier if the courier asks for a receipt (attach courier receipt here)

OR

By telefax (attach copy here)(iv) it may be sent

OR

* By e-mail, (attach e-mail and acknowledgement of receipt here)

OR

(v) the By the Sheriff of the High Court (attach receipt here).

4. RESPONSE

On behalf of the Session / Presbytery / Synod * of[name]

* I / we, having been properly authorised by the Council concerned to do so at a duly constituted meeting held on [date] hereby respond to the

* application for review / complaint in the following terms:

Describe here your response raised by the applicant / complainant in the application for review or their complaint against a decision of, the Council concerned:

.....

.....

Insert here the extract of the confirmed minute of the Council concerned indicating the authority given to you to respond to the application / complaint:

.....

Full Names of Respondent:

ID Number:

Residential address:

Postal address:

Tel no: Home and work:

Fax Number:

Cell Number:

.....

Signature

Date

.....

Congregation

5. DELIVERY

Please note that delivery must be made to the Applicant / Complainant and the Administrative Review Panel that is to undertake the review or deal with the complaint and you must furnish proof of delivery to both the Council and the ARP concerned.

This response was delivered in writing to the Applicant / Complainant and the Administrative Review Panel (which is being requested to * undertake the review / deal with the complaint) of the General Assembly / Synod / Presbytery * of the[name] in the following method:

* By hand:

.....

Signature (Applicant / Complainant)

Date

.....

Signature (Clerk of the ARP)

Date

OR

* The Complainant and / or * the Clerk of the ARP refused to receive the response.

OR

* By registered post or other mail system requiring acknowledgement of receipt (attach receipt)

OR

* By courier if the courier asks for a receipt (attach courier receipt here)

OR

* By telefax (attach copy here)

OR

* By e-mail, (attach e-mail and acknowledgement of receipt here)

OR

* By the Sheriff of the High Court (attach receipt here).

6. HEARING OF THE MATTER BY THE ADMINISTRATIVE REVIEW PANEL

a) Notice to parties and witnesses to appear

In the matter of the complaint of [name of * applicant / complainant] against the decision of [name of council]

Notice is hereby given that the Administrative Review Panel of the General Assembly / Synod / Presbytery * of [name]

will meet at the following place at the following date and time (at least 7 days from the date of this notice) to deal with this matter:

Place:

Date:

Time:

As a member of this Church you are required to obey this notice to appear. Failure by the * applicant / complainant or respondent to appear before the Administrative Review Panel on the date and at the time indicated will cause the Administrative Review Panel to regard this matter as having been abandoned. Further, failure to appear without satisfactory explanation may be treated as an act of resistance against rightful authority, and the Administrative Review Panel may report you to the appropriate Court for discipline.

This notice was served on the parties in the following manner:

* By hand:

.....

Signature

Date

OR

* The party refused to receive the notice.

OR

By registered post or other mail system requiring acknowledgement of receipt (attach receipt)(ii) it may be sent

OR

* By courier if the courier asks for a receipt (attach courier receipt here)

OR

By telefax (attach copy here)(iv) it may be sent

OR

* By e-mail, (attach e-mail and acknowledgement of receipt here)

OR

(v) the By the Sheriff of the High Court (attach receipt here).

b) Meeting

The Administrative Review Panel of the General Assembly / Synod / Presbytery of[name]
met on [date] to deal with this matter.

c) Members

The following members of the ARP were present to conduct the hearing:

.....

d) Statement by the Clerk of the Administrative Review Panel

"I,[full name], being the clerk
of the Administrative Review Panel of the * General Assembly / Synod / Presbytery of [name] do hereby state that:

√ - Yes / X- no

All papers have been submitted in due time

All papers have been submitted in the correct form

All parties have been furnished with copies of all relevant papers

All parties have been ordered to appear

The following parties are present:

Insert names of those present:

.....

Signed this day of 20"

.....

Clerk of the ARP

e) Conduct of the Hearing

The Convener invites the Applicant / Complainant to put the case to the Panel.

Statement by the Applicant / Complainant:

.....

The Convener invites the Respondent to answer the case.

.....

The Convener calls for questions by the Members of the Panel and invites the Applicant / Complainant and the Respondent to reply:

.....

Once all questions have been put, the Convener gives the Applicant / Complainant the right to reply:

.....

f. Consideration

The Convener invited the Applicant / Complainant, the Respondent and all other parties to withdraw and the Panel proceeded to consider the matter.

g. Decision

The Convener recalls the parties and announces as follows:

i) In the case of an application for review:

"In this matter, the Administrative Review Panel has decided to

* 1. Uphold the decision of the Council

OR

2. Correct the decision of the Council in the following terms:

.....

OR

3. To change the decision in the following terms

.....

OR

4. Improve the decision of the Council in the following terms:

ii) In the case of a complaint

"In this matter, the Administrative Review Panel has decided to

* 1. Uphold the decision of the Council

OR

2. Overturn the decision of the council

iii) Delivery of the Decision

The Panel hereby orders that a copy of this decision be sent to the Clerk of the Council concerned and to the applicant / complainant."

Signed this day of 20

.....
Convener of the Administrative Review Panel

Chapter 16

MINISTRY

Explanatory note

The Priesthood of all Believers is an important Reformation Principle. The Church has, however, always recognised the need for Ordained Ministers who are called, trained, equipped and ordained to preach the Word, to administer the Sacraments, to care for all those in their charge, and, together with the Elders, to rule. Ministers form a key leadership group in the Church, with special responsibility for its life at the local level in Congregations; at a regional level where all Ministers in pastoral charges and others, such as Ministers Emeritii, have seats on the Presbytery and the Synod; and throughout the Church in their opportunities to be commissioned as members of General Assembly and to serve on Commissions and/or Committees.

In recent years the Church has recognised that members of congregations can and are contributing significantly to the life and work of local congregations and that much of this service has become specialised in the areas of administration, pastoral care, youth work, music and leadership. These “lay ministries” do not replace the need for Ordained Ministry but they can play a vital supporting role, and so the Assembly has brought the Order of Supportive Lay Ministries into being which recognises, celebrates, supports and regulates those who offer themselves for service in this way. The Order is dealt with in the final section of this chapter.

Pending formal amendment and reprinting of the relevant pages, every reference to the “Maintenance of the Ministry Committee” or to the “Church Development and Planning Committee” is to be read as a reference to the “Mission and Discipleship Committee.”

Section 1 – MINISTERS’ PRIMARY DUTIES

- 16.1 Ministers are obliged to be faithful in the study of Scripture and prayer, to live holy lives, to preach the Word, to administer the Sacraments, to care for the people entrusted to them, to participate in the fellowship and work of the ruling Councils of the Church, to subject themselves to the authority and discipline of the Church and to seek its unity and peace.

Section 2 – MINISTERS IN PASTORAL CHARGES

PRESBYTERY’S ROLE

- 16.2 The Presbytery controls all ministerial appointments and transfers within its boundaries. A higher Council or Committee of a higher Council may negotiate such appointments or transfers with the Presbytery, but may not make the appointment or transfer without the Presbytery’s approval.

THE RIGHT TO CALL A MINISTER

- 16.3 A constituted Congregation (previously referred to as a full status Congregation) has the right to call a Minister unless it is in receipt of a

stipend subsidy or is in arrear with the payment of Assessments to the Councils of the Church. (This provision does not refer to stipend subsidy received in respect of a Probationer.) For the rules on stipend subsidy see paras 16.61ff below.

Nuclear Congregations and Transitional Congregations do not have the right to call a Minister (see paras 6.29, 6.34, 6.36).

A Congregation without the right of call, if it has developed sufficiently to be financially viable and fully able to support a Minister, applies to the Presbytery to be granted the right of call. The application to the Presbytery must

- (a) show that there is sufficient continuing financial support to meet all the expenses of the Congregation, including the full support of the Minister; and
- (b) include an audited full financial statement for the past year, together with a detailed estimate of income and expenditure for the ensuing year. If there is no audited Financial Statement for the past year all the circumstances have to be explained in the application and
 - (i) a full unaudited Financial Statement for the past year must be supplied, plus
 - (ii) an audited Financial Statement for the year before that.

A Congregation with the right to call a Minister may waive that right and request the appointment of a Minister (see para 16.59 below).

CIRCUMSTANCES IN WHICH CONGREGATIONS WITH THE RIGHT TO CALL MAY EXERCISE THAT RIGHT

Introduction

- 16.4 A Congregation may exercise its right to call when it is first recognised as a constituted Congregation (see para 16.3); or when its Minister accepts a Call from another Congregation; or retires; or dies; or resigns; or is unable, through mental illness, to discharge ministerial duties; or when, having a Minister, Presbytery allows it to call a Colleague or Colleague and Successor to its Minister.

Acceptance of a Call elsewhere

- 16.5 When a Minister accepts a call from another Congregation the date for the dissolution of the existing pastoral tie is fixed by the Presbytery (see paras 16.49 and 16.51).

Retirement

- 16.6 A Minister who wishes to retire prematurely from the active Ministry of this Church on the ground of infirmity, physical disability, ill-health, or for any other reason, applies to the Presbytery for permission to retire early. The Presbytery reports the facts, and submits its recommendations to the Board of Trustees of the UPCS Pension Fund which may or may not approve the application. If the application is approved the Minister tenders his/her resignation from the pastoral charge to the Presbytery or, in the case of a Minister occupying an administrative post in the Central Office, to the Church Office Committee.

Age of retirement

- 16.7 A Minister retires at the end of the month in which he/she reaches Normal Retirement Age of 65 years, unless otherwise provided for in the Rules of the UPCSA Pension Fund.

Note: The Rules of the Fund provide for a Minister who was a member of the PCSA Pension Fund at 31 December 1999 to retire at the end of the month in which he/she reaches the age of 68 years and for a Minister who was a member of the RPCSA Pension Fund at 31 December 1999 to retire at the end of the month in which he/she reaches the age of 70 years.

- 16.8.1 A Minister or a person occupying a post designated as a pensionable post by the General Assembly retires in accordance with the Rules of the UPCSA Pension Fund. On a Minister's retirement the General Assembly may declare him/her to be a Minister Emeritus of this Church with a seat in the Presbytery within whose boundaries he/she resides, but without ministerial connection with the Congregation which he/she last served except by invitation of the Interim Moderator or the subsequent Minister in matters other than executive action or decision making.
- 16.8.2 On retirement in terms of these rules the Minister shall receive the benefits of the UPCSA Pension Fund applicable in his/her case in accordance with the relevant rule of the Fund in force at the time of the retirement.

Retirement Procedure

- 16.9 At least six months prior to the date on which he/she is to reach Normal Retirement Age a Minister informs the Session of the Congregation in which he/she is serving of his/her impending retirement and the Session in turn informs the Presbytery. A Minister in an administrative post in the Central Office of the Church informs the Church Office Committee of his/her impending retirement and the Committee in turn informs the Presbytery in which the Minister has a seat (see para 10.27(r)). A Minister in a seconded post, or without charge, informs the Presbytery Clerk of his/her impending retirement. In each case the Presbytery informs the Ministry Committee of General Assembly and the Board of Trustees of the UPCSA Pension Fund and may apply to the General Assembly or its Executive Commission for the Minister to be declared a Minister Emeritus.
- 16.10 The Presbytery arranges for a Valedictory Service to take place close to the date on which the retirement is to take effect (see the Service Book and Ordinal). Thereafter the Presbytery on which the retired minister has been granted a seat exercises pastoral care of him/her and takes note of the provisions concerning Stated Supply in paras 16.147ff below.

Death

- 16.11 When a Minister in sole charge is removed by death, the Session Clerk convenes a meeting of the Session for the purpose of recording the Minister's death in the Minutes and of reporting the death to the Clerk of Presbytery. The Session Clerk presides at the meeting, or another Minister of this Church may be invited to preside. In normal

circumstances a Minister's or Minister Emeritus' funeral should be a Presbytery Service. Guidelines state also that the Moderator of General Assembly should be informed and invited to take part in the Service. The wishes of the deceased's family are to be taken into account.

Resignation

- 16.12 When a Minister wishes to resign his/her charge but to remain a Minister of the Church, he/she notifies first the Session and then the Congregation and then tenders the resignation to the Clerk of Presbytery.
- 16.13 On receiving a Minister's resignation from a charge, the Clerk of Presbytery informs the Moderator of Presbytery. If the Moderator (or his/her deputy) has not done so already, he/she visits the Minister as *Pastor Pastorum*.
- 16.14 If the Moderator and the Clerk are of the opinion that a special meeting of the Congregation and/or a visit by a Commission or Committee is unnecessary (eg because the resignation was anticipated on account of a declining charge or is on account of illness), the Clerk merely notifies the Congregation of the time and place of the meeting at which Presbytery will deal with the resignation. Para 16.15 then does not apply.
- 16.15 If the circumstances are not those in paras 16.14 or 10.35-61, the Presbytery convenes a meeting of the Congregation as soon as possible and in terms of para 6.62 appoints who is to preside and who is to take minutes. (For the relevant Form of Notice see Appendix C(3)2(b)). Alternatively, in order not to delay the meeting of the Congregation, the Moderator of Presbytery requests the Session to convene it and to invite him/her or his/her deputy to attend and to preside. (For the relevant Form of Notice see Appendix C(3)2(a)). The purpose of the meeting is to ascertain the mind of the Congregation, to deal pastorally with any disarray or confusion in it and to discuss any other aspects of the situation resulting from the resignation. At the meeting the person designated by the Moderator of the Presbytery to preside also informs the Congregation of the time and place of the meeting at which Presbytery will consider the resignation and the reasons for it and invites the members of the Session and the Congregation who so wish, to attend and contribute to the discussion. The Moderator of Presbytery previously arranges the time and place, if it will be a special Presbytery meeting.
- 16.16 At the Presbytery meeting the Moderator or his/her deputy reports on his/her meetings with the Minister and the Congregation. Presbytery ascertains the reasons for the resignation and discusses the whole situation.
- 16.17 Presbytery may
- (a) seek to persuade the Minister to withdraw his/her resignation; or
 - (b) let the resignation run its course and specify a date, reasonable in the circumstances, on which the pastoral tie between the Minister and Congregation will be severed; or
 - (c) find that the reasons for the resignation include a change of opinion on the Church's doctrine or form of government that disqualifies the

Minister from the ministry and so declare him/her to be no longer a Minister of this Church; or

- (d) initiate (or continue with) a judicial process if there is a public report of a scandalous offence that it suspects may be true or if there is some other reason to do so.
- 16.18 A Minister who resigns from the ministry of this Church thereby ceases to be a Minister in it, and the pastoral tie is dissolved from the date of resignation, unless the Presbytery sets a different date. No Certificate of Credentials is issued.
- 16.19 If a Minister's resignation is found to be due to any reason other than those provided in para 16.17(c) above, the pastoral tie is dissolved, and he/she becomes a Minister without charge, subject to the authority of the Presbytery, until transferred to another Presbytery. He/she has no seat in the Presbytery.
- 16.20 Ministers are authorised to administer the sacraments only if they
- (a) are serving in a pastoral charge or a position in the Church to which they have been called or appointed; or
 - (b) are serving in a position to which this Church has seconded them or for which it has accredited them; or
 - (c) are in the process of being called or appointed to a pastoral charge or position in this Church or being seconded by it to a position in or outside this Church; or
 - (d) are Ministers-without-Charge in terms of para 16.19; or
 - (e) have been admitted to the Ministry of another recognised Church in terms of para 16.32.1 or 16.32.2; or
 - (f) are Ministers-in-Association in terms of para 16.162; or
 - (g) are Ministers Emeriti (para 4.11).
- (See para 16.20.)

Mental illness

- 16.21 When a Presbytery is satisfied by evidence laid before it, which evidence must include independent certificates by not less than two qualified Medical Practitioners, that the Minister of any Congregation within its bounds is unable through mental illness to discharge ministerial duties, it appoints an Interim Moderator, and if it has reasonable grounds to believe that such illness may only be temporary, it grants the Minister leave of absence for such time as it may consider necessary, instructing the Interim Moderator to assume responsibility for that period.
- 16.22 If it appears that no improvement is to be expected in the condition of the Minister, or if after six months' leave of absence there is no prospect of early recovery, the Presbytery takes steps for the Call of a Colleague and Successor, or the severing of the pastoral tie, whichever it considers best in the circumstances and, if it releases the Minister from his/her charge, it refers the case to the General Assembly, or to the Executive Commission of the General Assembly if it is urgent, so that suitable financial provision be made for him/her.

Collegiate ministry

A Colleague

- 16.23 It is competent for a Congregation, with the permission of the Presbytery, to call a Colleague Minister, who is not necessarily a successor. In any such case the procedure is the same as that for calling a Minister. If the Congregation wishes to do this, the Session petitions the Presbytery on its behalf for permission to make a Call. The procedure is the same as that in a vacant charge.

A Colleague and Successor

- 16.24 If, owing to advancing age or other infirmity, the Minister desires to be relieved of part of the pastoral duties and to have a Colleague and Successor appointed, he/she informs the Session, which may also raise the question of such appointment independently. The Session at the request, or with the agreement, of the Minister consults the Congregation and, if the proposal is approved, ascertains the terms upon which a Colleague and Successor may be appointed. The Session thereafter submits the matter to the Presbytery for its decision. (See paras 16.2 and 16.45ff.) A Colleague and Successor automatically succeeds on the retirement, removal or death of the senior Minister. The procedure for a Call to a Colleague and Successor is the same as that in a vacant charge.

CALL PROCEDURES

Preliminary Steps

- 16.25 When a pastoral charge becomes vacant or a specific date on which it will become vacant is set, the following steps are taken:
- (a) the Presbytery appoints an Interim Moderator/Assessor;¹
 - (b) Presbytery stipulates the remuneration to be paid to the Interim Moderator or Assessor as a per kilometre travelling allowance and pulpit supply, provided that the amount for pulpit supply and per kilometre travel may not be lower than that of the Presbytery or General Assembly minimum for pulpit supply and travelling allowances;
 - (c) the Interim Moderator or Assessor, on the first convenient Sunday, notifies the Congregation of the vacancy or impending vacancy and instructs the Congregation to fill the vacancy as soon as possible;
 - (d) whenever possible the Interim Moderator or Assessor interviews the outgoing Minister; and
 - (e) with the outgoing Minister and the Assistant Minister, if there is one, not present, the Interim Moderator or Assessor meets with the Session and then with the Congregation.

¹ See para 16.29. All references below to an Interim Moderator are to be understood as including an Assessor.

- 16.26 If the charge falling vacant receives a stipend subsidy from the General Assembly's Maintenance of the Ministry Committee, the Clerk of Presbytery notifies that Committee of the date of commencement of such vacancy.
- 16.27 The Baptismal Register and the Roll of members are submitted to the Interim Moderator for inspection: he/she satisfies himself/herself that

they are properly kept and readily available for transmission to the new Minister at the time of induction. If the Baptismal Register or Roll of Members are not in order, the Interim Moderator will instruct the Session Clerk to produce an updated Baptismal Register or Roll of Members to be attested as soon as is possible.

- 16.28 The Session convenes a meeting of the Congregation, presided over by the Interim Moderator, to elect a Call Committee, consisting of enrolled members, which in due course submits its recommendations to the Congregation.
- 16.29 When a Presbytery has appointed a specific future date for the severance of a pastoral tie, it may appoint from among its ministerial members an Assessor, who in due course becomes Interim Moderator. The Assessor presides over all meetings of Session in matters with regard to that vacancy, over the Congregational Meeting to elect a Call Committee, and over the Call Committee when elected. All procedures with regard to filling the vacancy may now be followed. The Presbytery may at this point, or later, set the date on which the new Minister is to take up his/her duties.
- 16.30 Before any meeting of the Congregation for the election of a Minister, the Session makes up and attests the Roll of members of the Congregation and notifies the Clerk of Presbytery that this has been done. The Roll is tabled at any meeting of the Congregation for the election of a Minister.

Ministers and Probationers eligible to receive a Call

- 16.31 Ministers of the Church, Probationers who have been awarded a Ministry Certificate (see para 17.39 below), and Ministers of Churches with which there is an agreement on mutual eligibility of Ministers are free to accept a Call to a pastoral charge; provided that a Minister who has been appointed as Interim Moderator in a vacant Congregation, and who resigns from that appointment, is ineligible to be considered for a Call to fill that vacancy for a period of one year from the time of his/her resignation unless by special permission of the Presbytery, which must be reported to the General Assembly or its Executive Commission with reasons.

Mutual eligibility

16.32.1 UPCS/A/UCCSA

The following are the rules for mutual eligibility of Ministers of the UPCS/A/UCCSA. These rules were agreed upon by the two churches in 1971 and should only be changed with the consent of both Churches.

- (a) (i) Accredited Ministers of the UCCSA and the UPCS/A shall be eligible, after five years' service in their own Church, to receive Calls to Congregations of either church without loss of status in their own Church.
- (ii) Appointments, (eg as Assistant Ministers, Church Extension Agents, or Probationers) may be made at any time, but only by agreement between the appropriate authorities in each Church.
- (b) On accepting such Call or appointment, a Minister shall be transferred by the appropriate Council of his/her Church to the care

- and discipline of the appropriate Council of the Church he/she is to serve, for as long as he/she is so serving.
- (c) Coming under the care and discipline of the other Church, the Minister shall be inducted or introduced to his/her charge in terms of that Church's polity and practice, thus accepting to be subject to its government, to take part in the administration of its affairs and to administer the Sacraments and Ordinances in terms of generally accepted practice.
 - (d) A Minister serving in the other Church shall be a fully accredited Minister of that Church for as long as he/she serves in it. He/she shall continue as an associate of the Presbytery/Regional Council of his/her own Church.
 - (e) A Minister serving in the other Church shall remain a member of his/her own Church's Pension Fund, continuing to pay his/her own contributions to it, and the Congregation he/she serves will contribute to the same fund at its rate. (When a Congregation is considering a Call/appointment, it shall be informed of the terms of this provision by the appropriate body.)
 - (f) Service in the other Church by any Minister shall be regarded as service in his/her own Church and shall count towards seniority in it.
 - (g) Each Church shall dispose of Calls and appointments of Ministers of the other Church in terms of its own practice and procedure.

Guidelines for the member Churches of the CUC

- 16.32.2 The following guidelines were agreed upon by the member Churches of the CUC in 1996. (Where the Presbyterian Church of SA is mentioned read now "The Uniting Presbyterian Church in Southern Africa" and where functions are said to belong to bodies within any of the Churches and those functions now belong to other bodies or the names of the bodies have changed, read the up-to-date terminology.)

Appointments to Parishes or Congregations

1. An ordained Minister who is appointed to serve in another denomination is responsible to the appointing denomination for the work to which he/she is appointed and accountable to the denomination to which he/she belongs for personal conduct and character.

Church of the Province

2. A Bishop may issue a Licence as Rector or Assistant Minister to an ordained Minister of any CUC member Church provided that the relevant authority in the Church to which that Minister belongs has approved the arrangement.

Presbyterian Church of SA

3. A Minister of another Church who applies to serve within the PCSA as a Minister seconded by his/her Church, and a Presbytery that applies to receive such a seconded Minister, do so through the Clerk of the Assembly to the Consultative Committee on Admissions and Vacancies which will correspond with the Church concerned. The appointment is made by the Maintenance of the Ministry Committee

and the Presbytery concerned and is for a period of three years renewable.

Methodist Church

4. There are at present no regulations regarding the appointment of Ministers from other Churches. Such appointments have been made in the past by arrangement within the District and with the knowledge and approval of the Connexional Stationing Committee. Ministers of other CUC Churches are, therefore, eligible for invitation to Methodist circuits provided that the Bishop of the District is consulted before any approach is made, and the appropriate authority within the Church to which the Minister belongs is consulted and agrees. Such appointments are also within the competence of the District or Connexional Stationing Committees, provided again that the appropriate authority within the Minister's own Church has been consulted and has given approval.

United Congregational Church

5. Ministers of the Presbyterian Church of SA are eligible for Call to Congregations in terms of the Agreement on Mutual Eligibility between the two Churches. Ministers of other CUC Churches are eligible for Call provided the Minister concerned has been approved by the Executive Committee of the denomination, and the Secretariat of the UCCSA has consulted and received the approval of the appropriate authority within the Minister's own Church.

Responsibilities of the Interim Moderator, the Call Committee, and the Session

- 16.33 The Call Committee takes steps to find a candidate or candidates for a Call and may arrange for a candidate to be heard by the Congregation. Only one candidate at a time may be asked to preach with a view to a Call. Consideration of his/her candidature needs to be finalised before another candidate is invited to preach with a view to a Call (ie will the first candidate be invited to accept a Call, and, if so, will he/she accept it?). The Call Committee considers all the documents received in response to the notification of the vacancy, eg the CVs, names of referees, any responses on other matters requested in the notification of the vacancy. Having made a short list of those to whom the Call Committee wishes to give further consideration, it sends for the referees' reports on all those on that short list. After further consideration of all the information and their own knowledge of those under consideration, the Call Committee may arrange for one of the candidates to be heard by the Congregation. It is inappropriate to ask several candidates to preach with a view to a Call and then to choose between them. However, if the Call Committee, having heard one candidate, decides that he/she should not be offered a Call, or if a Call is offered but declined by the Minister who was asked to preach first, the process may be repeated with another from the Call Committee's list should it (the Call Committee) so desire. Whenever a Minister is to be asked to preach with a view to a Call, the Interim Moderator briefs him/her about the needs of the Congregation. When the Call Committee has reason to believe that the Congregation is ready to proceed with a

Call, it reports diligence to the Session, which causes a meeting of the Congregation to be convened for that purpose. Call Committees may not reject any applicant for a call on the basis of gender or race.

- 16.34 The Interim Moderator presides over a meeting of the Congregation for the purpose of proceeding with a Call and addresses the Congregation on its duties and responsibilities. After ascertaining whether the meeting is prepared to proceed with a Call, he/she explains the procedure to be followed.
- 16.35 The Interim Moderator then reads the Form of Call (see Appendix A(1)) and invites the Congregation to nominate a name to be inserted in it. The Call Committee submits its recommendation, it being clearly understood that any enrolled member of the Congregation is entitled to make a nomination.
- 16.36 The proposed stipend and other emoluments are submitted for the approval of the Congregation.
- 16.37 If two or more nominations are moved and seconded they are put to the vote in alphabetical order, the name having the fewest votes being dropped, and the vote being taken on the remaining names, and so on until only one remains. If at any stage more votes are given for one person than for all the rest combined, the names of those others are dropped without further voting, and the name of the remaining nominee is then put to the vote in order to ascertain the level of support.
- 16.38 The vote may be taken by a show of hands or by ballot, as the meeting may decide. When voting is by a show of hands the Interim Moderator and the Session Clerk count the votes. When it is by ballot, the meeting appoints two persons to count the votes and announce the result. Only enrolled members are entitled to vote.
- 16.39 The name of the person having the majority of votes is thereupon inserted in the Form of Call (see Appendix A(1)) and, if practicable, Commissioners are appointed to appear before the Presbytery in support of the Call.
- 16.40 The members are then invited to sign the Form of Call, and those, if any, who voted against the person elected are urged to unite with the majority and to make the Call unanimous. The Interim Moderator attests the signatures made at the meeting.
- 16.41 The Interim Moderator at that meeting and by announcement in his/her name at all services on the following Sunday calls for any objections to the life, character, conduct or doctrine of the Minister concerned to be lodged with the Interim Moderator in writing within two weeks from the date of that meeting. If any objections are received, the Interim Moderator forwards them to the Clerk of the Presbytery without delay.
- 16.42 The Interim Moderator informs the Minister of the Congregation's decision and the terms of the Call and asks the Minister to respond within three weeks of the date of the meeting of the Congregation that resolved to call him/her. If any objections are offered within the two-week period referred to in para 16.41, however, the Interim Moderator informs the

Minister and extends the time for responding to the Call to five weeks from the date of the meeting.

- 16.43 The Call is left in the hands of the Session for a specified time for additional signatures, each of which must be made in the presence of a member of the Session and attested by him/her.
- 16.44 The Session Clerk transmits to the Presbytery the completed Form of Call, with a statement giving the number on the roll as revised by the Session, and a statement setting out in detail the proposed emoluments.

Responsibilities of the Presbytery

- 16.45 In the notice calling the Presbytery meeting at which the Call is to be considered the Clerk also calls for any objections to the doctrine, character or conduct of the Minister being called to be made before the Presbytery at that meeting. Any objections, including any made by any member of the Congregation involved to its Interim Moderator in terms of para 16.41, are dealt with by the Presbytery before the Call is considered.
- 16.46 The Presbytery invites the Minister called, the members of the Congregation to which he/she is ministering, and the members of the vacant Congregation to attend the meeting at which the Call is to be considered. If the Minister called cannot be present, there shall be tabled a letter of acceptance. Members who will not be able to attend the meeting may make written submissions.
- 16.47 Before considering the Call the Presbytery must
- (a) approve the emoluments offered;
 - (b) satisfy itself that the Congregation is not in arrears in the payment of the previous Minister's stipend and other emoluments;
 - (c) satisfy itself that the Congregation is not in arrears in the payment of the assessments of the Councils of the Church or, if it is in arrears, that the Congregation has explained the circumstances of its failure to pay its outstanding assessments and that adequate arrangements have been made to settle the outstanding assessments; and
 - (d) ascertain whether the incoming Minister has any outstanding loans either from the Church Development Loans Fund (or its successor, if any) or from any Presbytery and, if such loans exist, decide how they are to be handled.
- 16.48 The Presbytery considers the Call and supporting documents, and hears the parties if they wish to speak and satisfies itself that the election has been regularly conducted and that the Call is signed by a majority of the members. After prayer has been offered for divine guidance the Presbytery may approve the Call.

Calls to Ministers already members of the Presbytery within whose boundaries the vacant Congregation is

- 16.49 When a Call is addressed to a Minister within its boundaries, the Presbytery, on approving the Call, places it in the Minister's hands, fixes the date of the induction and also of the dissolution of the existing

pastoral tie. Thereafter the Minister and both Congregations are commended to God in prayer.

Calls to Ministers who are members of other Presbyteries

- 16.50 When a Call is addressed to a Minister who is a member of another Presbytery, the Presbytery which approved the Call transmits it with relevant extract Minutes, to that Presbytery, and may appoint one or more Commissioners to appear before that Council to support the Call, or it may send a supporting letter giving its reasons as to why it would wish the Call to be sustained. That Presbytery then invites those concerned to attend the meeting at which it will be considered. If any of those concerned are unable to attend in person they may make written submissions to the Presbytery. That Presbytery considers the Call and supporting documents, hears the parties if they wish to speak, and satisfies itself that the election has been regularly conducted and that the Call is signed by a majority of the members. (Note that that Presbytery is not required to consider the emoluments, possible arrears in assessments and loans referred to in para 16.47.) After prayer has been offered for divine guidance the Presbytery may approve the Call.
- 16.51 If that Presbytery agrees to the transfer and approves the Call, it places it in the Minister's hands, together with the statement of emoluments, dissolves the pastoral tie, if any, from the approximate date of his/her induction, and places the Minister under the direction of the Presbytery which will induct him/her. Those affected by this decision are then commended to God in prayer.
- 16.52 The Clerk of that Presbytery thereupon forwards extract Minutes of the proceedings to the Clerk of the Presbytery of which the Minister is to become a member.

Responsibilities of the Presbytery in which the vacancy is

- 16.53 The Presbytery fixes the date of the ordination and/or induction, appoints those to take part in the service and directs that an Edict be read at public worship on the two preceding Sundays. (See Appendix C(1).) The Presbytery Clerk also notifies the General Assembly's Maintenance of the Ministry Committee in advance of the date of the induction.
- 16.54 The Presbytery meets immediately prior to the time fixed for the ordination and/or induction and receives the return of the Edict, duly attested that it has been served; except in cases where no Edict is required.
- 16.55 After the induction of a Minister from another Presbytery the Clerk of the Presbytery informs the other Presbytery to this effect.

Prolonged vacancy

- 16.56 When a Congregation fails to call a Minister within nine months after being declared vacant, the Presbytery may give three months' notice of its intention to proceed with the selection and settlement of a Minister should a Call not be given within that period. Presbytery may thereafter grant a specific extension of time on petition by the Congregation. Such a petition is not subject to review.

APPOINTMENT PROCEDURES

Ministers

- 16.57 A Congregation without the right of Call applies to the Presbytery to appoint a Minister or Probationer to it. This appointment is arranged by the General Assembly's Maintenance of the Ministry Committee in consultation with the Presbytery in which the Congregation is. (Note para 6.65.) The Minister or Probationer so appointed is under the care and discipline of the Presbytery.
- 16.58 When a vacancy occurs in a Congregation without the right of Call, such Congregation, in making an application in terms of para 16.57, may, if it so desires, submit a nomination for the office. Such nomination must be accompanied by the written agreement thereto of the person being nominated.
- 16.59 A Congregation with the right of Call which finds that it is unable successfully to call a Minister may apply to the Presbytery for permission to waive the right of Call and then may request the appointment of a Minister or Probationer. Should the Presbytery grant permission an appointment may be made following the same procedures as set out in para 16.57.
- 16.60 A Congregation with a right of Call whose financial circumstances may lead to its being unable to exercise this right may apply to the Presbytery to be given a stipend subsidy, in which case the following rules apply.

Applying for a stipend subsidy

Procedure to be followed by the parties concerned

- 16.61 As soon as the Session has reason to believe that it lacks or will shortly lack the resources required to maintain the Minister and the ministry of the Congregation, it shall advise the Presbytery.
- 16.62 Presbytery shall thereupon elect a Committee of at least three persons, one of whom shall be the Moderator or his/her deputy and at least one of whom shall be a person who has skills and/or experience of financial management. The Committee, after consultation with the Session, arranges a date on which it will meet
- (a) the Session, and
 - (b) the Congregation at a special Congregational Meeting called for the purpose (note para 6.57) at which members present shall be informed about the position and invited to discuss it. Thereafter the Presbytery Committee will make recommendations on the course of action to be adopted by the Congregation.
- 16.63 The above mentioned recommendations may include one or more of the following: -
- (a) The possibility of continuing as a Congregation, recognised as a unit of the Church, but with the allocation of a stipend subsidy. (Note para 6.41.) If this possibility is adopted Presbytery asks its own Finance Committee and General Assembly's Maintenance of the Ministry Committee what subsidy, if any, each can provide. (Note that the Maintenance of the Ministry Committee is not required to

pay a stipend subsidy in excess of one-third of the total minimum stipend applicable (see para 13.43). In addition, if this possibility is adopted the Presbytery requires quarterly reports on the state of the congregation to be given to it.

- (b) The feasibility of continuing the existing ministry under modified conditions, for example, a relaxation for the Congregation in question of the minimum stipend regulations. If Presbytery adopts this possibility it asks the General Assembly's Maintenance of the Ministry Committee for its agreement.
- (c) The downgrading of the Congregation to the status of a nuclear or transitional Congregation.
- (d) The merging of the Congregation with another adjacent Congregation, or other adjacent Congregations. (Note paras 6.74-76.) If merger takes place and both Congregations have Ministers who have been called, the Presbytery decides which pastoral tie is severed.
- (e) The dissolution of the Congregation. (Note paras 6.78-82, the last mentioned one including the last part of the whole of that paragraph concerning the vesting of the Congregational assets.) On dissolution Presbytery severs the pastoral tie.

16.64 If the Presbytery dissolves a pastoral tie under 16.63(d) or (e) above Presbytery is mindful of its pastoral care for that Minister and for the members of the Congregation.

Discontinuation of a stipend subsidy

16.65 A Congregation which receives a stipend subsidy but appears, in the judgement of its Session, to be able to pay the full stipend, shall apply to the Presbytery for the right to call. If the Congregation's Minister at the time was called before the subsidy was granted, he/she remains in office. If the Minister was appointed at a time when there was a stipend subsidy, Presbytery shall appoint an Interim Moderator to enable the congregation to exercise its right to call. Its Minister, if he/she is free to accept a Call, is eligible to be called.

Note. For stipend subsidy for a Congregation in process of formation note paras 13.42-43.

Assistant Ministers

16.66 If a Congregation desires the appointment of an Assistant Minister, the Session petitions the Presbytery to make the appointment. In its petition the Session includes its nomination and the proposed financial and other provisions. The Presbytery, if it approves the petition, agrees to make the appointment provided that the Presbytery in which the Assistant-Minister-to-be resides agrees to release him/her and requests that Presbytery for the release. The appointing Presbytery also determines how long the initial period of appointment shall be. (It may later renew the appointment for whatever period it approves.)

16.67 If the minister is released, the appointing Presbytery holds a service of appointment in the Congregation according to the Service Book and

Ordinal. Thereafter the Assistant Minister is under the direction of the Minister of the Congregation in the discharge of his/her duties.

TENURE OF OFFICE OF MINISTERS

Called Ministers

- 16.68 Subject to the provisions of para 16.105 the tenure of office of a Minister called and inducted to a charge is permanent until
- (a) he/she is called to another charge; or
 - (b) he/she resigns; or
 - (c) reaches the age of retirement; or
 - (d) is discharged under discipline; or
 - (e) the Presbytery dissolves the pastoral tie because the ends of the ministry are not, in its judgement, being served; or
 - (f) on merger or dissolution of the Congregation the Presbytery resolves that the pastoral tie be dissolved.

Appointed Ministers

- 16.69 The period of office of a Minister or Probationer appointed to a charge is determined at the time of the appointment. It may be extended for specified periods by decision of the Presbytery in consultation with the General Assembly's Maintenance of the Ministry Committee; and, apart from termination by the expiry of the period of office, is not otherwise terminated except as set out in para 16.68 or, if the terms of his/her contract so provide, by decision of the General Assembly's Maintenance of the Ministry Committee that he/she be transferred to another Congregation or sphere of service. (Note paras 16.136-137.)

Assistant Ministers

- 16.70 The period of office of an Assistant Minister is as provided in para 16.66 above.

THE RELATIONSHIP OF MINISTER AND CONGREGATION

- 16.71 Although the name of the Minister is on the Roll of members, he/she is subject not to the Session but to the Presbytery, provided that he/she abides by and acts upon the decisions of the Session and the Stewardship Board/Deacons' Board in regard to matters falling within their respective jurisdictions. This means that in every matter which the Session or the Stewardship Board/Deacons' Board is entitled to decide, such decision is binding on the Minister. Should a Minister appear to neglect his/her duties or to encroach upon the function of the Session, that Council may approach the Presbytery by petition to deal with the matter.

Ministers' remuneration

- 16.72 A Minister in a pastoral charge is not an employee of the Congregation but receives from the Congregation his/her stipend and other emoluments. Neither Presbytery nor Synod nor General Assembly is legally bound to pay the stipend or part thereof, or to provide the other emoluments, of a Minister in a pastoral charge. Presbyteries have a responsibility to ensure that Congregations pay their Ministers as agreed. (Presbytery and/or Synod and/or General Assembly may, if it is found by

such bodies to be practicable and desirable, assist a Congregation by means of grants or loans.)

- 16.73 A Minister's stipend when he/she is called is proposed by the Congregation (paras 16.36, 16.44), approved by the Presbytery (para 16.48) and included in the documents placed in the Minister's hands (para 16.49-50), and accepted by the Minister when he/she accepts the Call at his/her induction.
- 16.74 The Congregation is bound to meet the cost of suitable accommodation and transport for the Minister.
- (a) In regard to accommodation the Congregation provides a suitable manse or suitable other accommodation, such as premises which the Congregation hires, or it provides an adequate housing allowance. In the last mentioned case an arrangement, agreed to by the Minister and the relevant financial authority (on this term see Chapter 8) has to be approved by the Presbytery. If the Minister wishes to own a house which is more expensive than a suitable manse would be, the housing allowance is calculated on what it would be for accommodation similar to a suitable manse and the extra cost is to be met by the Minister (or by his/her family). In all the above cases the Congregation meets in addition the reasonable light, water and telephone expenses of the Minister. It is recommended that at least half of the contributions to an agreed Medical Aid Scheme be paid by the Congregation.
 - (b) In regard to the Minister's transport the position is as follows:
 - (i) The Congregation may make a Church car available for the use of the Minister and of his family, or by agreement may pay the Minister a travel allowance which is calculated to meet the full cost of travel on Ministerial duties in a car suitable for Ministerial use. This figure is to be at least the figure set by General Assembly. As in the case of accommodation, if the Minister is given a travel allowance calculated as above and wishes to purchase a more expensive vehicle, the extra cost is met by the Minister (or by his family).
 - (ii) If the Congregation supplies a Church car it meets the full cost of maintenance and petrol and oil used on Ministerial duties and normal recreation. If the Minister goes on leave, the car is at his/her disposal but the cost of petrol and oil is met by the Minister.
 - (iii) If the Minister is in, or takes up, part-time or full-time secular employment, the provisions of paras 16.103-108 below apply.
 - (iv) If the Minister seeks to supplement his/her income by pursuing an independent (sometimes referred to as a "freelance") occupation in which he/she cannot be said to be in any one person's "employment" he/she needs to obtain the consent of the Session, and if the occupation is to take up more than half the Minister's time, the approval of Presbytery is necessary. The use of a Church car or the amount of a car allowance in such circumstances is governed by the rules in paras 16.107-108 below.

- 16.75 The Minister's stipend is a first charge on the income of the Congregation (para 8.7). It is reviewed once a year (para 8.9) and the Session's or relevant financial authority's decision is minuted. Any proposed changes are submitted to the Presbytery for approval. No change (ie no increase and no decrease) in any financial provisions made for the Minister can be made without the approval of the Presbytery, unless by decision of the General Assembly.

Section 3 – MINISTERS IN POSITIONS OTHER THAN PASTORAL CHARGES

- 16.76 Ministers in positions other than pastoral charges, eg those in administrative posts in the Church, are selected as determined by General Assembly or some other body for which they will work and are appointed by contract.

Section 4 – MINISTERS' FUNCTIONS ON COUNCILS

- 16.77 A Minister in a pastoral charge
- (a) is Moderator of the Session unless there are more Ministers than one, eg a Colleague or Assistant Minister (para 7.40);
 - (b) may, if he/she so wishes, be Convener of the Stewardship Board/Deacons' Board (para 8.9);
 - (c) is a member of the Presbytery and of the Synod; and
 - (d) may be commissioned by Presbytery to attend General Assembly.
- In addition he/she may be called upon to serve on Committees or Commissions set up by the above Councils.

Section 5 – MINISTERS' LEAVE

- 16.78 It is necessary to distinguish between ordinary annual leave, Long Leave, Study Leave, and special leave.

ORDINARY ANNUAL LEAVE

- 16.79 The Minister's ordinary annual leave period is 30 calendar days. It may not be accumulated, which means that any ordinary leave not taken in a particular year cannot be added to the period of 30 days due in the next or any succeeding year. Besides ordinary Annual Leave the Session should free the Minister from all Church duties for one full weekend every two months to be spent with his/her family.

LONG LEAVE AND STUDY LEAVE

The scope of the Long Leave Scheme

- 16.80 The Long Leave scheme applies to each ordained Minister and licensed Probationer called or appointed, as the case may be, to a charge or a post in the Church, and to each person in full-time employment of the Church whose post has been declared by the General Assembly or its Executive Commission to fall within its provisions.

Entitlement to Long Leave and its financial provision

- 16.81 Twelve days per year shall be reckoned as accumulated leave, up to a maximum of 150 days, for the purpose of calculating Long Leave due.

The twelve days are separate from, not taken from, the ordinary annual leave referred to in para 16.79 above.

- 16.82 Breaks in service with The Uniting Presbyterian Church in Southern Africa including periods of secondment shall not qualify towards the accumulation of Long Leave.
- 16.83 When 60 days have been accumulated a member may take Long Leave. At least six months' notice of intention to take Long Leave must be given both to the Session (in the case of a Minister) and to the Presbytery. This period of notice may be decreased at the discretion of Presbytery.
- 16.84 Presbytery shall determine the order in which leave shall be granted to those who qualify for it, and also the dates between which Long Leave shall be taken. (See also para 10.27(m) and (n).)
- 16.85 In deciding on the granting of Long Leave for a Minister in a pastoral charge, Presbytery shall consult the member and the Session. In the case of administrative officials in the Central Office, the Church Office Committee of General Assembly shall take the place of the Session.
- 16.86 On taking Long Leave a member may take as much as 60 days accumulated leave and may take annual leave consecutively if so desired. The minimum permissible Long Leave taken at one time is 30 days Long Leave plus 12 days annual leave. The normal stipend is paid by the Congregation for the full period of accumulated leave taken.
- 16.87 When the member attains the maximum accumulation of 150 days and declines to take Long Leave immediately, the maximum accumulation shall be retained until such time as all or part of it is used as a period of Long Leave.

The Long Leave Fund

- 16.88 At 31st December each year, or on the date when the pastoral tie is dissolved, the Treasurer of the Congregation shall forward to the Central Office a statement showing the amount of leave accumulated by the member during the year, or relevant portion thereof, together with a cheque for the contribution due for that period. One day's pay is one thirtieth of a month's basic stipend and payment is to be made to the next higher rand.
- 16.89 The Central Office will keep a record of such accumulated leave and of the money sent in for each member.
- 16.90 The amount payable to a member taking Long Leave, or on retirement, shall be the net amount paid into the accumulated leave fund on his/her behalf with such interest as the Finance Committee of General Assembly may determine from time to time.
- 16.91 Upon taking Long Leave the member may elect to receive in cash all or part of the sum in the Long Leave account that is standing at his/her credit. After having received permission of the Presbytery to take Long Leave the member may have the requested funds paid out to themselves with immediate effect.

- 16.92 When a Minister takes Long Leave, the accumulated leave fund shall pay to the Congregation concerned on request pulpit supply fees at the rate determined from time to time by General Assembly.
- 16.93 On retirement a member shall be paid out the amount standing to his/her credit in the accumulated leave fund.
- 16.94 In the event of the death of the member before retirement, Long Leave cash owing will be paid to the surviving spouse, if any; failing whom to the children in equal shares and if any child has predeceased the member, such child's children shall take their parent's share in equal portions. If there are no such heirs the money shall be paid into the estate.

Study Leave

- 16.95 Study Leave for a period longer than 90 days is expressly excluded from the above provisions and is negotiated between the Minister, Session and Presbytery concerned. At the time when Study Leave is granted all completed months of Long Leave accumulation shall form part of the Study Leave, whether or not the total exceeds 90 days. Portions of one calendar month accumulated may be taken or retained at the discretion of the Presbytery.
- 16.96 In the case of Long Leave taken by a Minister in a pastoral charge Presbytery shall appoint an Interim Moderator to the Session, who shall undertake the normal duties of such office. Where the period of Long Leave taken is less than 90 days Presbytery may, at its discretion, waive this requirement.
- 16.97 Long Leave shall bear relation to total service as set out above, and not to service in a particular Congregation. No expense incurred by a Congregation when Long Leave is granted to its Minister shall be chargeable against any Congregation that he/she served previously.
- 16.98 In any vacancy the Call Committee may request from the General Secretary particulars of the Long Leave accumulation of any person being considered for a Call.
- 16.99 Any Presbytery or Minister shall be entitled to receive relevant particulars of Long Leave from the General Assembly office.

Amendments

- 16.100 These decisions, and regulations relating to them, may be amended by General Assembly or its Executive Commission from time to time.

NOTES:

The purpose of the Long Leave scheme is to enable Ministers to recuperate from the pressures of their work and to gain fresh insights for their work. They are thus able to become more effective in following their calling to service in the Church.

The Long Leave fund provides a "bonus" that is payable when Long Leave is taken. The bonus is in addition to the stipend for the period that is payable by the Congregation.

Special Leave

- 16.101 A Minister may be granted special leave by his/her Presbytery in terms of an arrangement which shall first have been agreed upon by the Presbytery, provided that such special leave shall not be granted for any period exceeding twelve months. If the Minister's absence from his/her charge is intended to exceed twelve months Presbytery severs the pastoral tie.

Maternity Leave

- 16.102 Female Ministers are entitled to four months maternity leave
- (a) with all emoluments except stipend for four months; and
 - (b) full stipend for two months.¹

¹ The attention of Ministers seeking maternity leave is drawn to the fact that they are at liberty to apply to the Unemployment Insurance Fund for whatever benefits they are entitled to in terms of that Fund for the remaining two months.

Section 6 – MINISTERS IN SECULAR EMPLOYMENT***INTRODUCTION***

- 16.103 It is permissible, subject to the following rules and to the approval of the Presbytery within whose boundaries the Congregation in question is, for a Minister in a pastoral charge to take up secular employment. The secular employment may
- (a) take up no more than twenty per cent of the Minister's time; or
 - (b) take up to half the Minister's time; or
 - (c) require the Minister to undertake duties which make up a full-time secular position.
- 16.104
- (a) In all cases Ministers are required to discuss their proposal in detail with the Session and Congregation and to obtain the consent of the Presbytery before taking up new secular appointments. The Presbytery must then appoint an assessor to the Session to assist the Session in negotiating the new arrangement with the minister.
 - (b) Those who have secular employment when these rules come into force are required to report to their Sessions and to seek to obtain the consent of the Presbytery, giving full details. Should the Presbytery not approve the position it must be renegotiated. Where Presbytery agrees to the minister taking up secular employment, Presbytery appoints an assessor to the Session to oversee the process.
 - (c) If the minister wishing to take up secular employment has been inducted into the Congregation, then the induction ends on a date that the Presbytery sets. The minister must then be appointed for a specified period under new terms and conditions that the minister, Session and the Congregation mutually agree on. This agreement must stipulate all the emoluments, the terms and conditions of the appointment, including, but not limited to, working hours, leave provisions and related matters. This

appointment, including all the terms and conditions of the appointment and the emoluments, must be approved at a special congregational meeting moderated by the assessor appointed by the Presbytery. Presbytery must then approve the appointment and all its terms, conditions, emoluments and other relevant matters.

- (d) If the minister wishing to take up secular employment was appointed to the Congregation, that appointment ends on a date set by the Presbytery, if it is not in any case due to end prior to the date on which the secular employment starts. The minister must then be re-appointed for a specified period under new terms and conditions mutually agreed to by the minister and the Congregation. This agreement must stipulate all the emoluments and the terms and conditions of the appointment, including, but not limited to, the working hours, leave provisions and related matters. This new appointment, including the terms and conditions of the appointment and the emoluments, must be approved at a special congregational meeting moderated by the assessor appointed by Presbytery. Presbytery must then approve the appointment and all its terms, conditions, emoluments and other relevant matters.

SECULAR EMPLOYMENT THAT TAKES UP NO MORE THAN TWENTY PER CENT OF THE MINISTER'S TIME

- 16.105 Whenever the secular employment takes up no more than twenty per cent of the Minister's time the Minister needs to discuss the question with the Session and congregation and obtain their consent. The matter does not need to be taken to the Presbytery unless a review of the Session's decision is requested in terms of para 15.3.

HALF-TIME SECULAR EMPLOYMENT

- 16.106 Whenever a Minister devotes between twenty per cent and half of his/her working hours to secular work
- (a) the amount of the minimum stipend will in his/her case be proportional to the amount of work given to the Congregation; and
 - (b) the Church car, if there is one, may not be used for his/her secular employment; if the Minister owns his/her car and receives an allowance, the allowance is adjusted proportionately to the diminished use on Congregational work; and
 - (c) he/she may still occupy the manse; but
 - (d) the Congregation will only be liable to pay a part of the water, light and telephone charges, the part being proportional to the number of hours spent on secular work.

MINISTERS IN FULL-TIME SECULAR EMPLOYMENT

General

- 16.107 If a Minister is in a secular full-time post the rules on stipends, emoluments, Long Leave and pension contributions given above do not apply unless the Minister remains a member of the Fund in terms of its Rules. If the Minister wishes to stay in the manse he/she may do so if

- (a) the Session and the relevant financial authority (on this term see Chapter 8) agree that he/she may; and
- (b) it is agreed that he/she will pay the Congregation a specified sum equivalent to the rental value of the premises (which may be altered from time to time).

Tenure of office

- 16.108 A Minister who has, or takes up, a full-time secular post does not have the security of tenure of a called Minister in a pastoral charge. When the Presbytery approves his/her arrangements his/her position is secure for three years only. Toward the end of each unbroken three year period the Minister may, after new discussions with the Session and Congregation about the continuance of the arrangements, apply to the Presbytery for approval for a further three year period. The Presbytery may either
- (a) sever the pastoral tie if it, after discussion with the Session, (the Minister not being present) and with the Minister separately, considers that the needs of ministry to the Congregation are not being met; or
 - (b) approve a further three year period.
- 16.109 If the pastoral tie is severed, the Minister is required to vacate the manse if he/she has been occupying it.

Section 7 – SECONDMENT OF MINISTERS

MINISTERS OF THE UNITING PRESBYTERIAN CHURCH IN SOUTHERN AFRICA SECONDED TO WORK OUTSIDE THE CHURCH

- 16.110 All applications for secondment must be referred to the Ministry Committee which reports thereon to General Assembly.
- 16.111 Secondment may be considered
- (a) to ecumenical or multi-Church bodies in which this Church is either represented or involved;
 - (b) to teaching posts of a theological or religious character;
 - (c) to specialised ministries recognised by this Church or to any Chaplaincy in the Military, the Police or the Correctional Services;
 - (d) to pastoral charges in member Churches of the Church Unity Commission and the World Communion of Reformed Churches.
- 16.112 When an application for secondment is considered, the Ministry Committee informs the General Assembly whether, in its opinion, the Church can spare from its ministry the person applying for secondment.
- 16.113 A Minister is not normally seconded to work outside this Church until he/she has served at least three years in a pastoral charge.
- 16.114 No secondment shall be made to secular occupations which have no connection with the work and witness of the Church.
- 16.115 The granting of a secondment is only to the specific occupation or employment defined in the appointment. Its continuation is at all times subject to the discretion of the General Assembly.

- (a) The obligation rests on the seconded Minister to inform the Clerk of Assembly on an annual basis that the appointment to which he/she was seconded remains substantially the same, or to apply for re-secondment if his/her appointment changes substantially.
- (b) If this obligation is not fulfilled, the Clerk of Assembly shall inform the Presbytery, which, after investigation, may request the General Assembly, through its Ministry Committee, to cancel the secondment.

***MINISTERS OF OTHER CHURCHES SECONDED TO WORK WITHIN
THE UNITING PRESBYTERIAN CHURCH IN SOUTHERN AFRICA***

- 16.116 Any Minister of another Church who applies to serve within The Uniting Presbyterian Church in Southern Africa as a Minister seconded by his/her Church and any Presbytery that applies to receive such a seconded Minister, do so through the Clerk of Assembly to the General Assembly's Ministry Committee. The Ministry Committee reports on the applications to the General assembly, which decides on them. (See par 16.110.)
- 16.117 To be eligible for consideration for such secondment, a Minister must be a Minister of a Church that is a member of the Church Unity Commission or of the World Communion of Reformed Churches. Written permission to undertake this work must be obtained by such a Minister from the responsible authority in the Church in which he/she is accredited.
- 16.118 A Minister of, or seconded by, another Church with which there is no agreement of mutual eligibility of Ministers may not be called by a Congregation, and such Minister of another Church (which is not a member Church of the Church Unity Commission or of the World Communion of Reformed Churches) may not be appointed as Stated Supply.
- 16.119 A Minister seconded by another Church for work in The Uniting Presbyterian Church in Southern Africa is not thereby admitted to the Pension Fund applicable at the time.
- 16.120 A Minister seconded in terms of these provisions is granted a seat on Presbytery and is under the care and discipline of Presbytery.
- 16.121 The secondment shall in the first instance be for a period of no longer than three years and is renewable annually thereafter.
- 16.122 The procedures in paras 16.116-121 are followed by Ministers of member Churches of the Church Unity Commission (other than those of the United Congregational Church of Southern Africa, who are covered by the provisions of para 16.32.1) who seek appointments in The Uniting Presbyterian Church in Southern Africa in terms of the agreement on "Mutual Acceptance of Ministries".

Section 8 - CREDENTIALS

- 16.123 Credentials certify that a person who has been ordained or received into the ministry of The Uniting Presbyterian Church in Southern Africa remains under the care and discipline of one of its Presbyteries and is authorised to continue exercising the functions of the ministry within

Congregations of The Uniting Presbyterian Church in Southern Africa, even though he/she may not be serving in a post in The Uniting Presbyterian Church in Southern Africa to which he/she was inducted or appointed or seconded to an approved post beyond the jurisdiction of The Uniting Presbyterian Church in Southern Africa.

- 16.124 A Minister's status as such in The Uniting Presbyterian Church in Southern Africa shall be considered to have lapsed and can only be re-instated by formal application, through the Ministry Committee, for re-admission to the ministry by the General Assembly if:
- (a) he/she, within a period of 60 days after he/she has resigned or left an appointment or charge, has not made a written request for credentials, or for a transfer from the Presbytery within which he/she was serving to the care and discipline of another Presbytery; or
 - (b) he/she is transferred to the care and discipline of another Presbytery and fails to present himself/herself to the Moderator and/or Clerk of that Presbytery within 60 days of the date of transfer, to request in writing the issuing of credentials from his/her new Presbytery; or
 - (c) he/she is not a member of a Congregation in the Presbytery under whose care and discipline he/she has been placed or in a Congregation of another Presbytery within whose boundaries he/she resides; or
 - (d) he/she goes to work and live in another Presbytery and has not, within a period of 60 days, asked the Presbytery under whose care and discipline he/she has been placed, to transfer him/her to the care and discipline of his/her new Presbytery; or
 - (e) he/she is absent from the countries served by The Uniting Presbyterian Church in Southern Africa for more than 90 days without obtaining leave of absence from the Presbytery under whose care and discipline he/she has been placed; or
 - (f) he/she fails to return to one of the countries served by The Uniting Presbyterian Church in Southern Africa within the period of leave of absence (or duly-authorised extension thereof), granted by the Presbytery under whose care and discipline he/she has been placed; or
 - (g) his/her credentials have been withdrawn, as a result of his/her having been disciplined under the provisions of Chapter 18 of this Manual; or
 - (h) 80 days have passed since his/her credentials expired.
- 16.125 A Minister's status in The Uniting Presbyterian Church in Southern Africa shall not be considered to have lapsed as a result of the suspension of his/her right to exercise the ministry of the Word and Sacraments in terms of Chapter 5.
- 16.126 Credentials, in the form outlined in Appendix C(4)7, may only be granted by the Presbytery which has the care and discipline of the Minister at the time of the application.
- 16.127
- (a) Credentials are granted for a period of 12 months at a time.
 - (b) The obligation rests on the Minister who has credentials to apply for their renewal to the Presbytery through its Clerk. This must be

done in time for the Presbytery to consider the matter before the credentials lapse. The Minister should be present at the relevant meeting, OR, where that for good reason is not possible, should prior to the meeting discuss his/her application with the Moderator and/or Clerk which should be by way of a meeting or, if that is not practical, electronically or telephonically.

- (c) As part of its care and discipline, the Presbytery, through its Clerk, does not hesitate to remind a Minister that his/her credentials are about to lapse. The Moderator and/or Clerk may arrange pastorally to discuss with the Minister in the manner contemplated in paragraph 16.127 (b) any difficulty arising out of the issuing or renewal of his/her credentials. The provisions of this sub-paragraph do not affect the obligations on the Minister under (b) above.
- (d) In granting and renewing credentials Presbytery takes into account the Minister's participation in the fellowship and work of the Presbytery, his/her membership of a Congregation within its boundaries, and his/her current occupation.
- (d) At its discretion the Presbytery may withdraw the Certificate of Credentials at any time.

16.128 At any time during the validity of the certificate it is competent for the holder to receive a Call or accept an appointment, as the case may be, to a charge within this Church.

16.129 An ordained Minister who on retirement has been granted by General Assembly the status of Minister Emeritus does not require a certificate of credentials and is exempt from the foregoing regulations.

16.130 A Probationer or Minister appointed as full-time Chaplain is transferred to the care and discipline of a Presbytery appropriate to the area of his/her military service and there, upon his/her written request, is issued with a certificate of credentials specifying his/her status as a military Chaplain and whether he /she is licensed to preach the Gospel or ordained as a Minister of Word and Sacraments. (A Minister desiring to become a military Chaplain applies through the Ministry Committee to the General Assembly for secondment.)

Section 9 – CHURCH DEVELOPMENT EVANGELISTS

CHURCH DEVELOPMENT PROJECTS

16.131 The role of the Church Development Evangelist (CDE) is to plant new Churches, but may also include developing existing Churches which have potential for significant growth. Such a Church may be recognised by a Presbytery as a Church Development Project. (In this context the word "Church" is synonymous with "Congregation".)

16.132 Where such a Church Development Project exists or is established, an applicant may be recognised as a CDE by the Church development and Planning Committee of General Assembly, after having satisfied the Committee of his/her suitability. No appointment of a CDE may take place in a Presbytery until the Presbytery has been notified by the Church Development and Planning Committee of its decision.

REQUIREMENTS FOR APPOINTMENT AS A CDE

- 16.133 A CDE is required to be an Elder and a member of the Order of Lay Preachers.
- 16.134 The relevant application form is obtained from the Church Development and Planning Committee and submitted accordingly and an interview is arranged.
- 16.135 The Church Development and Planning Committee determines what further studies in the area of Church planting and evangelism would be advisable in the case of each applicant.
- 16.136 Having been recognised as a CDE for a particular project, the Presbytery appoints the CDE for a maximum period of 3 years, thereafter the appointment is reviewed annually if further development of the Congregation is required. A CDE falls under the care and discipline of the Presbytery in which he/she serves.
- 16.137 Any Minister eligible to accept a Call within the Church may apply to the Church Development and Planning Committee to become a CDE.

ADDITIONAL DUTIES OF CDEs

- 16.138 Provided that the requirements of the Ministry Committee are fulfilled,
 - (a) a CDE may be given authority by the Presbytery in his/her capacity as an Elder and member of the Order of Lay Preachers, to administer the Sacraments for a specified time in a specified area while his/her appointment to a particular project lasts, and/or
 - (b) provided, further, that the requirements of the Marriage Act can be fulfilled, a CDE may apply to be a Marriage Officer while his/her appointment to a particular project lasts.
- 16.139 CDEs are required to attend conferences as arranged by the Church Development and Planning Committee of General Assembly. They should also complete whatever studies are required by the Committee in each case. This includes formal and informal study as laid down.
- 16.140 Deleted
- 16.141 When a CDE becomes the subject of discipline by the Presbytery the latter informs the Church Development and Planning Committee accordingly, and supplies them with copies of all relevant documents.

COMPLETION OF THE TASK

- 16.142 Once the Presbytery is satisfied that the Congregation has been developed to the point of being in a position to call a full time minister, it withdraws its recognition of the Congregation as a Church Development Project. The Congregation then becomes a vacant charge.
- 16.143 A CDE functions only in such a Church Development Project and does not remain a CDE when the terms of the project end.
- 16.144 Any CDE wishing to follow the route to ordained ministry applies through the normal channels of the Ministry Committee of General Assembly and its selection process. The CDE project is not designed to be a stepping stone towards the ordained ministry of the Word and the Sacraments.

RULES ON STIPENDS, LOANS AND GRANTS

16.145 Rules on these subjects are to be found in paras 8.6-10.

RULES ON THE FORMATION OF CONGREGATIONS

16.146 Rules on the formation of, and the structures of, developing Congregations through nuclear and transitional stages are to be found in paras 6.29-37.

Section 10 – STATED SUPPLY

16.147 Stated Supply is the temporary appointment of a person to conduct public worship and to undertake such duties as may be required of him/her during a vacancy

[**NOTE:** page numbers 26 and 27 are duplicated.]

while the procedures to fill the vacancy are being followed or are in abeyance or during a Minister's absence for a period of 90 days or longer or in the case of illness.

- 16.148 A Session seeking Stated Supply applies to the Presbytery to make an appointment and may nominate any eligible person. In making the application the Session specifies the duties to be undertaken.
- 16.149 The Presbytery informs the Assembly's Ministry Committee of the person it appoints as Stated Supply.
- 16.150 To be eligible for appointment as Stated Supply a person must be one of the following:
 - (a) a Minister of The Uniting Presbyterian Church in Southern Africa;
 - (b) a Minister *Emeritus/Emerita* of The Uniting Presbyterian Church in Southern Africa;
 - (c) a Minister of a Church that is a member of the Church Unity Commission or of the World Communion of Reformed Churches and has obtained written permission to undertake this work from the responsible body or individual in the Church of his/her accreditation;
 - (d) a Lay Preacher in the Order of Lay Ministries of The Uniting Presbyterian Church in Southern Africa.
- 16.151 A person appointed as Stated Supply may not be appointed Interim Moderator of the Congregation which he/she is serving as Stated Supply.
- 16.152 A person appointed in terms of para 16.150 (c) or (d) above does not acquire a seat on the Presbytery by virtue of being Stated Supply.
- 16.153 The Presbytery appoints Stated Supply for a period of one year or less and determines the period at the time of appointment. The Presbytery may review the appointment at any time and must do so before the time of appointment expires. It may then extend the appointment for a further specified period; otherwise the appointment automatically ends on the agreed date. Termination of appointment at an earlier date is subject to one months' notice on either side.
- 16.154 Should it be proposed that a person's appointment as Stated Supply be for more than one year, the Presbytery appoints a Consultation Committee to investigate the situation in the Congregation and report back to it. Should the Presbytery find that the Congregation is capable of sustaining a full-time Minister, it instructs the Congregation to proceed with making a Call or else may act as laid out in para 16.56.
- 16.155 The Session
 - (a) considers what remuneration the person appointed should receive in the light of the duties determined in terms of para 16.145 above; and
 - (b) proposes this to the Presbytery for it to approve.
- 16.156 If a Minister of The Uniting Presbyterian Church in Southern Africa is appointed to serve as Stated Supply in terms of para 16.150(a) above, such service does not qualify as pensionable service.

- 16.157 At its meetings Presbytery regularly associates with itself any person appointed as Stated Supply who has no seat on it.
- 16.158 The person appointed is subject to the Presbytery's care and discipline.
- 16.159 No service of Induction or Appointment is conducted for Stated Supply.
- 16.160 The appointment of Stated Supply requires no report to General Assembly in terms of Changes in the Ministry.
- 16.161 No retired minister may serve as Stated Supply in any one Congregation for more than two years, unless no other alternative exists.

Section 11 – Ministers-in-association

- 16.162 A Minister of The United Presbyterian Church in Southern Africa or of a Church that is a member of the Church Unity Commission or of the World Communion of Reformed Churches may enter into a special contract with a Congregation that has one or more Ministers called or appointed in terms of Section 2 of this chapter. The Minister negotiates with the Congregation to become a "Minister-in-Association". After all the terms for such a contract have been drafted, the Congregation, through the Session, petitions the Presbytery. The petition must supply all the terms of the proposed contract, stating
 - (a) when the person involved is to start work;
 - (b) what the work is to be;
 - (c) what the remuneration is to be; and
 - (d) how the appointment may be terminated.If the Presbytery approves the proposed terms, the contract may be entered into.
- 16.163 If any dispute arises concerning the contract of a Minister-in-Association, it may be taken on review to the Presbytery's Administrative Review Panel.
- 16.164 In the case of a vacancy or impending vacancy in the Congregation a Minister-in-Association may not function as Assessor or Interim Moderator or be called or appointed as Minister of the Congregation.
- 16.165 A Minister-in-Association does not become a member of the Session by virtue of his/her position, but, if he/she is a member of the Congregation, may be elected following the procedure in para 7.62 above.

Section 12 – The order of lay ministries

- 16.166 The Order of Lay Ministries (hereinafter the OLM or "the Order") is an Order in the Church that:
 - (a) recognises and celebrates a diversity of forms of service, or ministry, within the Church, including service as:
 - (i) Lay Preachers,
 - (ii) Pastoral Visitors and Caregivers,
 - (iii) Youth Leaders,
 - (iv) Choir Directors / Worship Leaders,
 - (v) Pastoral Administrators,

- (vi) Association Chairpersons, and
- (vii) others that may be added to this list.
- (b) prepares and provides documents for lay people offering themselves for these forms of service to apply for admission to the Order;
- (c) provides training courses to prepare, train and equip them for their particular forms of service;
- (d) recognises as belonging to the Order individuals who:
 - (i) have been properly interviewed by the Session and, for some ministries, by the Presbytery;
 - (ii) have undergone the “OLM Foundations Course” (an introductory course in Presbyterian identity, ethos and spirituality) and courses prescribed for the particular areas in which they are to serve;
 - (iii) have been appropriately appointed in their Congregations; and
 - (iv) have been accepted into the Order in a Presbytery service of commissioning and blessing;
- (e) provides access to ongoing training for people in the Order to improve their skills in the areas they serve;
- (f) provides support and opportunities for fellowship for those in the Order;
- (g) provides material to assist Congregations in interviewing for part-time or full-time staff appointments, whether paid or unpaid.

It is important that remunerated appointments conform to the requirements of the labour legislation applying in the country in which the Congregation is situated.

- 16.167 Membership of the Order confers no status, authority or position other than that of the specific appointment in a local Congregation. Belonging to the Order grants no access to any of the councils of the Church and no rights associated with the Ordained Ministry. Any candidates who wish to consider entering the Ordained Ministry should consult ch.17.
- 16.168 All who have been members of the former Order of Lay Preachers, are automatically members of the OLM.
- 16.169 Privileges and responsibilities in the Order are always defined by the specific area of service in which an individual is currently serving. (For example, a Youth Worker in the OLM does not have the privileges or responsibilities of a Lay Preacher.)
- 16.170 (a) Membership of the Order provides the following for the Member:
 - (i) a deeper understanding of the nature and ethos of service in the Church;
 - (ii) a grounding in servant leadership and in understanding the gospel's call to mission and service;
 - (iii) a space in which to grow in service and commitment to the Church while being accountable to the Order;
 - (iv) an opportunity to hone skills through courses and training opportunities; and
 - (v) credibility in the sense that the Church recognises members of the Order as competent in their areas of service.
- (b) Membership of the Order provides the following for Congregations and Presbyteries: a framework providing structure, support,

training and recognition for those who serve our Congregations in specialised capacities.

- 16.171 The Mission and Discipleship Committee of General Assembly appoints a sub-committee to administer the Order. In consultation with the Church Office Committee it also appoints an Administrator of the OLM to act as the sub-committee's agent. The sub-committee's responsibilities are as follows:
- (a) to supervise the work of the OLM Administrator;
 - (b) to define what the various forms of ministries require;
 - (c) to create, maintain and administer the OLM Foundations Course;
 - (d) to collate material to assist Congregations with the legalities and practicalities of appointing staff; and
 - (e) to maintain a portfolio of affordable short courses to recommend to candidates.
- 16.172 The Mission and Discipleship Committee in consultation with the Church Office Committee appoints the OLM Administrator, who serves part-time. The Administrator:
- (a) provides, on request, details of courses, guidelines of appointment and other material to Congregations and Presbyteries.
 - (b) provides guidance and advice to the Sessions of those seeking to become members of the Order;
 - (c) guides each candidate through the prescribed process of admission to the Order;
 - (d) administers the OLM Foundations Course;
 - (e) maintains a database of members of the Order;
 - (f) conducts a review of the database every 24 months by eliciting reports from members of the Order; and
 - (g) represents the Order at General Assembly and its Executive Commission.
- 16.173 At Presbytery level an appointed Presbytery Committee is responsible for supervising the Order. The duties of this Committee are to
- (a) receive applications to join the Order from individuals via their Sessions;
 - (b) review applications, and forward them to the OLM Administrator;
 - (c) undertake any ad hoc work that a candidate is required to fulfil for any specific ministry. (Besides undergoing the courses required, a Lay Preacher, for example, must conduct a trial service and be evaluated by a Presbytery Committee or its representative);
 - (d) interview the candidates who have completed the requirements; and
 - (e) arrange services at which the candidates are accepted into the Order and commissioned.
- 16.174 The prerequisites for applying for admission to the Order are as follows:
- (a) The applicant must be a member of a Congregation of the UPSCA.
 - (b) The applicant must have been a member of the UPSCA for at least a year. Exceptions to this requirement can be made when a person has been sought, interviewed and appointed to a formal position in the Congregation (as often, for example, with Youth Workers).
 - (c) The applicant should not have undergone discipline in any court of the Church during the preceding five years.

- 16.175 When a person in a Congregation feels called to serve the Church in a specific form of service and wishes to become a member of the Order, the process is as follows:
- (a) The person applies to the Session of the Congregation.
 - (b) The Session Clerk consults the OLM Administrator and finds out the requirements that apply to the form of service the candidate wishes to perform.
 - (c) The Session interviews the candidate and
 - (i) ensures that the applicant is motivated by a desire to serve in humility and with excellence;
 - (ii) considers the requirements in (b) above and the candidate's ability to fulfil these.
 - (iii) considers appointing an Elder as mentor to encourage and support the candidate and
 - (iv) considers assisting with the costs of courses the candidate may be required to do.
 - (d) If the Session is satisfied after the interview, it fills in the "Application to Presbytery Form" provided by the OLM Administrator and sends it to the convener of the appointed Presbytery Committee.
 - (e) The convener of the appointed Presbytery Committee brings the application to a stated Presbytery meeting, where the Presbytery either declines or approves it. Valid grounds for declining are concerns about:
 - (i) the applicant's doctrine, character or conduct; and/or
 - (ii) the applicant's suitability or capability for the form of service he/she wishes to offer.
 - (f) If the Presbytery approves the application, it forwards it to the OLM Administrator, who:
 - (i) writes to the Presbytery, the Session and the applicant outlining the requirements applicable for the role in which the applicant wishes to serve;
 - (ii) guides the applicant through the OLM Foundations Course; and
 - (iii) assists the applicant with relevant information with regard to the requirements.
 - (g) The applicant completes the steps of the process, taking responsibility for the cost of the courses and the procurement of any resources necessary to complete the requirements. If the Presbytery needs to be involved (for example, by providing a trial service for the admission of a Lay Preacher), the convener of the appointed Presbytery Committee arranges this.
 - (h) On completion of all the requirements, the applicant sends certification thereof to the Session Clerk and the Administrator of the OLM. If both these parties are satisfied that the requirements have been met, the Administrator writes to the convener of the appointed Presbytery Committee recommending the applicant.
 - (i) On receiving the recommendation, the convener of the appointed Presbytery Committee arranges for a small committee of 3 or 4 presbyters to interview the candidate to reflect on his/her spiritual journey and to report to Presbytery. The Presbytery, if satisfied, arranges a service of admission and blessing at one of its stated

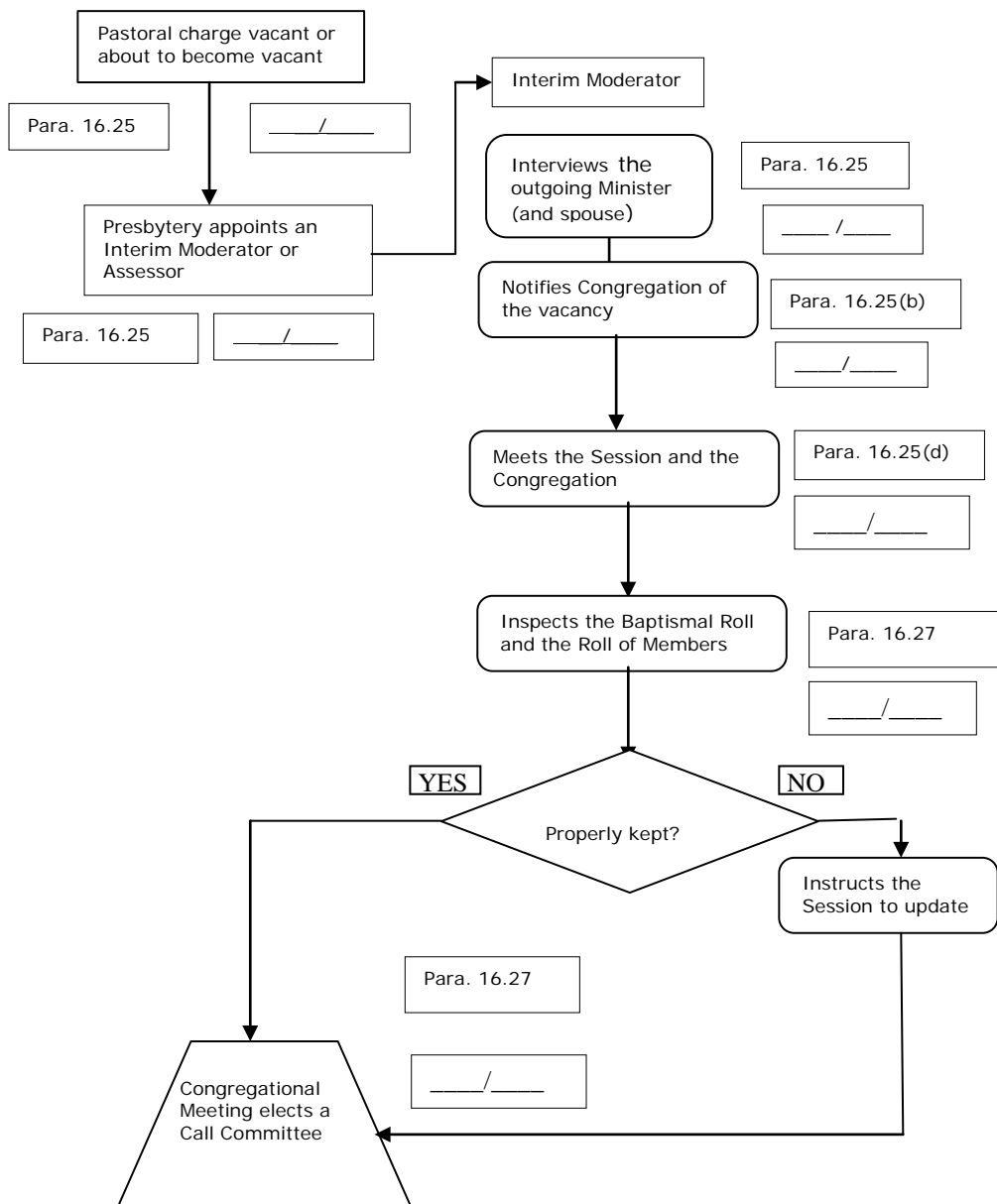
meetings. The convener communicates this to the OLM Administrator.

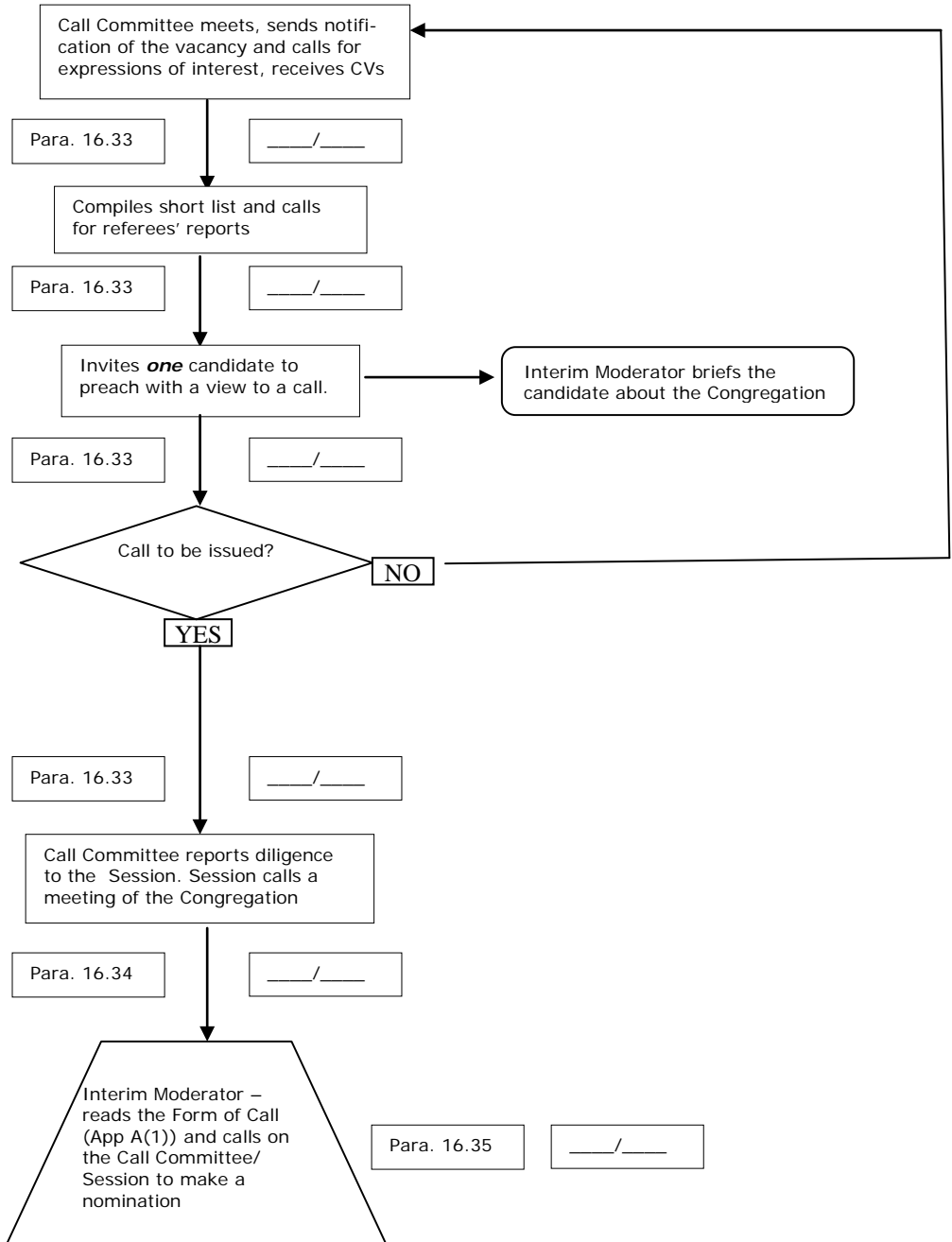
- (j) The OLM Administrator places the candidate's name on the database of OLM Members.
- (k) The OLM Administrator encourages the candidate to participate in fellowship and training events in the Order as far as can reasonably be expected within the constraints of time and cost.

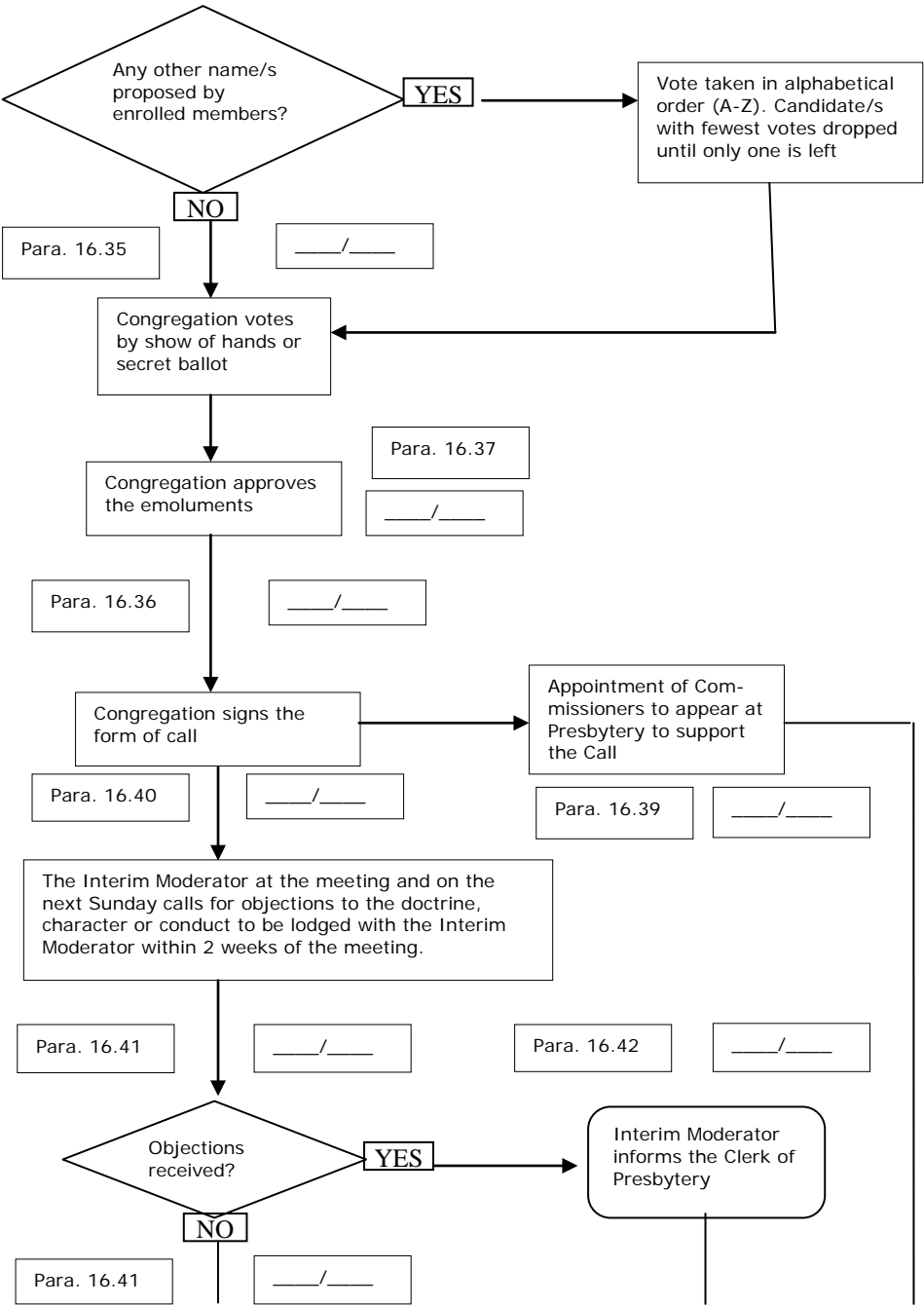
16.176 A Member of the Order will be dismissed from it if he/she:

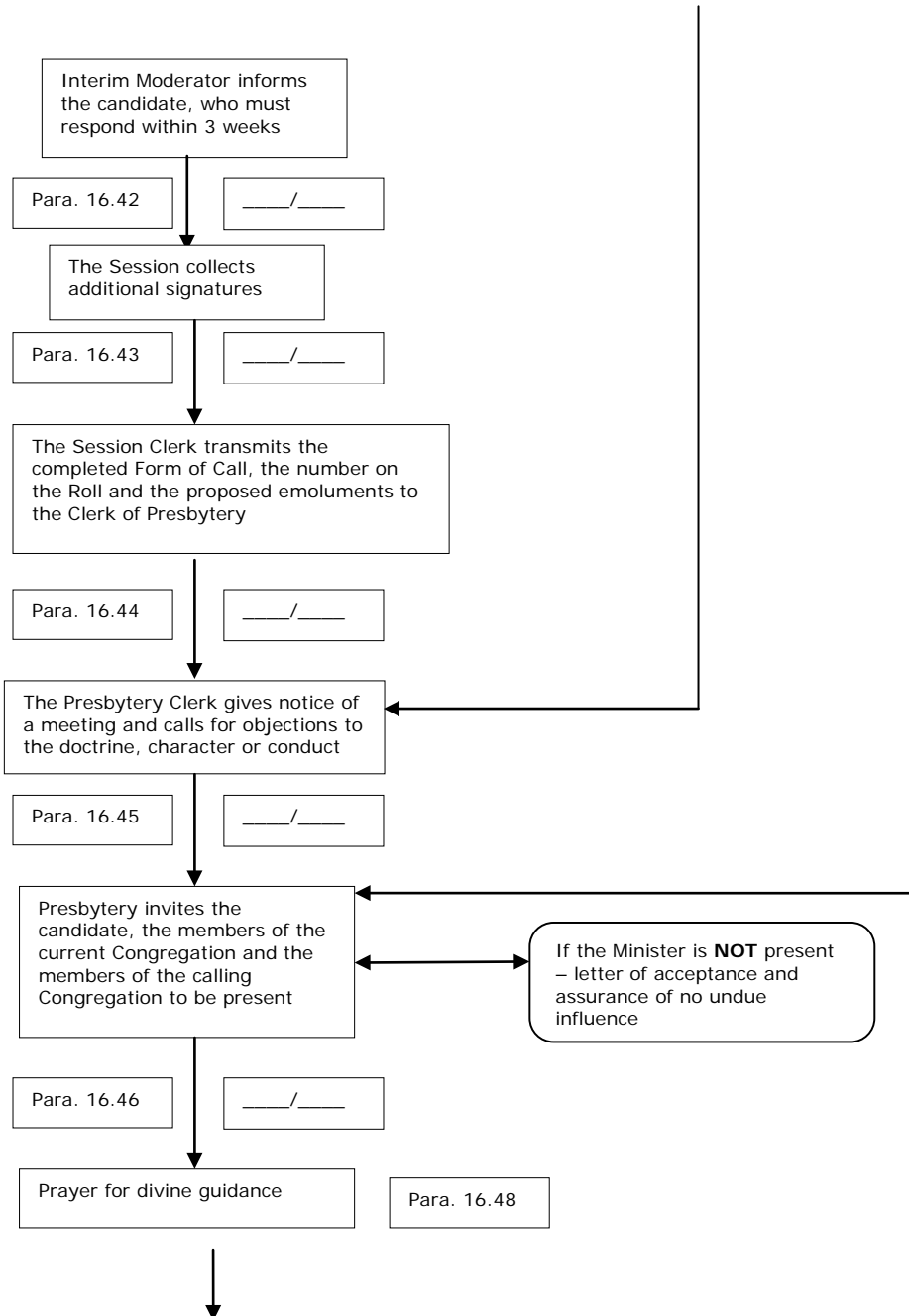
- (a) has failed for more than two years to serve in his/her area of service;
- (b) is disciplined by a court of the Church; or
- (c) has shown no interest in ongoing activities of the Order and fails to respond to a 24-monthly review form sent by the Administrator.

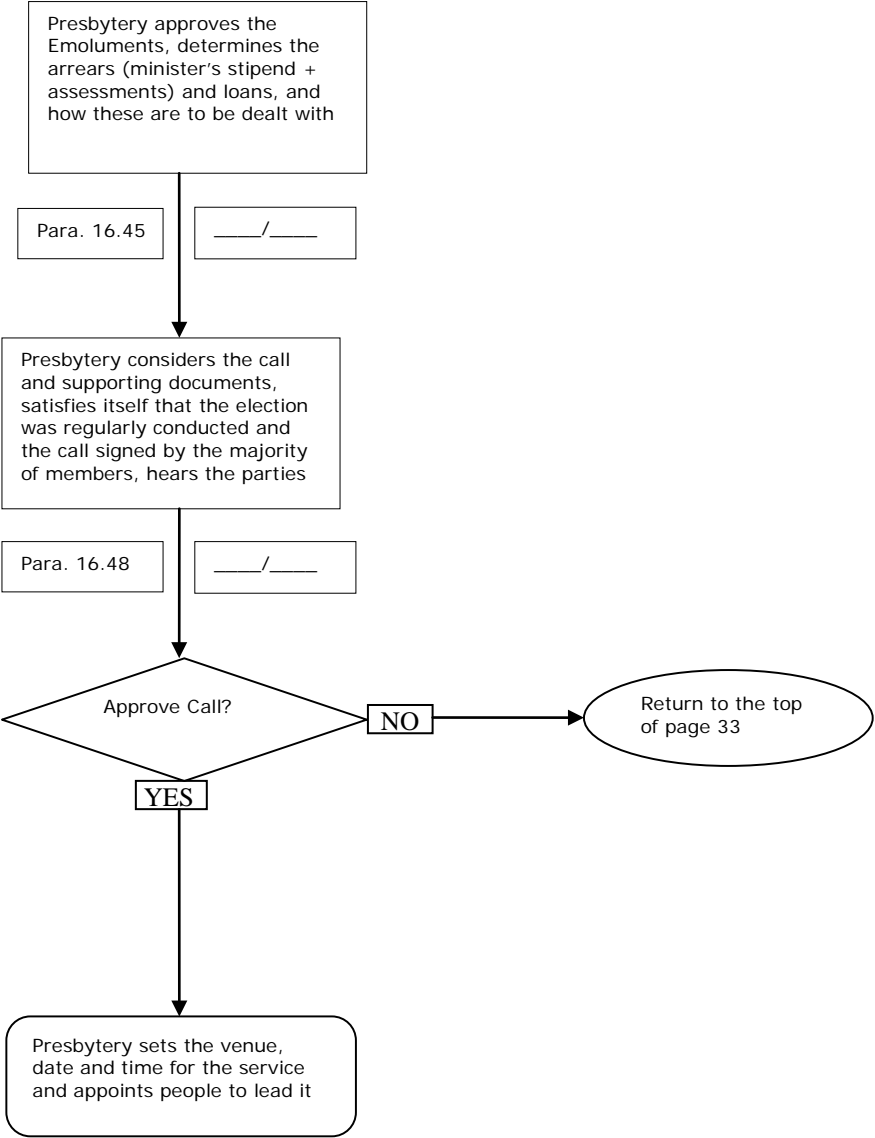
Flow Chart of Procedure in a Vacancy











APPENDIX B

Checklist for the Moderator and Clerk of the Presbytery when considering a Call

1. **If the Call is addressed to a Probationer** (Para 17.39-42 of the *Manual*)

	<input type="checkbox"/> Yes	<input type="checkbox"/> No
--	------------------------------	-----------------------------
- a) Has the Presbytery examined the Probationer?

	<input type="checkbox"/> Yes	<input type="checkbox"/> No
--	------------------------------	-----------------------------
- b) Who conducted the examination?
- c) Has the report of the examination been presented to the Presbytery?

	<input type="checkbox"/> Yes	<input type="checkbox"/> No
--	------------------------------	-----------------------------
- d) On the basis of that report does the Presbytery consider the Probationer suitable for ordination?

	<input type="checkbox"/> Yes	<input type="checkbox"/> No
--	------------------------------	-----------------------------
2. **Call Process: Preliminary Steps**
- a) Has the Interim Moderator of the Vacant Congregation informed the Clerk that the Congregation intends to ask the Presbytery to approve the call?

	<input type="checkbox"/> Yes	<input type="checkbox"/> No
--	------------------------------	-----------------------------
- b) Has the Presbytery set a date, time and venue for a meeting to consider the call?

	<input type="checkbox"/> Yes	<input type="checkbox"/> No
--	------------------------------	-----------------------------
- c) Has the Clerk sent out notice of the meeting and informed the Presbytery that objections to the doctrine, character or conduct of the person to be called should be made at that meeting?

	<input type="checkbox"/> Yes	<input type="checkbox"/> No
--	------------------------------	-----------------------------
- d) Has the Clerk invited the candidate, the members of the Congregation to which he/she is currently ministering and the members of the Congregation to be present at the meeting?

	<input type="checkbox"/> Yes	<input type="checkbox"/> No
--	------------------------------	-----------------------------
- e) If the minister cannot be present, has he/she presented written acceptance of the call?

	<input type="checkbox"/> Yes	<input type="checkbox"/> No
--	------------------------------	-----------------------------
3. **Call Process: Meeting of Presbytery**
- a) Has the Presbytery considered the call and its supporting documents?

	<input type="checkbox"/> Yes	<input type="checkbox"/> No
--	------------------------------	-----------------------------
- b) Has the Presbytery approved the emoluments?

	<input type="checkbox"/> Yes	<input type="checkbox"/> No
--	------------------------------	-----------------------------
- c) Is the Presbytery satisfied that the election was conducted satisfactorily?

	<input type="checkbox"/> Yes	<input type="checkbox"/> No
--	------------------------------	-----------------------------
- d) Has the call been signed by a majority of the members of the Congregation?

	<input type="checkbox"/> Yes	<input type="checkbox"/> No
--	------------------------------	-----------------------------
- e) Is the Presbytery satisfied that the Congregation is up to date in the payment of the previous minister's stipend?

	<input type="checkbox"/> Yes	<input type="checkbox"/> No
--	------------------------------	-----------------------------
- f) Is the Presbytery satisfied that the Congregation is up to date in the payment of the assessments to the Councils of the Church?

	<input type="checkbox"/> Yes	<input type="checkbox"/> No
--	------------------------------	-----------------------------
- g) Does the incoming minister have any outstanding loans either from the Church Development Loans Fund or from any Presbytery?

	<input type="checkbox"/> Yes	<input type="checkbox"/> No
--	------------------------------	-----------------------------
- h) If the answer to (g) above is yes, has the Presbytery

Ministry
Replacement Page 2014

- | | | |
|--|------------------------------|-----------------------------|
| decided how to deal with the loans? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| i) Did the Presbytery hear the parties appointed to speak to the call? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| j) Did the Presbytery offer prayer for guidance? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| k) Did the Presbytery approve the call? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

Signed this _____ day of _____ 20_____

_____ Clerk

_____ Moderator

Chapter 17

ADMISSION TO THE MINISTRY

Explanatory note

The Explanatory note in the chapter on Ministry is relevant also for this chapter dealing with the selection of candidates, their education and ordination. It also mentions other circumstances in which applicants are received into the Ministry of this Church.

Section 1 – THE NORMAL ROUTE OF ADMISSION TO THE MINISTRY

- 17.1 The General Assembly's Ministry Committee (hereafter called the Committee) determines the procedure that anyone who applies to be recognized as a Student for the Ministry (hereafter called a 'Student') follows. The Committee is accountable to the Assembly for this.
- 17.2 Anyone who applies to be recognized as a Student must believe that God is calling him/her to the Ministry of the Word and Sacraments in this Church.
- 17.3 The applicant first consults with his/her local Minister (or Interim Moderator) and through him/her applies to the Session.
- 17.4 The Minister (or Interim Moderator) and Session first verify that the applicant is a duly enrolled member of the Congregation and has been an enrolled member of this Church for at least one year.
- 17.5 The Session interviews the applicant.
- 17.6
 - (a) Entry into the Ministry is by ordination. But if the Church accepts anyone as a Student and/or licenses him/her as a Probationer, that does not commit it to ordaining him/her. Moreover after ordination the Church is not obliged to provide any ordained person with any ministerial appointment. (See para10.27(c).)
 - (b) The Session makes all this clear to the applicant in explaining the process toward ordination, and minutes that it has done so.
- 17.7 If the Session approves the application, the applicant becomes a Candidate for the Ministry (hereafter called a 'Candidate'). The Session arranges a minimum of 8 hours' lay service per week each year for he/she spends as a member of the Fellowship of Vocation. (See 17.10ff.)
- 17.8 In this lay service the Candidate is under the supervision and guidance of the Minister (or Interim Moderator) and accountable to the Session.
- 17.9 The purpose of the lay service is to expose the Candidate to the work of Ministry and to enable the Minister (or Interim Moderator) and the Session to assess the Candidate's practical aptitude for Ministry.
- 17.10 The Fellowship of Vocation consists of all such Candidates together with the Presbytery Convener and any Ministers the Convener invites. The

Convener may also invite to attend meetings of the Fellowship those already recognized as Students for the Ministry, Probationers, spouses and those to whom any of the above are engaged to be married.

- 17.11 Each Candidate completes a Preliminary Data Form, and the Minister (or Interim Moderator) submits the name of the Candidate and the Preliminary Data Form forthwith to the Convener of the local Presbytery's Ministry Committee (hereafter called 'the Presbytery Convener').
- 17.12 The Presbytery Convener reports to the Presbytery that the Candidate has been enrolled in its Fellowship of Vocation.
- 17.13 A Candidate for the Ministry shall be a member of the Fellowship of Vocation for not less than one year prior to being recommended to the Committee for Selection as a Student for the Ministry.
- 17.14 The purpose of the Fellowship of Vocation is:
 - (a) to enable the Candidates to explore and test their sense of vocation;
 - (b) to guide Candidates in the completion of the application and other forms that the Committee requires them to submit; and
 - (c) to enable the Presbytery's Ministry Committee to assess the Candidates as potential Students for the Ministry.
- 17.15 The Fellowship of Vocation meets as often during the year as is advisable, depending on local circumstances but not less than four times per year.
- 17.16 The Presbytery's Ministry Committee interviews Candidates for the Ministry who have completed at least one year in the Fellowship of Vocation and on the basis of that interview reports to the Presbytery which Candidates should, in its view, be nominated to appear before the Call Discernment Conference.
- 17.17 The Presbytery at its discretion makes such nomination to the Committee by 31st March of each year prior to the Call Discernment Conference. By making a nomination the Presbytery nevertheless declares that it will accept the discernment of the Conference, but retains the right to appeal to the Assembly Administrative Review Panel.
- 17.18 The Presbytery Clerk submits the Presbytery's nomination list together with the following forms for each nominee:
 - (a) a Preliminary Data Form to be filled in by the Candidate;
 - (b) an application form to be filled in by the Candidate;
 - (c) a medical certificate;
 - (d) a loan agreement (where applicable) to be properly witnessed;
 - (e) a Minister's Confidential Report on a Candidate for the Ministry;
 - (f) the Session's Confidential Report on a Candidate for the Ministry; and
 - (g) the Presbytery Ministry Committee's Recommendation and Confidential Report on a Candidate for the Ministry.
- 17.19 The Call Discernment Conference normally takes place in June or July. The Committee decides from those nominated by Presbyteries whom it

will invite to the Conference and arranges the time, venue, programme and membership of the Conference.

- 17.20 The Call Discernment Conference interviews each Candidate whom it has invited. It then recommends to the Committee whether the Committee should:

- a) select the Candidate to be a Student or Probationer.
- b) defer the Candidate's selection to give him/her further opportunity to test his/her vocation; or
- c) decline to confirm the candidate's call to the Ministry;

Candidates whom the Selection Conference selects to be Students or Probationers fall under the authority of the Committee from 1 January of the year following their selection for the duration of their period of study or probation or for such periods as the Committee may determine, until each is issued with a Ministry Certificate.

- 17.21 The Committee decides whether or not to accept the Call Discernment Conference's recommendation in each case. Those Candidates whom it does not select it refers back to their Fellowships of Vocation for counselling.
- 17.22 The Committee prescribes the course of studies that each Candidate whom it selects will follow and the institution at which he/she will study. The course of studies is for a degree, or at least a diploma, in theology from institutions recognized by the UPCSA.
- 17.23 Any Session or Presbytery that wishes to support a Candidate or Candidates in studying for the Ministry is required to consult the Committee for advice and obtain its approval of the institution(s) and courses chosen.
- 17.24 Every Student applies to become a member or associate member of a Congregation of this Church local to his/her place of study.
- 17.25 Every Student is under the care and discipline of the Presbytery within whose boundaries he/she is studying. The Clerk of the Presbytery or, failing him/her the Convener of the Presbytery Ministry Committee, reports to the Assembly Ministry Committee any allegation of misconduct which calls into question the Student's suitability for the Ministry. The Committee then gathers all relevant information and takes the following action:
- a) If the alleged misconduct is grounds for discipline as specified in para 18.4, the Ministry Committee refers this to the Presbytery for discipline in terms of Chapter 18, or
 - b) If the alleged misconduct is not grounds for discipline as specified in para 18.4, the Ministry Committee may take such other action as Chapter 17 provides for.
- 17.26 While a Student, the Candidate takes part in at least one annual 'Ministerial Experience' (a period of at least three weeks of supervised work in a Congregation during vacation period).

- 17.27 At the end of each academic year the Committee reviews the Student's academic, personal and spiritual progress and approves or else declines to approve the Student's year. The Committee may also review the Student's progress at any time during the year. Any sanction by a court of Session, Presbytery, Synod or General Assembly in terms of para.18.6 counts against the student in this review. The Committee informs the Student of its decision within two weeks of the review.
- 17.28 If the Committee refuses to approve a Student's year, but keeps him/her on the roll of Students, the Student has the right to repeat courses but at his/her own expense. If the Student passes these courses within the time the Ministry Committee sets and satisfies it as to his/her serious intent, discipleship and witness, he/she may apply for approval of the repeated year. If the Committee does not approve a Student's year and also removes him/her from the roll of Students, it advises the Student of this and of his/her right to appeal to the General Assembly.
- 17.29 The Committee reports to the Executive Commission or the General Assembly annually whether or not it has approved each Student's year of study and circulates this information to every Presbytery through its Ministry Committee.
- 17.30 While a final year Student, the Candidate takes part in an annual Ministerial Training Conference.
- 17.31 When a Student approaches the end of his/her final year of study, the Ministry Committee arranges for a Presbytery to appoint him/her to a Congregation that agrees to have him/her as a Probationer for the Ministry for one year. In doing so, the Committee takes into account the value of being exposed to people of other races, cultures and nations during probation. The Committee may agree to subsidize the Probationer's allowance.
- 17.32 If a Student fails the final academic year, the Assembly Ministry Committee postpones the probation, until the Student has completed his/her studies successfully.
- 17.33 At the beginning of the new year in which the Committee has agreed that the probation should proceed, the Presbytery in which the Probationer is to serve, licenses the Probationer to preach the gospel and appoints him/her as a Probationer in the Congregation. It uses the Order for the Licensing and Appointment of a Probationer in the *Service Book and Ordinal*, with the vows approved by the Assembly. Thereafter the Probationer is under the care and discipline of the Presbytery. The Supervisor or, failing him/her, the Clerk of the Presbytery reports to the Committee any allegation of misconduct that calls into question the Probationer's suitability for the Ministry. The Committee then gathers all relevant information and takes the following action:
- a) If the alleged misconduct is grounds for discipline as specified in para 18.4, the Ministry Committee refers this to the Presbytery for discipline in terms of Chapter 18, or
 - b) If the alleged misconduct is not grounds for discipline as specified in para 18.4, the Ministry Committee may take such other action as Chapter 17 provides for.

- 17.34 The Presbytery appoints, as the supervisor of each Probationer, a mature Minister who will guide, advise and care for him/her.
- 17.35 During probation the Probationer attends such courses in Training for the Ministry as the Committee arranges, including at least one Ministerial Training Conference.
- 17.36 The Committee may organize any Ministerial Training Conference through a Presbytery.
- 17.37 The Committee examines a Probationer, or arranges for him/her to be examined, on the doctrine, liturgical order and administration of Baptism and of the Lord's Supper. When it is satisfied that he/she has a good understanding of the Reformed doctrine of the Sacraments and the order and practical administration of them, it informs the Presbytery. The Presbytery may then license the Probationer to administer the Sacraments. This is done only in exceptional circumstances and as a special dispensation where he/she is situated in a remote location that cannot easily obtain the services of an ordained minister to dispense the sacraments regularly.
- 17.38 During probation the Presbytery's Ministry Committee sees to it that the Probationer spends regular times being tutored on the basic principles and proper conduct of worship, on the doctrines of the Creeds and Confessions, and on preaching, evangelism and practical Ministry. The Presbytery's Ministry Committee can either conduct the tutoring itself or else delegate the Probationer's supervisor to conduct it. In either case the Presbytery's Ministry Committee reports progress to Presbytery and the Presbytery reports to the Assembly's Ministry Committee.
- 17.39 a) The Committee, in consultation with the Presbytery Ministry Committee, may review the Probationer's progress at any time during the period of probation and has the authority to remove a Probationer from the roll of Probationers. Any sanction by a Court of Session, Presbytery, Synod or General Assembly in terms of para.18.6 counts against the Probationer in this review. In the event of the Committee's deciding not to issue a Ministry Certificate it advises the Probationer of this and of his/her right to appeal to the General Assembly.
- b) When the Committee, in consultation with the Presbytery Ministry Committee of the Presbytery that licensed the Probationer, is satisfied that the Probationer has completed his/her academic studies and training as a Probationer and shows adequate ability in Ministry, it issues a Ministry Certificate to the Probationer. The Probationer may now receive a Call or Appointment. Any sanction by a Court of Session, Presbytery, Synod or General Assembly in terms of para.18.6 counts against the Probationer in this review. In the event of the Committee's decision not to issue a Ministry Certificate it advises the Probationer of this and of his/her right to appeal to the General Assembly.
- 17.40 When the Probationer is offered a Call or Appointment he/she submits the Ministry Certificate to the Presbytery within whose boundaries the

Call or Appointment would take place. The full procedures for a Call or Appointment are not followed at this stage.

- 17.41 The Presbytery, through its Ministry Committee or a specially appointed committee, requires the Probationer seeking ordination to undergo whatever tests, interviews or examinations, and spiritual preparations it considers necessary for ordination. The Presbytery sees to it that these include a careful examination of:
- (a) the Probationer's personal faith, sense of Call to the Ministry and understanding of that Call;
 - (b) the Probationer's understanding and acceptance of the Declaration of Standards to be read before Ordination, the Ordination Vows, and the Covenant spelled out in the Vows; and
 - (c) the Probationer's acceptance of the substance of the faith as contained in
 - the Apostles' and Nicene Creeds;
 - the Confession of Faith for the UPCSA ; and
 - the Declaration of Faith for the Church in Southern Africa.

The Presbytery committee requires the Probationer to indicate at what points, if any, he/she differs with these subordinate standards.

The Presbytery committee is urged to conduct a spiritual retreat for the Probationer. This should provide the Probationer with an opportunity to confess and repent of any sin, accept the forgiveness of God and extend forgiveness to others. In this way it should seek to ensure that the Probationer is in a right relationship with God and in a state of grace suitable for ordination to the Ministry of the Word and Sacraments.

The Presbytery committee reports back to the Presbytery which resolves on the Probationer's suitability for ordination.

- 17.42 If the Presbytery resolves that the Probationer is suitable for ordination it follows the procedures for a Call or Appointment as set out in paras 16.45-55.
- 17.43 When the Presbytery has approved a Call or Appointment the Moderator of Presbytery consults with the Session of the Congregation concerned and determines the date of the Ordination.
- 17.44 The Presbytery ordains and inducts the Probationer in the face of the Congregation to which it has appointed him/her or from which he/she has accepted a Call. If a Probationer has not received a Call or been appointed to a Congregation but will be offered, if ordained, a position that allows him/her to exercise his/her Calling in a sphere other than a Congregation (e.g. as a Missionary or a Chaplain to the Police or the Armed Forces) the Presbytery may ordain him/her at a Presbytery meeting.

Section 2 – ADMISSION AT A MATURE AGE: SPECIAL PROVISIONS

- 17.45 (a) If a part-time Student is a member of the Order of Lay Preachers, is sufficiently mature and is needed by a Congregation to serve as Stated Supply, the Presbytery may appoint him/her as such in terms of Section 10 of Chapter 16, provided the Committee agrees.

- (b) The Session then grants him/her one half-day study leave per week per subject or half-course and notifies the Congregation which half-days have been so granted.
 - (c) The Presbytery may, subject to para 10.93, grant the Student permission from the beginning of his/her probation to administer the Sacraments according to the orders in the *Service Book and Ordinal* in the Congregation to which he/she is appointed, under the supervision of the Interim Moderator. Such permission is required to be renewed annually.
 - (d) The Student may not be ordained to the Ministry of Word and Sacraments until he/she has completed both academic training and probation to the satisfaction of the Committee and has been awarded a Ministry Certificate.
- 17.46 (a) If an applicant needs employment pending selection and starting further studies and
- (i) is sufficiently mature,
 - (ii) is not a full-time Student,
 - (iii) has qualified to be set apart as a Lay Preacher in terms of Section 12 of Chapter 16 and
 - (iv) fulfils the requirements of Section 10 of Chapter 16;
- he/she may be appointed as Stated Supply or else as an Administrative Assistant/Pastoral Assistant, subject to Section 12 of Chapter 16.
- (b) In that case the Session grants him/her one half-day study leave per week per subject or half-course and notifies the Congregation which half-days have been so granted.

Section 3 –ADMISSION OF APPLICANTS WHO HAVE BEGUN OR COMPLETED THEOLOGICAL STUDIES INDEPENDENTLY

- 17.47 If an applicant from this Church
- (a) has completed a theological degree or diploma or has started theological training independently of the Committee,
 - (b) wishes to be accepted as a Student for the Ministry,
 - (c) fulfils, or partially fulfils, the requirements of paras 17.2–17 and
 - (d) presents himself/herself for selection,
- the Committee reviews the direction of his/her studies and what he/she has achieved.
- The Committee may then
- (e) accept such studies as appropriate and adequate or
 - (f) require that they be completed with such additional courses as it requires or
 - (g) require a change of curriculum to one it specifies and/or
 - (h) allow such an applicant to continue his/her studies while fulfilling the requirements of paras 17.22–31.

Section 4 –ADMISSION OF MINISTERS OF OTHER DENOMINATIONS

- 17.48 A Minister of another Church who applies for admission to the Ministry of this Church does so through the Committee.
- 17.49 Applicants from member Churches of the World Communion of Reformed Churches, the Church Unity Commission, the Council for World Mission

and the International Ministry Exchange and from other Reformed Churches enjoy preference in being considered for admission to the Ministry of this Church.

- 17.50 If, at the time of applying, the applicant is not a Minister in a pastoral charge or in a specialised Ministry to which the Church concerned appointed or seconded him/her, he/she is required to be a member of a Congregation of this Church and to attend meetings of the Fellowship of Vocation of the Presbytery within whose boundaries he/she resides for not less than one year before the Committee considers his/her application.
- 17.51 The Committee consults the Presbytery within whose boundaries the applicant resides. Among other things the Presbytery tests the applicant's understanding and acceptance of the Presbyterian form of Church government and doctrine, before making its recommendation. It also sets a written test or assignment drawn up by the Committee.
- 17.52 The Committee consults the applicant's previous denomination to satisfy itself as to the applicant's theological education, professional training, experience, standing, ability for ministry and anything else it deems necessary. The Committee may also refer the applicant for such further training as may be required before making its recommendation.
- 17.53 Having satisfied itself that it is ready to make a recommendation, and on receipt of the Presbytery's recommendation, the Committee transmits the application, together with its report, to the General Assembly.
- 17.54 Should the applicant reside beyond the boundaries of this Church, the Committee itself undertakes the investigations required of Presbytery in terms of para 17.55.
- 17.55 When the Assembly agrees to admit a Minister, it does so provisionally. The Assembly or its Executive Commission then decides whether to confirm the admission one year later. Such confirmation depends on the Committee receiving a favourable report on the Minister's work from the person the Presbytery, within whose boundaries he/she resides, appoints to supervise him/her. When the Assembly or Executive Commission finally admits a Minister, the Clerk of Assembly furnishes him/her with a certificate to that effect.
- 17.56 The Minister may then apply to the Presbytery within which a Congregation has called him/her to be its Minister or the Maintenance of the Ministry Committee has appointed him/her to serve or within which there is a specialised Ministry (see para 17.55) to be duly received into the Ministry of this Church at a Presbytery service of reception and Induction or Appointment.
- 17.57 It is the Presbytery's responsibility to prepare the Minister spiritually for his/her reception and Induction/Appointment. These preparations shall include a careful examination of the Vows prescribed for the Ministry of this denomination and the nature of the Covenant implied in the Declaration which is read at the beginning of the Order for the reception of a Minister into the Ministry of The Uniting Presbyterian Church in Southern Africa, and his/her Induction or Appointment. (See the *Service*

Book and Ordinal.) Preparation shall also include whatever else may be laid down by the General Assembly from time to time.

**Section 5 – ADMISSION OF APPLICANTS WHO BEGAN OR COMPLETED
THEOLOGICAL STUDIES AS MEMBERS OF OTHER DENOMINATIONS**

- 17.58 If a person who is, or has been, a Student for the Ministry, Probationer or Licentiate of another Church desires to become a Minister of this Church, he/she must first become a member of this Church and fulfil the requirements of para 17.2–31.
- 17.59 In every case of a Probationer, Licentiate or Student for the Ministry transferring from another Church, the Committee determines from the appropriate officials in his/her previous denomination his/her status and standing in that denomination and their attitude towards the transfer. This information is considered by both Committees before the applicant may be selected as a Candidate for the Ministry of this Church.
- 17.60 The Committee prescribes whatever additional study it may require and the institution(s) through which such additional studies are to be undertaken before it admits the applicant to probation in The Uniting Presbyterian Church in Southern Africa. The Committee may decide to allow such an applicant to continue theological studies while fulfilling the requirements of para 17.22–32.

Section 6 – RE-ADMISSION OF FORMER MINISTERS OF THIS CHURCH

- 17.61 When a Minister of this Church whose accreditation has lapsed or who previously resigned from the Ministry of this Church applies to be re-admitted to the Ministry of The Uniting Presbyterian Church in Southern Africa, the provisions of Section 4 above apply, with the necessary changes.

Section 7 – ADMINISTRATION OF SACRAMENTS

See para 1.7 concerning former Ministers of this Church or its predecessors.

Section 8 –ADMISSION OF MINISTERS SECONDED BY OTHER CHURCHES

- 17.62 A Minister of another Church who applies to serve within The Uniting Presbyterian Church in Southern Africa as a Minister seconded by his/her Church, and a Presbytery that applies to receive such a seconded Minister, do so through the Committee. The Ministry Committee then reports on the matter to the Assembly.
- 17.63 A Minister so seconded is permitted to accept an Appointment for the period of the secondment subject to the provisions in Section 7 of Chapter 16.

Chapter 18

DISCIPLINE

Explanatory note

In this Chapter what is meant by "discipline"¹ is the enforcement of rules against the "marginally minded sheep" referred to in the first paragraph of the Foreword. The rules are enforced for the purposes described in para 18.1. It may be mentioned that there was another meaning commonly used in Church circles in earlier years, namely, rules constituting the Church and regulating its procedures. If this meaning had continued to be used the whole of this Manual would have been called a Book of Discipline.

¹ The word "discipline" has a number of meanings, a characteristic it shares with other words. One may, for example, refer to what is being taught, such as Law or History or any other academic subject as a "discipline".

Section 1 - DISCIPLINE IN GENERAL

- 18.1 Discipline is necessary to maintain the unity and peace of the Church, to help those who go astray to repent and be restored, and to discourage others from being tempted by bad examples. The aim of discipline is, therefore, to care for and correct rather than punish. Every member of this Church is subject to discipline.
- 18.2 Discipline is exercised by the Session, the Presbytery, the Synod and the General Assembly, each acting within its jurisdiction. When a Session acts in a judicial capacity it sits as a Court. Presbyteries and Synods exercise their judicial functions through Courts, each of which is known as "The Court of the Presbytery of ..." (give the name of the Presbytery in question) or "The Court of the Synod of ..." (give the name of the Synod in question). The General Assembly exercises its judicial functions through a Court known as "The Court of the General Assembly". (The structure, jurisdiction and procedures of these Courts are dealt with in Sections 4-6 below.)
- 18.3 No member of the Church or of any Church body may resort to secular legal proceedings concerning matters referred to in this chapter before the matter has been dealt with by the Church authorities. The process of Church authorities dealing with a matter is not completed until any appeal(s) or review(s) provided for in this Manual has, or have, been completed or the time(s) for noting it, or them, has, or have, passed.

Section 2 – GROUNDS FOR DISCIPLINE

- 18.4 Discipline is exercised in respect of:
- (a) teaching which is contrary to the Holy Scriptures and the doctrine of this Church;
 - (b) conduct which gives rise or may give rise to scandal or injures the unity and peace of, or contravenes the law and procedures of, this Church, or constitutes a material breach of a covenantal¹ relationship with the Church.
-

¹ On ordination Ministers enter into a "covenant" with the Church.

- 18.5 In general, misconduct (using this word to include what is described in both (a) and (b) of para 18.4 above) committed more than seven years previously cannot be a ground for discipline. If the facts relating to the misconduct are such that they only become known to the authorities or to members generally some years after the commission of the misconduct, the period of seven years begins to run when the facts become known to the authorities or to members generally. Further, the General Assembly may designate forms of misconduct as so serious as to be exempt from this rule.

Section 3 – FORMS OF DISCIPLINE/SANCTION

- 18.6 The forms of discipline (ie sanctions), which are described in the paragraphs which follow, are:
- (a) Admonition,
 - (b) Rebuke,
 - (c) Suspension,
 - (d) Severance of the pastoral tie,
 - (e) Removal from office,
 - (f) Removal from membership of the Church.
- 18.7 Warning. This is a censure which sets before the offender his/her offence, and encourages him/her to repent and be watchful.
- 18.8 Rebuke. A rebuke is a severer form of censure than a warning. It is a solemn public reproof in the name of the Lord Jesus Christ, and is administered to a person guilty of a more serious offence.
- 18.9 Suspension in general. Subject to the provisions of para 18.10 below suspension excludes the offender from the rights and privileges of an office or of membership, for a specified or an indefinite period. Suspension from office does not mean suspension from the rights and privileges of membership in the Church unless the Court imposing the discipline so specifies.
- 18.10 Suspension from office of a Minister in a pastoral charge.
- (a) Any Minister suspended from serving as a Minister indefinitely or for more than six months ceases immediately to be the Minister of the Congregation.
 - (b) If the suspension is for six months or less, for the period of suspension the Minister returns any vehicle the Church has been providing for his/her use and receives no stipend or benefit, except that:
 - (i) the Minister has the right to continue occupying the manse free of rent, or to continue receiving a housing allowance, if the Congregation has been providing such an allowance in lieu of a manse;
 - (ii) the Congregation continues to pay the rates on the manse and for the water and electricity used in the manse, unless an amount for these amenities has been included in a housing allowance;
 - (iii) the Congregation continues to pay the rental for the manse telephone but not for telephone calls; and

- (iv) the Congregation continues to contribute the same medical aid premiums as before.
- 18.11 Severance of the pastoral tie. If the pastoral tie between a Minister and his/her Congregation is severed, he/she ceases to be the Minister of that Congregation but continues to be a Minister of the Church and may seek a Call to another Congregation. A Court severing a pastoral tie specifies the date on which the severance is to take effect.
- 18.12 Removal (deposition) from office.
- (a) Any Court of the Church removing any member from any official position specifies the period during which he/she may not hold that position or any other position of the same or a similar nature in any Congregation or Council or Court of the Church.
 - (b) If the position was held in a Congregation, the Presbytery within whose boundaries the person resides may decide at a later date to withdraw the sanction in terms of the last Section of this Chapter.
 - (c) If the office was held in a Presbytery or Synod, the General Assembly or its Executive Commission may decide at a later date to withdraw the sanction in terms of the last Section of this Chapter.
 - d) In the case of a Minister removal from office, but not from membership of the Church (on which see para 18.13), has the effect that the person in question is no longer regarded as a Minister of the Church and his/her name is removed from the Roll of Ministers. On appeals and withdrawal of discipline see Sections 8 and 9 of this Chapter below.
 - (e) In the case of an Elder removal from office, but not from membership of the Church, has the effect that the person in question is no longer a member of the Session and, if the person in question was commissioned to attend Presbytery or Synod, also of Presbytery or Synod. On appeals and withdrawal of discipline see Sections 8 and 9 of this Chapter below.
- 18.13 Removal from membership of the Church. This means that the person has no rights and privileges whatsoever of membership within this Church, and loses any office or offices he/she may have had in the Church.
- (a) Any Court of the Church removing any member from the membership of the Church as a result of a disciplinary case specifies the period during which he/she may not be enrolled by any Congregation of the Church.
 - (b) Except in the case of a Minister removed from membership of the Church whose case would need to be dealt with by the General Assembly, the Presbytery within whose boundaries the person resides may decide at a later date to withdraw the sentence in terms of the last Section of this Chapter.
- 18.14 A higher Court imposing discipline communicates its decision to the lower Court under whose primary jurisdiction the offender falls. In the case of a Minister the Presbytery notifies the Congregation concerned.

Section 4 – THE STRUCTURE OF CHURCH COURTS

THE SESSION

- 18.15 When a Session exercises its judicial functions it acts as a Court. (It does not have a separate Court.)

The procedure to be followed is given below in Section 6 of this Chapter. On appeals from a Session see below in Section 8 of this Chapter.

THE COURT OF A PRESBYTERY

- 18.16 Each Presbytery exercises its judicial functions through a Court called "The Court of the Presbytery of ... [give the name of the Presbytery]". All the judicial functions of the Presbytery in question are exercised by that Court. There is no appeal from the Court of a Presbytery to the Presbytery as a whole. There may, depending on the nature of the case, be an appeal to the Court of the Synod, or of the General Assembly.

The procedure to be followed is given below in Section 6 of this Chapter. On appeals see below in Section 8 of this Chapter.

If a Presbytery, sitting as a Council, considers that the number of its members is so few that it would have difficulty in forming its own Court, it may petition the General Assembly, sitting as a Council, to direct that it (the Presbytery) and one or two of its neighbouring Presbyteries should combine in the establishment of a single Court of the Presbyteries in question.

- 18.17 A Presbytery that wishes to disestablish its Court may only do so
- (a) after sending down the proposal to do so to the Sessions within its boundaries, following the procedure in para 12.50 with the necessary changes in terminology; and
 - (b) the General Assembly consents.

If there is a Court of more than one Presbytery (see para 18.16 above) and one or more of the Presbyteries wishes to return to the position where it forms its own Court, it first discusses the matter with the other Presbytery or Presbyteries and then petitions the General Assembly to direct that it be allowed to do so. In its Petition it informs General Assembly of the outcome of its discussion with the other Presbytery or Presbyteries.

If the Court of a single Presbytery is disestablished or the Court of a number of Presbyteries ceases to exist, and one or more of its Presbyteries wish to establish its or their own Court, any cases that have been begun to be heard (see the meaning of this phrase in para 18.20 below) continue to be heard until completion by the Court as if it had not been disestablished or as if one or more of its constituent Presbyteries had not sought to form its own Court. If a Court of a Presbytery is disestablished, the Presbytery as a whole itself exercises its judicial functions.

- 18.18.1 The members of a Court of a Presbytery are the Clerk or his/her deputy who is member by virtue of his/her office, three Ministers who are members of the Presbytery and three Elders who are members of the

Presbytery or are active on Sessions within the boundaries of the Presbytery; the three Ministers and three Elders being elected every two years by the Presbytery. The Presbytery also elects every two years, as alternates to the Ministers and Elders respectively, two Ministers who are members of the Presbytery and two Elders who are members of the Presbytery or active on Sessions within the boundaries of the Presbytery. If there is a change in membership of the Court after a case has begun to be heard, but is not yet finished (eg the annual election by Presbytery takes place), the members of the Court when the hearing began continue to form the Court for the hearing of that case and remain so until its completion. Other cases which begin to be heard after the change in membership of the Court are heard by the new members (including any of those previously elected who are re-elected).

- 18.18.2 The method of election of the members and alternate members of the court and the appointment of Conveners is the same as that in paras 18.32.2-32.7 below, except that
- (i) the Presbytery calls for nominations no later than at its stated meeting before the election takes place;
 - (ii) the Clerk of Presbytery circulates the documents with the Agenda for the meeting at which the election is to take place;
 - (iii) the number of members needed to support a nomination from the floor of Presbytery is three (the proposer plus two); and
 - (iv) the twenty-four hour period between the nomination from the floor and the election does not apply.
- 18.19 The Presbytery appoints, every two years, one of the members of the Court as its Convener, who has both a deliberative and, if the votes are equal, a casting vote. The Convener may be, but is not necessarily, the Moderator or his/her deputy.
- 18.20 The quorum of a Court of a Presbytery is five (including the Clerk or his/her deputy), of whom two must be Ministers and at least one an Elder. (The quorum of a court of Presbytery shall not be less than five at any point in the proceedings.) If, before a case has begun to be heard, any member finds himself / herself unable to attend the hearing, he/she as soon as possible notifies the Convener. The Convener then appoints, from the elected alternates, an alternate or alternates to fill the vacancy or vacancies. An alternate Minister is appointed for a Minister, and an alternate Elder for an Elder. Alternates cannot be appointed after a case has begun to be heard. A case "begins to be heard" when, at a sitting of the Court, either evidence begins to be given or a legal argument by either party on a preliminary point begins.

Those who were members of the Court for the initial proceedings may be members of the Court that includes the new appointees. The provisions of paragraph 18.34 apply with the necessary changes to this paragraph 18.20, provided that the minimum number of members for the Court to proceed with the hearing is four and not five.

- 18.21 The Clerk of Presbytery or his/her deputy acts as Clerk of the Court of Presbytery.

- 18.22 A Court of a Presbytery may meet at different places to hear different cases or parts of a case. The place where it is to meet for a particular case is chosen by the Convener, after consultation with the members of the Court. (It may eg be necessary to meet in a hospital ward to hear the evidence of a witness who cannot attend elsewhere.)
- 18.23 If a member of a Court has been closely associated with a case before that case comes before the Court; or if a member has made a statement, whether before or during the case, but before the conclusion of the hearing, which a reasonable person would think shows that the member has pre-judged a significant issue in the case; or if for another reason a reasonable person would consider that the member of the Court is not in a position to judge impartially on a significant issue in the case; he/she may voluntarily recuse himself/herself (ie stand down and take no part, or take no further part, in the case). A party to a case may ask a member of the Court to recuse himself/herself. If he/she declines to do so the other members of the Court have power to decide whether or not he/she should stand down, and their decision is binding. The provisions of paragraph 18.34 apply with the necessary changes to this paragraph 18.23.
- 18.24 If the Convener of the Court is unable, whether through illness or some other cause, to attend to his/her duties, including, for example, the hearing of a case, or if he/she recuses himself/herself, or the other members decide that he/she must stand down, the members of the Court, the Clerk taking the chair, elect from among themselves an acting Convener, either for the particular case or for a specified period. They then report to the next stated meeting of the Presbytery or to any meeting of its Executive Commission (if the Presbytery has an Executive Commission) what they have done. The Presbytery or its Executive Commission thereupon appoints an acting Convener or a new Convener, whichever is considered appropriate.
- 18.25 Each member of a Court of a Presbytery records his/her decision on the case. Each member may write his/her own opinion. An "opinion" is his/her statement of the material facts and his/her reasons for coming to the conclusion he/she reached. A member may concur in (ie state that he/she is in agreement with) another member's opinion. Two or more members may join in writing one opinion. The "judgment" of the Court is the final outcome of the case (ie the verdict "guilty" or "not guilty" plus the sentence (or penalty) if any. If there is no, or insufficient, proof the Court enters a verdict of "not guilty".
- 18.26 Abstention from reaching a decision is not allowed. If a member of a Court remains silent, or says that he/she cannot reach a conclusion, or resigns with immediate effect without good reason acceptable to the Court after a case has begun to be heard, he/she immediately ceases to be a member of the Court and the provisions of paragraph 18.34 with the necessary changes shall apply. Such member for a period of three years, may not be elected to the Court or to the Presbytery's Administrative Review Panel. The Court reports the facts to the Presbytery. If the Presbytery is not sitting at the time, the Moderator, Clerk and a former Moderator, if available, (if a former Moderator is not available a member of Presbytery, nominated by the Moderator) have

power as a Special Committee to fill the vacancy with a Minister or Elder as the case may be. If the person filling the vacancy was previously an alternate, the consequent vacancy in the ranks of alternates is filled in the same way.

- 18.27 A Court of a Presbytery makes rules for the hearing of cases, for appeals, and/or for other aspects of its work. Such rules may be more extensive than those in this Chapter, but may not contradict any in this Manual which apply to all Courts. The rules applicable to Courts of Presbytery include both those made by the Court and those in this Manual applicable to Courts of Presbyteries. Rules made by a Court of Presbytery are submitted to Presbytery for its approval and only come into force when approved by Presbytery or its Executive Commission (if there is an Executive Commission); provided that if a case has to be heard before there has been an opportunity for rules to be approved, the Court is authorised to hear the case in accordance with rules framed by the Court for the purpose. When the Court requests Presbytery to approve its rules, it reports on the circumstances, if any, that necessitated action before approval was given. The position relating to amendments is the same.
- 18.27A A Court of Presbytery may on application on affidavit by any party in pending proceedings and on good cause shown extend any prescribed time period on such terms and conditions as it deems fit. Such application may be made before or after the expiry of the time period in question.
- 18.27B The provisions of paragraph 15.24 in regard to the implementation of the decision of a Panel apply with the necessary changes to the judgements or rulings of a Court of a Presbytery.

THE COURT OF A SYNOD

- 18.28 Each Synod exercises its judicial functions through a Court called "The Court of the Synod of ... [give the name of the Synod]". All the judicial functions of the Synod in question are exercised by that Court. There is no appeal from the Court of a Synod to the Synod as a whole, though there may, depending upon the nature of the case, be an appeal to The Court of the General Assembly. (On appeals see below, Section 8 of this Chapter).
- 18.29 The Court of a Synod is composed of the Clerk or his/her deputy, who is a member by virtue of his/her office, four Ministers and four Elders who are members of the Synod, or who fall within the provisions of para 11.5; three Ministers and three Elders are elected as alternates; and the quorum is six members (including the Clerk or his/her deputy) of whom two must be Ministers and at least one an Elder. This rule on the composition of the Court apart, the provisions of the paragraphs above on Courts of Presbyteries apply to Courts of Synods with the necessary changes in terminology.

THE COURT OF THE GENERAL ASSEMBLY

- 18.30 The General Assembly exercises its judicial functions through The Court of the General Assembly. The decisions of The Court of the General

Assembly are final. There is no appeal from its decisions to the General Assembly as a whole. The procedure to be followed is given below in Section 6 of this Chapter.

- 18.31 The General Assembly may disestablish The Court of the General Assembly, but such a proposal and all other proposals concerning material changes in the rules relating to The Court of the General Assembly, has or have to be sent down to Presbyteries in terms of para 12.50 of this Manual. Proposals so sent down do not take effect until the procedure in para 12.50 is completed. Note, further, the provisions of paras 18.27 above and 18.39 below.
- 18.32.1 The Court of the General Assembly is composed of the Clerk or his/her deputy who is a member by virtue of his/her offices, and six Ministers and six Elders who are elected by the General Assembly at each stated meeting (ie every year, if General Assembly meets every year, or every two years if it meets once every two years). In addition General Assembly elects three Ministers to be alternates to the Ministers and three Elders to be alternates to the Elders. Alternates, who are appointed by the Convener from the number of elected alternates, may only take the place of members of the Court before a case begins to be heard. On the meaning of the phrase "begins to be heard" see para 18.20 above.
- 18.32.2 At the time when the Clerk of Assembly notifies the Clerks of Presbytery of the appointments Presbyteries are to make to the Assembly, he/she also notifies them of the right of Presbyteries to nominate members of The Court of the General Assembly. Nominations must be sent by Clerks of Presbytery to reach the Clerk of General Assembly not later than 30th June in the year during which General Assembly is to meet, together with each nominee's written acceptance, a brief biographical statement about the nominee and a brief motivation. Copies of the nomination documents are circulated to members of the Assembly by the Clerk, along with other papers for the meeting at which the election is to take place. At least twenty-four hours before the election takes place the Moderator calls for any nominations from the floor. Anyone wishing to propose an additional name or names, may do so provided that the prior consent of the nominee has been obtained and ten Commissioners (the proposer plus nine) have signed the nomination form. Before the election, those proposing a nomination from the floor of Assembly (but not the other nine or more who sign the nomination form), may make a one-minute speech in support of the nomination.
- 18.32.3 Voting is by Secret Ballot. When the election takes place the Clerk gives each Commissioner a ballot paper containing a list of the nominees of Presbyteries, plus a list of those nominated from the floor of the Assembly. The ballot paper containing the list stipulates the number of persons to be elected and states that each of the Commissioners has that number of votes, only one being allowed for each candidate. Anyone who votes for more than the required number, or gives more than one vote to any one candidate, spoils the ballot paper. Spoilt ballot papers are discarded.

- 18.32.4
 - i. After the first ballot those who received more than half of the votes cast are declared to have been elected.
 - ii. If there are some positions not yet filled the names of all those who on the first ballot received twenty percent or fewer of the votes cast fall away. A second ballot paper is prepared as in the election of the Moderator Designate (see para 12.19-15) and a second ballot is taken. Those who receive more than half the votes cast in the ballot are declared to have been elected.
 - iii. If there are still some positions to be filled the number to be filled is announced and a third ballot paper as in the election of the Moderator-Designate is prepared. The names it contains are those of the persons who on the second ballot came closest to more than half the votes cast, the number of names in the third ballot paper being twice the number of positions still to be filled. All the other names on the second ballot fall away.
 - iv. If nominations are less than, or equal in number to, the number of vacancies the ballot paper will contain each nominee's name. Only those that receive more than half the votes cast are declared to be elected.
- 18.32.5 Any Commissioner wishing to vote against the only candidate or all the candidates at any stage may hand in his/her form, duly signed without any vote in favour of any candidate being given. This counts as a vote cast and thus is counted in arriving at the number, half of which a successful candidate needs to be elected.
- 18.32.6 After the election of members of the Court is complete the same procedure is followed for the appointment of the Convener of the Court.
- 18.32.7 After the appointment of the Convener is complete the same procedure is followed for the election of alternate members.
- 18.33.1 The General Assembly, at each stated meeting (see para 19.32.1 for the meaning of this phrase), appoints one of the members of the Court as its Convener, who has both a deliberative and, if the votes are equal, a casting vote. The Convener may be, but is not necessarily, the Moderator or his/her deputy.
- 18.33.2 For the method of appointment of the Convener see para 18.32.6 above.
- 18.34 If, when a case begins to be heard (see para 18.20 above) or at any stage during the continuation of a hearing, a member of the Court is absent for any reason or recuses him/herself or is required to stand down in terms of para 18.23 or ceases to be a member of the Court in terms of para 18.26, the remaining members of the Court then present may, as they deem fit,
 - 18.34.1 in the case of an absent member, adjourn the proceedings, if the member is expected to be present within a reasonable time or
 - 18.34.2 postpone the hearing to the next sitting of the Court or

- 18.34.3 having regard for the convenience of the Court and potential prejudice to parties in respect of wasted costs or otherwise, excuse the member in question, who shall not re-join the Court, and the remaining members, not being less than five in number, then constitute the Court to commence or continue the hearing to its final completion or
- 18.34.4 dismiss the Court and terminate the proceedings, which shall be recommenced before a newly constituted Court.
- 18.35 When the Court of General Assembly considers applications for condonation or the prospects of the application's success or any other matter or meets to hear any case, the number of members to constitute the Court (throughout this chapter 18 and chapter 15 referred to as "the quorum") is seven, nominated by the Convener in consultation with the Clerk. If, for some reason such as short notice, there are not sufficient elected members available, the Convener appoints from among the alternates those required, maintaining whatever reasonable balance between Ministers and Elders is possible.
- 18.36 Deleted
- 18.37 The Clerk of General Assembly or his/her deputy acts as Clerk of The Court of the General Assembly.
- 18.38 The Court of the General Assembly may meet at different places to hear different cases, or parts of a case. The place where it is to meet for a particular case, or part of a case, is chosen by the Convener after consultation with the members of the Court. (It may be necessary to meet in a hospital ward to hear the evidence of a witness, who cannot attend elsewhere.)
- 18.38A.1 The Court at, or as soon as possible after, the General Assembly or Executive Commission in each year shall give notice of the dates of its "sittings" over the coming year (until the next General Assembly or Executive Commission) on which cases will be set down for hearing. The sittings shall be publicised through the communication channels of the Church.
- 18.38A.2 The Court may in its discretion set matters down for hearing on other dates or on shorter notice than prescribed in paragraph 18.38.3 where it considers this to be necessary in the interests of fairness and justice because of urgency or other special circumstances.
- 18.38A.3 Cases shall be set down for hearing on thirty days written notice given by the Clerk to the parties, provided that where a case is ready for hearing and a date is available in a sitting less than thirty days ahead, the parties may agree, at the invitation of the Clerk, to accept shorter notice and that the case be set down for hearing at that sitting.
- 18.38A.4 A case that is not completed by the last day of a sitting shall then be postponed to be continued at the next sitting, unless all the members of the Court and the parties agree that the case shall run on and continue until completed on the day or days immediately following the last day of the sitting.

- 18.39 The rules for Courts of Presbyteries on the appointment of alternates before a case has begun to be heard and the reappointment of members where proceedings are to be recommenced (para 18.20 above); on recusal (para 18.23 above); on the Convener being unable to attend to his/her duties (para 18.24 above); on each member of a Court recording his/her decision on the case (para 18.25 above); on abstention not being allowed (para 18.26 above); on the Court making rules for the hearing of cases, for appeals and/ or for other aspects of its work (para 18.27 above); on condonation (para 18.27A above); on the appointment of alternates and the reappointment of members (para 18.20 above) and on the implementation comes in of judgements or rulings (paras 18.27B and 15.24 above), apply also, with the necessary changes in terminology, to The Court of the General Assembly, provided that in the case of The Court of the General Assembly the original rules and subsequent material changes in them have to be sent down to Presbyteries in terms of para 12.50.

Section 5 –DISCIPLINARY JURISDICTION OF CHURCH COURTS/COUNCILS

THE SESSION

- 18.40 The Session¹ has disciplinary jurisdiction over the members of the Congregation, including those in any nuclear or transitional Congregation, preaching station, preaching place or outstation under its oversight and over the members of any organisation of this Church entrusted to its care, but not over the Minister(s).

¹ In this section of the Manual the word "Session" includes Presbytery committees appointed in terms of paras 6.30, 6.34(c) 6.45.

- 18.41 The Session is obliged to take disciplinary action whenever necessary. The Presbytery, acting as a Council, may instruct it to do so. When a Presbytery considers such a topic the Moderator, Clerk and members of the Court of the Presbytery recuse themselves.
- 18.42 In any case which leads to warning or rebuke the Session may act on its own authority, but may at any stage refer the case to the Court of the Presbytery. In a case which might lead to suspension for six months or less the Session may either act on its own authority (in which case it makes a full report to the Court of the Presbytery) or refer the whole matter to the Court of the Presbytery. In a case which might lead to longer suspension or to removal from office (deposition) or to the severance of the pastoral tie or to removal from the Roll of enrolled members, the Session refers the whole matter to the Court of the Presbytery. If a Session resolves on warning or rebuke or suspension for six months or less, the accused person may appeal to the Court of the Presbytery. If the Court of the Presbytery resolves on suspension or removal from office (deposition) or removal from the Roll of members, the accused person may appeal to The Court of the General Assembly following the procedure in Section 8 below. Both in

the case of an appeal from Session and from the Court of a Presbytery, the procedure in Section 8 of this Chapter is followed.

THE PRESBYTERY

- 18.43 A Presbytery Court has disciplinary jurisdiction over all members within its boundaries, including all Ministers, Church Extension Agents, Probationers, Students for the Ministry and Lay Preachers. It retains this jurisdiction even if the alleged offence took place outside its boundaries. Any allegation which calls into question the suitability for the Ministry of a Student for the Ministry or a Probationer must be reported to the Assembly's Ministry Committee in terms of the Manual chap. 17 before coming before the Court.
- 18.44 A Court of a Presbytery has power to suspend or remove a Lay Preacher from the Order of Lay Preachers.
- 18.45 A Court of a Presbytery has power to suspend a Minister (or a person appointed as Stated Supply) from preaching or from administering the Sacraments or from both or from all exercise of his/her office for any period up to three years. Where applicable the Presbytery, sitting as a Council, appoints an Interim Moderator to the Session.
- 18.46 If an act of misconduct whether of commission or omission alleged to have been committed by a Minister might lead to removal from the Ministry of the Church (deposition), the Court of the Presbytery refers the whole matter to The Court of the General Assembly. The Court of the Presbytery may at the same time, if it considers it necessary, suspend the Minister until the final decision is reached.
- 18.47 The Presbytery, sitting as a Council, or a Synod, sitting as a Council, either on its own decision or on the General Assembly's instruction, (General Assembly sitting as a Council) may instruct that disciplinary action be taken against any Minister, Church Extension Agent, Probationer, Student for the Ministry or Lay Preacher who is under its jurisdiction. When a Presbytery, or Synod, or the General Assembly considers such a topic, the Moderator, if a member of the Court, the Clerk and the members of the relevant Courts recuse themselves.
- 18.48 Although a Court of a Presbytery has jurisdiction over all persons who are subject to the Sessions within its boundaries, it will not normally exercise this except on appeal, or referral.
- 18.49 The Presbytery, sitting as a Council, may direct a Session to take disciplinary action against any member subject to the Session. When the Presbytery considers such a topic, the Moderator, if a member of the Court, the Clerk and members of the Court of the Presbytery recuse themselves.
- 18.50 If a Minister, Church Extension Agent, Probationer, Student for the Ministry or Lay Preacher is alleged to have committed an act of misconduct whether of commission or omission within the boundaries of a Presbytery other than that having jurisdiction over him/her, the other Presbytery must give all the relevant information to the Presbytery having jurisdiction.

- 18.51 A Court of a Presbytery may at any stage refer a case to the Court of the Synod, if there is a Synod within whose boundaries the Presbytery is, or to The Court of the General Assembly.

THE SYNOD

- 18.52 A Synod Court has disciplinary jurisdiction over all members within its boundaries, including all Ministers, Church Extension Agents, Probationers, Students for the Ministry and Lay Preachers. It retains this jurisdiction even if the alleged offence took place outside its boundaries. Any allegation which calls into question the suitability for the Ministry of a Student for the Ministry or a Probationer must be reported to the Assembly's Ministry Committee in terms of the Manual chap. 17 prior to coming before the Court.
- 18.53 A Court of a Synod normally exercises its jurisdiction in cases brought before it on appeal or referral from Sessions or Courts of Presbyteries (on appeals and referrals see Sections 7 and 8 of this Chapter below). However, it retains the right to begin any disciplinary action. The Synod, acting as a Council, may instruct a Presbytery to take disciplinary action in appropriate cases. When it considers such a topic, the Moderator, if a member of the Court, the Clerk and the members of the relevant Courts recuse themselves (see above para 18.47).
- 18.54 The extent of the jurisdiction of a Court of a Synod as to forms of discipline and all other matters concerning jurisdiction, other than those in paras 18.52-53 above, is the same as the extent of the jurisdiction of a Court of a Presbytery.

THE GENERAL ASSEMBLY

- 18.55 The Court of the General Assembly has disciplinary jurisdiction over every member of this Church.

[NOTE: page number 13 is duplicated.]

- 18.56 The Court of the General Assembly normally exercises its jurisdiction in cases brought before it from lower Courts by appeal or referral. However, it retains the right to begin any disciplinary action.
- 18.57 Only The Court of the General Assembly has the power to impose a sentence of removal from office (deposition) on a Minister or to suspend him/her from office for an indefinite period. (In the latter case note para 18.14.) The Moderator of General Assembly, using the following words, pronounces the sentence of removal from office (deposition) on a Minister:
- "In the name of the Lord Jesus Christ, the King and Head of the Church, and by virtue of the authority committed to me by the Church, I do now remove (depose) you, AB, Minister of ... Congregation, in the Presbytery of X from the office of the holy ministry and prohibit you from exercising that office in future. I declare the pastoral charge of Z, in the Presbytery of X to be vacant from this day."
- 18.58 Whenever The Court of the General Assembly begins preliminary steps in the discipline of a Minister:
- (a) it invites the Court of the Presbytery having oversight over the Minister concerned to report fully on the case, if it has not already done so, and
 - (b) it informs the Presbytery, sitting as a Council, that it has the right to nominate one of the members of the Presbytery to be present in The Court of the General Assembly to observe, but not to take part in, all the stages of its consideration of the case.

Section 6 – PROCEDURES IN DISCIPLINARY CASES

RULES COMMON TO INFORMAL AND FORMAL PROCEDURES

- 18.59 A Council, ie a Session, Presbytery, Synod or the General Assembly (if any of the three last mentioned wish to initiate an enquiry), begins an enquiry into alleged misconduct either on its own initiative or if some person or persons, referred to as the complainant or complainants, undertake(s) to sustain an allegation. A statement of the grounds on which the complaint, also referred to as an allegation, is made is put before the Council either by one of its members (if he/she asks the Council to act on its own initiative) or by the complainant. A complainant, if a member of this Church, must be warned by the Council that the bringing of a charge lightly or maliciously is itself an offence and liable to discipline.
- 18.60 When an act of misconduct is alleged the Council may, if it wishes, appoint a committee to investigate and report on the circumstances.
- 18.61 Should there appear to the Council, whether immediately or after a committee has reported, that there may be grounds for disciplinary action the Council decides whether or not a disciplinary hearing should be held. If it decides that a hearing should be held, it informs the Clerk of the relevant Court and it (the Council) appoints a suitable person, called a Representative, to conduct the Church's side of the hearing,

should there be a hearing under the formal procedure. The Council informs the Clerk of the relevant Court who the Representative will be.

- 18.62 As soon as possible after the Representative decides to proceed with a hearing and notifies the Clerk of the Court of his/her decision, the Clerk of the Court notifies the alleged offender in writing of the following:
- (a) the alleged act or acts of misconduct;
 - (b) of his/her right to legal representation at his/her own expense in both the informal and formal stages;
 - (c) his/her right to remain silent;
 - (d) that what is said at any stage in the proceedings may be regarded as evidence in any further proceedings but that the informal procedure does not require the formal recording of evidence referred to in para 18.92;
 - (e) the names of the members of the commission, if the case has been referred to a commission; and
 - (f) that he/she may, within twenty-four hours of receiving the notice, formally object, giving reasons, to any particular person or persons being part of the Court that will hear the case. If the Court finds that the objection is well-founded, it will replace the person or persons objected to, from the list of elected alternates. If no alternate can be found, the Court asks the Council to nominate a Minister or Elder to fill the vacancy. The Moderator, if a member of the Court, and the Clerk of the Council, recuse themselves from the debate on this question as do the other members of the Court. The Clerk of the Court then notifies the alleged offender of the result.

The Clerk of the Court delivers or causes to be delivered to the alleged offender in writing the information in (a) to (f) by a method that facilitates proof that it has been received. If it is delivered by hand the alleged offender must sign and date a copy thereof as proof that he/she has received it. If he/she refuses to receive it or to sign a receipt, the messenger must submit a statement that the document was tendered and that the alleged offender refused to receive it, or that he/she received it but refused to sign a receipt. If it is not practical to send the document by hand

- (i) it may be posted by registered post or other mail system requiring acknowledgement of receipt; or
- (ii) it may be sent by courier if the courier asks for a receipt; or
- (iii) it may be sent by telefax; or
- (iv) it may be sent by e-mail, provided that acknowledgement of receipt is obtained; or
- (v) the Sheriff of the High Court may be asked to serve it.

INFORMAL PROCEDURE

- 18.63 Before the formal judicial procedure begins an alleged offender is offered the opportunity to admit guilt (ie to confess to the whole or part of what is alleged) and to show that he/she has repented.
- 18.64 If the Court of first instance (ie the Court to be the first to try the case) is to be the Session, sitting in a judicial capacity, the Session sitting as a Council (ie in a non-judicial capacity) sends a Commission of three Elders to make the offer referred to in the previous paragraph. (The

Commission because they will be needed if there is a subsequent hearing.) If the alleged offender admits guilt in whole or in part and has repented, the Commission may take such action as it considers fit without resorting to formal judicial process in terms of the formal procedure referred to below, or decide to take no further action, or decide that the part of the alleged misconduct which is admitted leaves such an important part not admitted that the procedure should continue in respect of the part not admitted. In the last mentioned case the admission and the penalty, if any, for the part admitted is not announced but is taken into consideration at the end of the whole procedure. If there is a formal hearing thereafter, the members of the Commission recuse themselves (ie may not take part in the formal hearing) because they have taken part in the informal stage.

- 18.65 If the Court of first instance is to be the Presbytery, the Presbytery, sitting as a Council, sends a Commission of three or more persons selected by the Council, care being taken to include two Ministers and one Elder if there are three altogether, and some Ministers and some Elders if there are more than three altogether. The Commission has the same powers as a Commission from the Session has in terms of the preceding paragraph. The Commission does not include the Moderator, if a member of the Court, and Clerk because they are needed if a formal hearing takes place, and members of the Commission are not permitted to be part of the Court hearing the case.
- 18.66 If the Court of first instance is a Court of a Synod, the rules are the same as for a Presbytery and its Court above.
- 18.67 If The Court of the General Assembly is to act as a Court of first instance, which is rare but is permissible, the rules are the same as for a Presbytery and its Court above.
- 18.68 If an alleged offender confesses guilt and repents, and the Commission from whichever Court it has come decides that no further action need be taken, the hearing is at an end. Should the alleged offender, within a period of seven years thereafter, be accused of the same or similar misconduct, the informal procedure is not repeated. The hearing goes forward immediately under the formal procedure.

FORMAL PROCEDURE

- 18.69 In cases of formal judicial process as distinct from the informal procedure above, the Court appoints a Representative to lead the evidence on the alleged misconduct. The accused has the right to be legally represented at his/her own expense. If the accused does not avail himself/herself of this right he/she may request the Court to appoint, or, failing such request, the Court may appoint, a suitable person to conduct his/her defence without payment. The Court is not bound to appoint anyone who requires payment for his/her services.
- 18.70 The Representative obtains written statements of evidence from persons prepared to support the allegation(s) of misconduct. The accused has the right of access to these written statements. On the basis of these statements the Representative prepares a detailed

formal written notice containing a description of the allegation(s) of misconduct.

- 18.71 If there are several allegations of misconduct, or if there are alternative allegations, they must be set out separately. The formal written notice, together with a list of witnesses to be called in support thereof, are forwarded to the Clerk of the Court. The Clerk immediately informs the accused of any addition to, or deletion from, the list of witnesses.
- 18.72 The Clerk of the Court ensures that the accused receives a copy of the allegation(s) of misconduct or formal written statement of the allegation(s) of misconduct and the list of witnesses as speedily as possible.
- 18.73 In the name of the Court the Clerk notifies parties and witnesses to appear before the Court at a specified time and place. When a party or witness is present in the Court, he/she may be notified, orally, to appear. Such notice to appear shall be minuted. In the case of a written notification to appear the Clerk of the Court ensures that it is served and obtains a certificate from the party or witness concerned to this effect. If a member of the Court is notified to appear as a party or witness he/she may not take part in or be present at the deliberations of the Court on the case. Once proceedings have started, no member of the Court may be called as a witness.
- 18.74 Should anyone from whom information is desired be unable to attend, the Court may appoint two or more of its members to examine him/her; to take down his/her statement in writing; to have it authenticated by his/her signature; and to return with it to the Court. The accused and the person who is representing him/her, if any, are entitled to be present and to question the person being examined.
- 18.75 Unless the accused person notified to appear accepts short service of the notice, at least one week shall elapse between the date when the notice is served and the date he/she is to appear before the Court.
- 18.76 Any member of this Church is required to obey a notice or order to appear. Failure to do so without satisfactory explanation may be treated as an act of resistance against rightful authority, and the Court may remove the person concerned from membership of this Church. Should the person concerned be the accused, removal from membership renders him/her subject to no further discipline.
- 18.77 Persons who are not members of this Church may be requested, but are not obliged, to give evidence.

Rules governing the taking and recording of evidence at hearings under the Formal Procedure

- 18.78 Before evidence is heard, the Convener addresses the witness concerned on his/her solemn Christian responsibility to speak the truth.
- 18.79 The party that calls a witness first examines that witness. The opposing party, or any members of the Court, may then question the witness. Before asking a witness to stand down the Convener ascertains that no member of the Court wishes to put any further questions. The Court is

entitled to call witnesses not called by either party, but is not entitled to require the accused to give evidence. The accused, however, may volunteer to give evidence and also has the right to call witnesses on his/her behalf. The Court informs the accused that he/she has the right to remain silent and that if he/she elects to leave the case against him/her uncontradicted, he/she runs the risk of an adverse decision. This warning is to be noted on the record.

- 18.80 The Court may at any stage exclude any witness whom it has not yet examined.
- 18.81 A Court taking evidence at a hearing tries to discover the true factual position. Whether or not it succeeds in doing so in cases in which the facts are disputed depends to a great extent upon the availability and truthfulness of witnesses and the value of the evidence in relation to the issue in question.

Church courts not bound by the rules of procedure and evidence in secular courts

- 18.82 A Court acting in terms of its powers given in this chapter follows the rules on procedure and evidence contained in this Chapter. In deciding any question of procedure or evidence not provided for in this Chapter the court considers what is fair and just. The Court is not bound by the formal rules of criminal procedure and/or evidence in secular Courts of law. It may, however, happen that the Court arrives at a conclusion that is the same as, or similar to, the conclusion that a secular Court would reach.

Evidence

- 18.83 In relation to the admissibility of evidence (see the following para) the Court considers what the best available evidence (see paras 18.85-87) on each relevant issue is. The Court admits the evidence if it would be fair and just to do so and if it is necessary for reaching a decision on the issue in question.
- 18.84 When it is said that evidence is not admissible what is meant is that the Court cannot admit it. This in turn means that if the Court discovers before the evidence is heard that it would, if given, be inadmissible, it refuses to hear it; and if the evidence has been given before the Court discovers that what has been said falls into one of the categories of inadmissible evidence it has to disregard that evidence and decide the case taking into account only the evidence which is admissible.

The best available evidence

- 18.85 To be described (see para 18.83) as the best available evidence the evidence needs to pass two tests:
(i) it has to be available; and
(ii) of the evidence available it has to be the best.
- 18.86 Those who are not members of the Church cannot be compelled to come to give evidence but they may be invited to come. Members of the Church may be ordered to come and there is a sanction, namely removal from the Roll (ie from the membership of this Church), if they

do not come (see para 18.76 above). There are no other sanctions similar to those available to secular Courts of law.

- 18.87 Whether or not the evidence of one of the persons available (say A) is or is not better than the evidence of another also available, (say B) depends upon the circumstances. This can best be explained by means of examples. If A were to say: "I did not see the incident; but I can tell you what happened because B, who was there, told me about it", the Court would declare this inadmissible. The evidence of B would be better because he/she could describe what he/she himself/herself saw, and he/she could be expected to answer questions raised by the other side, whereas A, if questioned, might say: "I cannot answer that question because B did not tell me about it." Further, if the other party questions whether the evidence is credible, whether it is true, A would not be in as good a position as B to assist the Court. The position is different if the question is not about the truth of the statement A wishes to make but about the question whether or not B has been making that statement (say, that it is insulting) to one or more people. In these circumstances A's statement would be admissible because the fact of which it is evidence is whether or not it was made, not whether or not the allegation in the insulting words is true.

Opinion evidence is generally inadmissible

- 18.88 There is a class of evidence called evidence of opinion(s). The primary function of a witness is to give evidence of facts within his/her knowledge. The primary function of a Court is to reach a decision on the law relating to the facts it finds to be proved. In doing so the Court often has to formulate its opinion. For example, the question before the Court may be whether or not the accused drove his car at a specified place and time recklessly or negligently. Looked at from one point of view this may be considered to be a question of fact - it may be said after the case is over that the Court found as a fact that the accused drove his car recklessly or negligently and then, applying the law, found him guilty and sentenced him. During the hearing, however, the way the accused drove his car (eg at a high speed which the witness estimates to be 120 kilometres per hour in an area subject to a low speed limit, or steering erratically in the middle of, or on the wrong side of, a busy road, or both combined) are "facts" of which a witness can give evidence. On such facts the Court has to come to a decision, has to form its own conclusion, often referred to as its opinion, on whether or not the accused's driving was reckless or negligent. Hence if a witness were to say merely "I saw the accused driving recklessly or negligently" this would not be admissible in evidence because what he is saying is: "I saw the accused driving in a way which, in my opinion, was reckless or negligent." If the witness were to be allowed to state his opinion on whether or not the accused had acted recklessly or negligently the witness would be doing what the Court is appointed to do, ie the witness would be stating his/her conclusion on the basis of the facts available to him/her.

It follows that in general evidence of opinion is not admissible.

Expert evidence

- 18.89 Expert evidence is an exception to the general rule in the preceding paragraph. It is clear that there are many spheres of life in which there are people who are more expert than is a Judge or Magistrate or Advocate or Attorney. The practice of medicine or of a branch of science or of some aspects of accountancy are examples. Evidence of those expert in a field relevant to a case before the Court is expert evidence.

Whether or not a person whose evidence is about to be led is an expert is a matter for the Court to decide. When expert evidence is admissible it commonly happens that evidence is given by more than one person acknowledged by the Court to be an expert. If one side tenders expert evidence the other side often does so too.

- 18.90 It would be detrimental to the administration of justice if a Court were to be denied the opportunity to receive evidence of experts. Cases in which such evidence is heard include, for example, those in which it is questioned whether an accused behaved as required by the standards of his profession, whether, for example, a doctor's or accountant's work measures up to what is expected of members of the profession in question with the normal skills of the members of that profession. Almost two thousand years ago Roman law laid it down that not to be able to drive mules harnessed to a wagon or to ride a horse is not negligence; but if one who does not have the required skill does drive mules or rides a horse and, through his failure to do so skilfully, damage is caused to another, the mule driver or horse rider is negligent. Hence, if a Court is faced with a question about alleged negligent conduct in the practice of the profession it is right that it should be able to admit evidence of experts in that profession.
- 18.91 A Court is not bound by expert evidence: it has to determine for itself whether it will accept what each expert says even though the Court has itself ruled that the witness in question is an expert. It frequently happens that two witnesses, both of whom the Court has accepted to be experts, contradict each other or give divergent opinions.

Other rules on evidence

- 18.92 The evidence of witnesses is recorded and preserved for not less than twelve months after the hearing. Audio and visual recording of evidence is permissible but not necessary. In its absence the Court arranges for the evidence to be recorded by hand. While it is not necessary to record every word, care must be taken to record accurately the substance of what is said.
- 18.93. If, after a hearing before any Court, new evidence favourable to the accused is brought to the notice of the Court, it may re-open the case.
- 18.94 If the evidence in a hearing is not sufficient to convince the Court of the guilt of the defendant on a balance of probability, the Court pronounces him/her not guilty.
- 18.95 No member of the Court may take part in the deliberations of the Court or vote in the hearing, unless he/she has heard the full proceedings.

PROCEDURE IN ALL OFFENCES UNDER THE FORMAL PROCEDURE

- 18.96 When the accused is before the Court, the written formal statement of the allegation(s) of misconduct is read aloud by the Clerk in the accused person's hearing. The Convener of the Court then asks the accused whether he/she admits or denies the truth of the allegation(s).
- 18.97 Instead of admitting or denying the truth of any allegation, the accused may take exception to it on the ground either that it discloses no misconduct or that it is so vague that he/she is unable to defend himself/herself. If the Court then dismisses the allegation(s) on either of these grounds, the Representative may appeal. If the Court does not uphold the exception, the accused may appeal.
- 18.98 If the accused admits the truth of the allegation(s) the Court may question him/her with reference to the alleged facts of the case in order to ascertain whether he/she admits the allegations in the formal written statement in para 18.62, or the accused may hand in a signed written statement in which he/she sets out the facts which he/she admits and to which he/she has pleaded guilty. If the Court is satisfied that the misconduct has been committed it then returns a verdict of guilty. Thereafter the accused may lead evidence and address the Court in mitigation of the sanction which may be imposed. Should he/she wish to do so the Representative must be given an opportunity to place aggravating circumstances before the Court. The Court then imposes the sanction which, in its judgment, is merited. If the Court is not satisfied that the accused admits the allegations a plea of not guilty is entered and the Court proceeds to hear the evidence in respect of them and of those he/she denies.
- 18.99 If the accused denies the truth of the allegation(s), the Court proceeds to hear all the evidence. (See paras 18.78-95.) Thereafter it hears the argument of both parties on the evidence, the argument of the Representative being heard first. The Court then determines its verdict and informs the accused and the Representative of it. If the Court finds the accused guilty it hears any plea and/or evidence the accused may offer concerning circumstances which may lead the Court to impose a lighter sanction than it might impose if it did not know the circumstances the accused mentions. The Representative may thereafter be given an opportunity to address the Court and/or place evidence before the Court in aggravation of the sanction which may be imposed. The Court then determines what sanction is merited and informs the accused of its decision. The accused may appeal: see Section 8 of this Chapter below. If the accused appeals, the discipline is delayed.
- 18.100 If the accused pleads not guilty in a case which might involve suspension or removal from office (deposition) he/she is suspended from the exercise and rights of office in the Church until the hearing has been concluded. The temporary suspension is not a sanction and is not to be regarded as such. If the accused receives any emoluments from the office held these continue until the case is resolved.

- 18.101 If a Minister in a pastoral charge is suspended from office until a final decision is reached in his/her hearing, the Presbytery, sitting as a Council, notifies the Congregation concerned, appoints an Interim Moderator to the Session and makes suitable arrangements for pulpit supply while the suspension lasts. The emoluments in operation at the time of the suspension continue until the case is resolved.

Section 7 - REFERRALS

- 18.102 A lower Court may refer (ie send) any disciplinary hearing, or any part of a hearing, or point of difficulty in a hearing, to a higher Court for advice or decision.
- 18.103 The whole hearing, or any part of a hearing, may be referred without comment; or the lower Court may draw up a statement giving the reasons for making the referral; or the lower Court may appoint one of its members to attend the higher Court and state the reasons for making the referral.
- 18.104 When a lower Court makes a referral, its Clerk forwards all relevant documents and extract minutes to the Clerk of the higher Court and informs all parties in the hearing that a referral has been made.
- 18.105 When a hearing is referred, all procedure therein is stopped in the lower Court, until the higher Court has given its advice or decision.
- 18.106 The Clerk of the higher Court informs the members appointed to state the reasons for referring the hearing and the parties concerned, of the date on which, the place where, and the time when, the higher Court will meet to consider the matter and calls on them to appear.
- 18.107 A member of the lower Court who is also a member of the higher Court is allowed to sit (if he/she so wishes) as a member of the higher Court when the referral is considered.
- 18.108 When dealing with a referral, the higher Court observes the following order:
- (a) The person, if any, appointed to state the referral and the reasons for making it, is heard.
 - (b) The Court then considers, first, whether the referral has come up in a proper manner; second, whether there were sufficient reasons for making it; and third, whether there is a reasonable prospect of it succeeding.
 - (c) If these three points are satisfactory, the referral is approved. If there is no reasonable prospect of the referral succeeding (for example, there are clearly insufficient facts to justify it or there is a precedent in The Court of the General Assembly against it), or the referral has come up in an incorrect manner, it is dismissed.
 - (d) If the referral is approved, the Court calls for such documents and hears such parties as may enable it to reach a decision.
 - (e) The finding of the Court, which must be in writing, is read before the Court in the presence of the parties and a copy is passed to the Clerk of the lower Court, which made the referral.

- (f) Unless the decision of the higher Court determines the issue of the case, the lower Court is directed to proceed in it according to the Manual.

Section 8 – APPEALS IN DISCIPLINARY CASES

- 18.109 A Court finding an accused person guilty informs him/her that he/she may appeal to the next higher Court, and that this application may be made there and then, or be submitted in writing and delivered by hand, or posted by registered mail, to the Clerk of the Court within 21 (twenty-one) days of the pronouncement of judgment. If the accused appeals, the Clerk of the Court gives the party in question and the Clerk of the higher Court, a copy, in writing, of the reasons for the judgement. Written reasons for the appeal must be lodged by the appellant with the Clerk of the higher Court within 30 (thirty) days of the written reasons for the judgment having been furnished to the appellant, failing which the appeal will be considered to be abandoned.
- 18.110 Grounds for the appeal may be as follows;
- (a) irregularity in the proceedings of the Court;
 - (b) refusal of a reasonable opportunity, or of reasonable opportunities, to a party in the conduct of the hearing;
 - (c) reception of irrelevant or inadmissible evidence;
 - (d) refusal to receive relevant evidence;
 - (e) that the judgment is against the law of the Church, or against the weight of the evidence, or that the sanction is excessive.
- 18.111 If the next higher Court referred to in para 18.109 dismisses the appeal, the accused may only appeal to a yet higher Court if leave to do so is granted by the Convener of the yet higher Court after consultation with a small committee referred to below in this paragraph. An accused person applying for leave to appeal sends an application in writing to the Clerk of the yet higher Court, who informs the applicant and the Clerk of Court which dismissed the appeal that the application has been received. The Clerk of the Court which dismissed the appeal from the lower Court then delivers, by hand or by messenger, a receipt being obtained, or sends by fax or by e-mail which has to be acknowledged, or by registered post a copy of the written reasons for judgement of the Court which first heard the case and of the Court which dismissed the appeal,
- (a) to the Clerk of the Court to which the application for leave to appeal is sent, and
 - (b) a copy of the written reasons for judgement of the Court which dismissed the appeal to the person applying for leave to appeal. (Note that the accused person will have received, when he/she first appealed, a copy of the reasons of the Court which first heard the case.)

The Clerk of the higher Court to which the accused wishes to appeal sends the accused a copy of the relevant rules of that Court on such applications. Written reasons for leave to appeal have to be delivered by one of the methods referred to above to the Clerk to which the application for leave to appeal has been sent within 30 (thirty) days of receipt by the applicant of the

be considered to be abandoned. When an appeal to the Convener of the yet higher Court is made, that Convener, assisted by a small committee of the Court, unless the Convener considers that the issue is so plain that a committee is not necessary, considers whether or not special leave to appeal should be granted. The Convener (and the committee, if one is appointed) does not decide whether or not the appeal will succeed; only whether or not there is a reasonable prospect of it succeeding. If there is no reasonable prospect of it succeeding, special leave to appeal is refused. In the case of Courts lower than The Court of the General Assembly a decision not to grant an appeal may, itself, be taken on appeal to the next higher Court.

- 18.112 If there is a yet higher Court, similar rules to those in paras 18.109-111 apply.
- 18.113 If the defendant is granted leave to appeal to a higher Court, the Clerk of the lower Court transmits the whole record of the hearing, together with any relevant documents and exhibits, duly attested by himself/herself and the Convener of his/her Court, to the higher Court. The higher Court considers the whole case. All parties in the case are entitled, on request, to a copy of the record and relevant documents.
- 18.114 When a convicted person appeals, and has given written reasons for the appeal, the Clerk of the Court to which the appeal is to go, sends the Clerk of the Court from which the appeal comes, a copy of the applicant's written reasons. The Court against whose decision the appeal is then has 21 (twenty-one) days to draw up answers to these reasons, which it sends to the higher Court and to the appellant. The Court against whose decision the appeal is may also appoint one or more of its members to appear before the higher Court in support of its decision.
- 18.115 The higher Court orders the appellant(s) or their appointed representatives and the representatives of the Court against whose decision the appeal is made, to appear before it at a specified time and a specified place on a specified date; and may, in its discretion, order any other persons to appear. A written order to appear is delivered by hand, or by another method of which a written record of delivery may be obtained, to the parties. The Clerk of the higher Court must keep a copy of the written order to appear and proof of delivery by the chosen method; provided that if one or both of the parties refuses or neglects to accept the written order, the hearing may proceed as if it had been received.
- 18.116 All appellants and all members of the Court against whose decision the appeal has been made, are parties, if present at the meeting of the higher Court giving judgement in the hearing.
- 18.117 In dealing with appeals, a Court:
- (a) calls for relevant papers and minutes and hears a statement on the matter from its Clerk;

- (b) calls all parties in the appeal, and ascertains that those who have been ordered to appear are present;
 - (c) hears the parties or their appointed representatives; together with any other persons whom it may have ordered to appear;
 - (d) gives the members of the Court, through the Convener, an opportunity of putting questions to the parties;
 - (e) hears an appellant who desires to exercise the right of reply;
 - (f) removes the parties or, if convenient, retires to another venue, considers the case, and proceeds to judgment;
 - (g) recalls the parties to whom the Convener announces the judgment;
 - (h) orders a copy of the judgment to be sent within 7 (seven) days to the Clerk of the lower Court and to the appellants.
- 18.118 A complainant or, if the Council takes up a hearing on its own initiative, the mover and/or seconder of the motion to begin proceedings, has the right to appeal to a higher Court if a Court other than The Court of the General Assembly decides that there are no, or insufficient, grounds for discipline, provided that he/she shows to the satisfaction of the Court to which the appeal is sought to be made, that there are apparently sufficient grounds for appeal.
- If a Court other than The Court of the General Assembly, having heard the evidence, convicts the alleged offender and imposes a sanction which the complainant considers is so much less than any reasonable Court would impose as obviously to require to be changed, he/she may appeal to the next higher Court on the ground that an obvious injustice has been done.
- 18.119 There is no right of appeal against a verdict of not guilty.

Section 9 – WITHDRAWAL OF DISCIPLINE

- 18.120 It is the duty of a Council within whose boundaries a person who has been suspended resides, to keep in touch with that person with a view to restoration. Suspension for an indefinite period is reviewed at least every two years.
- 18.121 Any form of discipline may be withdrawn (on the meaning of this word see below para 18.122) as an act of grace at the discretion of the Council whose Court imposed it or by a higher Council having jurisdiction.
- 18.122 Withdrawal of a sanction of removal from the membership of the Church, restores to membership and the person in question then applies in the ordinary way to be enrolled as a member of a Congregation.
- 18.123 Withdrawal of a sanction of removal from office (deposition) does not restore the person to any office held before removal but makes that person eligible for office in the same way as other members of the Church, provided that the standard procedures for filling such office are carried out.

- 18.124 The withdrawal of a Minister's suspension gives him/her the status of a Minister without charge.
- 18.125 A person who has been suspended or removed from office (deposed) or who has been removed from the membership of the Church may, at any time, petition the Council whose Court imposed the discipline, for its withdrawal.
- 18.126 A Minister who has been removed from office (deposed) may, at any time, petition The Court of the General Assembly, through the Council within whose Court's boundaries he/she resides, for the removal from office (deposition) to be withdrawn.

APPENDIX

Disciplinary Proceedings Worksheet

[(*) denotes delete that which is not applicable]

The United Presbyterian Church in Southern Africa

The Court of the Presbytery / Synod / General Assembly* of

.....

1. Allegation

1. The Council of the Presbytery / Synod / General Assembly* of [name]
received the following allegation on [date]

<u>Allegation of misconduct</u>			
Full Names of Complainant:			
ID Number:			
Residential address:			
Postal address:			
Tel no: Home and work:			
Fax Number:			
Cell Number:			
<u>If the Complainant is a member of the UPCSA</u>			
"I warrant that I have been warned by the Presbytery that bringing of a charge lightly or maliciously is in itself an offence and liable to discipline. I am a communicant member of a congregation in good standing of the UPCSA."			
.....
Name of the Complainant	Signature	Date	Congregation

2. Commission

* 1. Appointment and Report

The Presbytery / Synod / General Assembly* appointed a Commission consisting of the following members to investigate the allegations:

.....	
.....
Date	Convener

OR

* The Presbytery / Synod / General Assembly* did not appoint a Commission to investigate the allegations.

* Having received the report of the Commission / On its own behalf, the Council held

1. That there were grounds for discipline
2. That a hearing should be held
3. That the following person should be appointed to represent the Presbytery / Synod / General Assembly* in this case should there be a hearing under the formal procedure.

Representative appointed by the Presbytery / Synod / General Assembly*:

.....

OR

* The Council held that there were no grounds for discipline

3. Grounds For Discipline

1. This decision of the Council was passed on to the Clerk of the Court on the [date]

4. Notice to the Alleged Offender

1. *Notice to Alleged offender in a Disciplinary Matter*

"TO [name]

"The Presbytery / Synod / General Assembly* in its meeting on [date] decided to proceed against you on a disciplinary hearing on the following alleged offence(s):

- *1. Teaching which is contrary to the Holy Scriptures and the doctrine of this Church in that you did the following:

AND/OR

- * 2. Conduct which gives rise or may give rise to scandal in that you did the following:

AND/OR

- * 3. Conduct which injures the unity and peace of, or contravenes the law and procedures of, this Church in that you did the following:

AND / OR

- * 4. Constitutes a material breach of a covenantal relationship with the Church in that you did the following:

"You have the right to legal representation at your own expense in both the informal and formal stages of the disciplinary proceedings against you.

"You have the right to remain silent and what is said at any stage in the proceedings may be regarded as evidence in any further proceedings against you. Please note that the informal procedure does not require the formal recording of evidence.

"The following members of the Presbytery / Synod / General Assembly* have been appointed to a Commission to meet with you (this may consist of the same personnel as appointed in 2.1 above):

.....
 "You are required to meet with this Commission at [place] on the day of 20 to answer these allegations under the informal procedure.

"You may, within twenty-four hours of receiving this notice, formally object, giving reasons, to any particular person or persons being part of the Court that will hear the case. If the Court finds that the objection is well-founded, it will replace the person or persons objected to, from the list of elected alternates. If no alternate can be found, the Court will ask the Council to nominate a Minister or Elder to fill the vacancy. The Moderator, if a member of the Court, and the Clerk of the Council, will recuse themselves from the debate on this question as will the other members of the Court. The Clerk of the Court will then notify you of the result."

2. *Delivery*

The Clerk of the Court delivers or causes to be delivered to the alleged offender in writing in the following method:

* (i) By hand:

.....
 Signature

.....
 Date

* The alleged offender refused to receive the notice.

OR

it may be sent

* (ii) By registered post or other mail system requiring acknowledgement of receipt (attach receipt)

OR

it may be sent

* (iii) By courier if the courier asks for a receipt (attach courier receipt here)

OR

it may be sent

* (iv) By telefax (attach copy here)

OR

it may be sent

* (v) By e-mail, (attach e-mail and acknowledgement of receipt here)

OR

it may be sent

* (vi) By the Sheriff of the High Court (attach receipt here)

5. INFORMAL PROCEDURE

1. Commission

The Commission informs the alleged offender as follows:

At on the day of 20.....
the Commission appointed by the Presbytery / Synod / General Assembly* met
with the alleged offender, and the following was read to the alleged offender by
the Convener of the Commission:

"In terms of the informal procedure, before the formal judicial procedure begins,
you are offered the opportunity to admit guilt. You will be asked to confess to the
whole or part of what is alleged and to show that you have repented.

"The following members of the Council have been appointed as a Commission to
meet with you in terms of this informal procedure. Please note that this group
does not include the Moderator or the Clerk of the Presbytery / Synod / General
Assembly* or any other members of the Court of the Presbytery / Synod /
General Assembly*:

.....

"If you confess guilt and repent, and the Commission decides that no further
action need be taken, this hearing is at an end. Should you, within a period of
seven years thereafter, be accused of the same or similar misconduct, the
informal procedure will not be repeated. In such a case the hearing goes forward
immediately under the formal procedure.

"If the Commission that meets with you is satisfied that you have confessed and
repented of the alleged offence, they will record a finding of guilty and
recommend to the Court of the Presbytery / Synod / General Assembly* that the
following sentence be imposed:

* (a) Warning

OR

* (b) Rebuke

OR

* (c) Suspension of ... days / months (no longer than 12 months)

OR

* (d) Severance of the pastoral tie

OR

* (e) Removal from office

OR

* (f) Removal from membership of the Church

"If you choose to plead not guilty or the Commission is not satisfied with your plea of guilty, you will be tried under the formal procedure and you might be given a harsher penalty.

"Do you understand what has been explained to you?"

Alleged Offender: * "YES" / "NO"

"How do you plead to the charges as specified above?"

Alleged offender: * "GUILTY" / "NOT GUILTY"

If guilty, the Commission asks:

"Do you fully confess and repent of the following?"

Alleged Offender: * "YES" / "NO"

*2. Report of the Commission to the Court of the Presbytery / Synod / General Assembly**

The Convener of the Commission will report to the Clerk of the Court as follows:

"The Commission appointed by the Council of the Presbytery / Synod / General Assembly* met with the alleged offender and * he / she pleaded * guilty / not guilty.

*** 2.1 If the alleged offender pleaded guilty:**

*2.1.1 "The Commission accepted the alleged offender's plea of guilty to all the charges and that the alleged offender has repented of the offences listed. Accordingly, the Commission asks that the following sentence be made an order of the Court:

* (a) Warning

OR

* (b) Rebuke

OR

* (c) Suspension of ... days / months (no longer than 12 months)

OR

* (d) Severance of the pastoral tie

OR

* (e) Removal from office

OR

* (f)	Removal from membership of the Church
-------	---------------------------------------

..... Date Convener
---------------	-------------------

OR

* 2.1.2 "The Commission accepted the alleged offender's plea of guilty to certain of the charges, namely

.....

and that the alleged offender has repented of the offences listed. Accordingly, the Commission asks that the following sentence be made an order of the Court on these charges:

.....

* (a)	Warning,	
		OR
* (b)	Rebuke	
		OR
* (c)	Suspension of ...days / months (no longer than 12 months)	
		OR
* (d)	Severance of the pastoral tie	
		OR
* (e)	Removal from office	
		OR
* (f)	Removal from membership of the Church	

The Commission recommends that the accused be tried under the formal procedure for the following charges:

* 1. Teaching which is contrary to the Holy Scriptures and the doctrine of this Church in that the accused did the following:

.....

AND/OR

* 2. Conduct which gives rise or may give rise to scandal in that the accused did the following:

.....

AND/OR

* 3. Conduct which injures the unity and peace of, or contravenes the law and procedures of, this Church in that the accused did the following:

.....

AND / OR

- * 4. Constitutes a material breach of a covenantal relationship with the Church in that the accused did the following:

.....
Date

.....
Convener

OR

*** 2.2 If the alleged offender pleaded not guilty:**

- * "The Commission noting that the alleged offender pleaded not guilty, transmits the case to the Court for trial."

.....
Date

.....
Convener

6. FORMAL PROCEDURE

1. Notice to the Accused

The Clerk of the Court shall inform the accused as follows:

"You are hereby notified that the Commission appointed by the Council has recommended that you be held over for trial under the following charges:

- * 1. Teaching which is contrary to the Holy Scriptures and the doctrine of this Church in that the accused did the following:

AND/OR

- * 2. Conduct which gives rise or may give rise to scandal in that the accused did the following:

AND/OR

- * 3. Conduct which injures the unity and peace of, or contravenes the law and procedures of, this Church in that the accused did the following:

AND / OR

- * 4. Constitutes a material breach of a covenantal relationship with the Church in that the accused did the following:

"The Court has appointed as its Representative to lead the evidence on the alleged misconduct. You have the right to be legally represented at your own expense. Should you not avail yourself of this right you may request the Court to appoint, or, failing such request, the Court may

appoint, a suitable person to conduct your defence without payment. The Court is not bound to appoint anyone who requires payment for his/her services.

"Do you understand what has been explained to you?"

Accused: * "YES" / "NO"

2. Witness Statements

"I, (full name), having been appointed Representative to the Court of the Presbytery / Synod / General Assembly* in the case of

The Presbytery / Synod / General Assembly* of [name]

Vs.

..... [name of the accused]

have obtained witness statements from witnesses prepared to support the allegation(s) of misconduct. These statements are attached to this record and a copy has been transmitted to the accused on [date]

Witness Statement

Full Names of Witness:

ID Number:

Residential address:

Postal address:

Tel no: Home and work:

Fax Number:

Cell Number:

Date(s) of meetings with the witness:

The witness states as follows:

.....

.....

Witness

Date

"On the basis of these statements, the accused is charged with the following offences

- * 1. Teaching which is contrary to the Holy Scriptures and the doctrine of this Church in that the accused did the following:

.....

AND/OR

- * 2. Conduct which gives rise or may give rise to scandal in that the accused did the following

.....

AND/OR

* 3. Conduct which injures the unity and peace of, or contravenes the law and procedures of, this Church in that the accused did the following

.....

AND / OR

* 4. Constitutes a material breach of a covenantal relationship with the Church in that the accused did the following

.....

"In addition, I intend to call the following people as additional witnesses:

Full Names of Witness:	
ID Number:	
Residential address:	
Postal address:	
Tel no: Home and work:	
Fax Number:	
Cell Number:	
.....
Date	Representative

The notice was delivered to the accused on the following date by the following means:

* (i) By hand:

.....
Signature

.....
Date

* The alleged offender refused to receive the notice.

OR
it may be sent

* (ii) By registered post or other mail system requiring acknowledgement of receipt (attach receipt)

OR
it may be sent

* (iii) By courier if the courier asks for a receipt (attach courier receipt here)

OR
it may be sent

* (iv) By telefax (attach copy here)

OR

it may be sent

* (v) By e-mail, (attach e-mail and acknowledgement of receipt here)

OR

it may be sent

* (vi) By the Sheriff of the High Court (attach receipt here)

3. Notice parties and witnesses to appear

The Presbytery / Synod / General Assembly* of [name]

Vs.

.....

Notice is hereby given that the Court of the Presbytery / Synod / General Assembly* of [name] will meet at the following place at the following date and time (*at least 7 days from the date of this notice*):

Place:

Date:

Time:

As a member of this Church you are required to obey a notice or order to appear. Failure to do so without satisfactory explanation may be treated as an act of resistance against rightful authority, and the Court may remove you from membership of this Church. As the accused, removal from membership renders you subject to no further discipline.

This notice was served on the parties in the following manner:

* (i) By hand:

.....
Signature.....
Date

* The alleged offender refused to receive the notice.

OR

it may be sent

* (ii) By registered post or other mail system requiring acknowledgement of receipt (attach receipt)

OR

it may be sent

* (iii) By courier if the courier asks for a receipt (attach courier receipt here)

OR

it may be sent

* (iv) By telefax (attach copy here)

OR

it may be sent

*(v) By e-mail, (attach e-mail and acknowledgement of receipt here)

OR

it may be sent

*(vi) By the Sheriff of the High Court (attach receipt here)

4. *Deposition*

The following witness, being unable to attend the proceedings was examined by the following members of the Court..... The witness statement was taken down in writing and has been authenticated by the witness' signature. The accused and * his / her representative, having been notified that this was to take place * were / were not present and questioned / chose not to question the witness. The written record of this meeting is hereby returned to the Court.

Full Names of Witness:

ID Number:

Residential address:

Postal address:

Tel no: Home and work:

Fax Number:

Cell Number:

The Witness stated as follows:

.....

Witness

Date

Questions put to the witness and the witness' responses were as follows:

Accused:

Representative:

Members of the Court:

7. TRIAL

At [place] on the day of 20 at [time], the Court of the Presbytery / Synod / General Assembly* met to try the case of the Presbytery / Synod / General Assembly* of[name]

Vs.

.....[accused]

The Members of the Court were as follows:

.....

The clerk of the Court read aloud in the accused person's hearing the written formal statement of the allegation(s) of misconduct. The Convener of the Court then asked the accused whether he/she admits or denies the truth of the allegation(s).

Accused response: * "I admit the truth of the allegation(s)" / "I deny the truth of the allegation(s)"

Instead of admitting or denying the truth of any allegation, the accused may take exception to it on the ground either that it discloses no misconduct or that it is so vague that he/she is unable to defend himself/herself. If the Court then dismisses the allegation(s) on either of these grounds, the Representative may appeal. If the Court does not uphold the exception, the accused may appeal.

If the accused admits the truth of the allegation(s) the Court may question him/her with reference to the alleged facts of the case in order to ascertain whether he/she admits the allegations, or the accused may hand in a signed written statement in which he/she sets out the facts which he/she admits and to which he/she has pleaded guilty. If the Court is satisfied that the misconduct has been committed it then returns a verdict of guilty.

If the Court is not satisfied that the accused admits the allegations a plea of not guilty is entered and the Court proceeds to hear the evidence in respect of them and of those he/she denies.

If the accused pleads not guilty in a case which might involve suspension or removal from office (deposition) he/she is suspended from the exercise and rights of office in the Church until the hearing has been concluded. The temporary suspension is not a sanction and is not to be regarded as such. If the accused receives any emoluments from the office held these continue until the case is resolved.

If a Minister in a pastoral charge is suspended from office until a final decision is reached in his/her hearing, the Presbytery / Synod / General Assembly, sitting as a Council, notifies the Congregation concerned, appoints an Interim Moderator to the Session and makes suitable arrangements for pulpit supply while the suspension lasts. The emoluments in operation at the time of the suspension continue until the case is resolved.*

The Convener invited the Representative to make an opening statement. * He / she stated as follows:

.....

The Convener invited the * accused or his / her representative to make an opening statement. * He / she stated as follows:

.....

The Convener invited the Representative to call the first witness. The witness * was / was not present. The Convener addressed the witness in the following manner: "Do you understand your solemn Christian responsibility to tell the truth in these proceedings?"

Witness: * "YES" / "NO"

Full Names of Witness:

ID Number:

Residential address:

Postal address:

Tel no: Home and work:

Fax Number:

Cell Number:

Questions to the witness by the Representative and responses:

.....

Cross examination by the accused or his / her representative:

.....

Questions by the Court:

.....

The same procedure is followed for all the Representative's witnesses

When the Representative has finished calling * his / her witnesses, the Convener asks the accused if * he / she intends to give evidence and call witnesses. Having reminded the accused that * he / she is not obliged to testify and that no negative inference may be drawn by the Court should * he / she decide not to testify, the Court asks whether the accused wants to testify before or after the other witnesses have been called.

Accused's response: * "I wish to give evidence" / "I do not wish to give evidence"

Accused's testimony:

.....

Cross examination by the Representative:

.....

Questions by the Court:

.....

The Convener invites the accused or * his / her representative to call * his/her first witness.

The witness * was / was not present. The Convener addressed the witness in the following manner: "Do you understand your solemn Christian responsibility to tell the truth in these proceedings?"

Witness: * "YES" / "NO"

Full Names of Witness:
 ID Number:
 Residential address:
 Postal address:
 Tel no: Home and work:
 Fax Number:
 Cell Number:

Questions to the witness by the accused or * his / her representative and responses:

.....

Cross examination by the Representative:

.....

Questions by the Court:

.....

The same procedure is followed for all the witnesses for the accused.

Once the accused has called all * his /her witnesses, the Court calls witnesses not called by either party. The Court calls its first witness.

The witness * was / was not present. The Convener addressed the witness in the following manner: "Do you understand your solemn Christian responsibility to tell the truth in these proceedings?"

Witness: * "YES" / "NO"

Full Names of Witness:
 ID Number:
 Residential address:
 Postal address:
 Tel no: Home and work:
 Fax Number:
 Cell Number:

Questions to the witness by the Court and responses:

.....

Questions to the witness by the Representative and responses:

.....

Questions to the witness by the accused or * his / her representative and responses:

.....

The same procedure is followed for all the witnesses for the Court.

Once all the witnesses have been called, the Court calls for the Representative to present a brief summing up of the evidence. Once the Representative has been heard, the Court calls for the accused to answer. Any member of the Court may, at this point, ask either the Representative or the accused questions for clarity. Once the Court is satisfied that both sides have had an opportunity to present their cases and all questions by the Court have been answered, the Court will adjourn for the purpose of considering the evidence.

The Court then determined its verdict. The Court informed the accused and the Representative that the Court had found the accused

* Guilty / Not Guilty

* The accused having been found guilty, the Court heard any plea and/or evidence the accused offered concerning circumstances which might lead the Court to impose a lighter sanction than it might impose if it did not know the circumstances the accused mentioned.

The accused gave the following information to the Court:

.....

The Representative was given an opportunity to address the Court and/or place evidence before the Court in aggravation of the sanction which may be imposed.

The Representative gave the following information to the Court:

.....

The Court then determined that the following sanction was merited and informed the accused of its decision.

* (a)	Warning	
		OR
* (b)	Rebuke	
		OR
* (c)	Suspension of ... days / months (no longer than 12 months)	
		OR
* (d)	Severance of the pastoral tie	
		OR
* (e)	Removal from office	
		OR
* (f)	Removal from membership of the Church	

The Convener of the Court addressed the accused as follows:

"You have been found guilty by this Court of the offences specified and the sanction imposed by this Court has been announced to you. You may appeal the verdict and / or the sentence of this Court to the Court of and this application may be made here and now, or be submitted in writing and delivered by hand, or posted by registered mail, to the Clerk of this Court within 21 (twenty-one) days of the pronouncement of this judgment. If you choose to appeal, the Clerk of this Court will give you and the Clerk of the higher Court, a copy, in writing, of the reasons for the judgment. You must lodge written reasons for the appeal with the Clerk of the higher Court within 30 (thirty) days of the written reasons for the judgment having been furnished to you, failing which the appeal will be considered to be abandoned.

"You may appeal on the following grounds:

- (a) irregularity in the proceedings of the Court;
- (b) refusal of a reasonable opportunity, or of reasonable opportunities, to a party in the conduct of the hearing;
- (c) reception of irrelevant or inadmissible evidence;
- (d) refusal to receive relevant evidence;
- (e) that the judgment is against the law of the Church, or against the weight of the evidence, or that the sanction is excessive.

"If you choose to appeal, the discipline will be delayed.

"Do you understand the verdict and sanction imposed by this Court and your right to appeal this decision and sanction."

Accused's response: * "YES" / "NO"

Reasons for the judgement were provided to the accused on the following date by the following method:

* (i) By hand:

.....
Signature

.....
Date

* The alleged offender refused to receive the notice.

OR
it may be sent

* (ii) By registered post or other mail system requiring acknowledgement of receipt (attach receipt)

OR
it may be sent

* (iii) By courier if the courier asks for a receipt (attach courier receipt here)

OR
it may be sent

*(iv) By telefax (attach copy here)

OR
it may be sent

*(v) By e-mail, (attach e-mail and acknowledgement of receipt here)

OR
it may be sent

*(vi) By the Sheriff of the High Court (attach receipt here)

Reasons for the judgement as specified here were presented to the Court of
.....[name]
on the [date]

Reasons for the judgement and sanction imposed:

This done on the day of 20.....

.....
Convener of the Court

.....
Clerk of the Court

Chapter 19

RULES, THEIR COMING INTO EFFECT, INTERPRETATION, AND CONTINUANCE

Explanatory note

When do rules come into operation? What do they mean when they are in operation? Do they continue in operation if circumstances change? These are the questions referred to in this chapter. The first question has, in the past, caused problems only in respect of rules passed by General Assembly (see Section 1). In relation to the second question, the statement on the meaning of the word "shall" is the result of a serious misunderstanding on one occasion when a body outside the Church thought that if the Manual said that something "shall" be done by a Congregation or by one of its bodies, no higher Council (in those days there were no separate Courts or Administrative Review Panels) could have jurisdiction to impose its decision when the question was brought to it for adjudication (see Section 2). The occasions on which it is necessary to consider the answer to the third question are few in number (see Section 3).

Section 1 – THE DATE WHEN RULES COME INTO OPERATION

- 19.1 This Manual is the Constitution of the Church and contains, amongst other things, rules relating to the various bodies within the Church and their jurisdiction. Thus a Presbytery has jurisdiction to make rules for itself, but has no jurisdiction to make rules binding on another Presbytery. General Assembly has power over the whole Church¹, but when a proposal, if finally enacted, would bring about a material change in the Constitution, or in the laws on doctrine, discipline, government or worship², General Assembly is required to send it down to Presbyteries for their consideration³. Only when the process of sending down has been completed, can General Assembly enact the proposal⁴.

¹ Paras 12.1 and 12.45.

² See para 12.50(c).

³ Para 12.50.

⁴ Para 12.50(g)-(i).

- 19.2 Legislative rules come into operation when
- (a) they have been passed¹ by the body having jurisdiction to do so and
 - (b) they have been brought to the notice of, or have been made available to, those affected by them.²

¹ Note that in terms of para 12.50 a proposal of the kind referred to in that paragraph does not have General Assembly's final approval until it has been passed a second time at the end of the process of sending down referred to in that paragraph.

² On this second requirement see para 19.3 below.

- 19.3 A rule does not come into effect the moment it is "adopted" or "passed" or "enacted". In addition, it needs to be brought to the notice of those affected by it, or it needs to have been made available to them.¹

¹ If the group of those who are affected by the rule is small, it is easy to bring it to the notice of those affected by it. Thus, if a Presbytery passes a new Standing Order the rule is brought to the notice of members present at the time when it is passed and to the notice of members who were absent, when they receive a copy of it in the minutes of the meeting and read it. If some, who were absent, receive a copy of the minutes, but do not read them, the rule is nevertheless binding, because it has been made available. If those affected by the rule are many, the rule becomes available to them when it reaches their Session. If all the members of the Church are involved, there is need of a particular rule about when the new rules are regarded as having been made available to them. In the case of General Assembly, this rule is in the following paragraph. In secular law the rule states that unless some other date is set in the new rule (such as postponement of the date when it is to come into being), statutes come into operation on the day when they are published in the Government Gazette, regardless of the fact that only a very small proportion of the population ever reads the Government Gazette.

- 19.4 Any rule and any amendment to an existing rule passed by the Assembly/its Executive Commission acting within the scope of its authority and recorded in the minutes of the body which enacted it shall come into force on a specified date not earlier than fourteen (14) days after enactment, or, if no date is specified, fourteen (14) days after the Clerk of Assembly sends by post, or by an electronic method the Proceedings of the Assembly/its Executive Commission¹, or fourteen (14) days after any other notification of any such change is sent, to the Moderators or Clerks of all Presbyteries and Sessions. If the Proceedings of the Assembly or other notification is sent to a Moderator (which title includes an Interim Moderator: see para 19.8) it need not be sent to the Clerk and vice versa. If the Proceedings of the Assembly/its Executive Commission or other notification is sent to the person who is the Moderator or Clerk, but is sent in a different capacity (eg if either is a Minister and the document in question is sent to all Ministers), this is sufficient. In the case of any rule dealt with in accordance with the provisions of para 12.50 of the Manual of Faith and Order, this refers to the final enactment of the proposal and not to its first adoption in terms of para 12.50(c).

¹ The words "Assembly/its Executive Commission" here and elsewhere mean the Assembly or its Executive Commission whichever of the two bodies enacted the provisions in question.

Section 2 - INTERPRETATION

19.5 Acts and Omissions

Rules imposing duties are to be interpreted as including the prohibition of the corresponding omissions, and rules prohibiting omissions are to

be interpreted as including the imposition of the corresponding duties. For example

- (1) when the duties of Presbyteries are detailed in para 10.27 the rules are to be interpreted as imposing also duties not to omit to fulfil the duties; and
- (2) when failure to give adequate leadership is referred to in para 10.61 the rule is to be interpreted as imposing also the duty to give adequate leadership.

19.6 “Shall”

Use of the word "shall" in the Manual or in Congregational constitutions is not to be interpreted as depriving any Council, Court or Administrative Review Panel higher than the Council, Court or Administrative Review Panel or Congregation in question, from exercising the powers given to it by the Manual.¹

¹ This rule is inserted into the Manual to prevent the repetition of a serious misunderstanding that once arose.

19.7 Gender, number etc

In this Manual, unless the context indicates otherwise,

- (a) any reference to gender includes the other gender, except in the case of proper names;
- (b) any reference to the singular includes the plural and vice-versa; and
- (c) any reference to natural persons includes legally recognised entities (corporate or unincorporated) and vice-versa.

19.8 Words and phrases

This paragraph gives the meaning of some words and/or phrases which are used in this Manual with specialised meanings. It also gives the primary meanings of certain words or phrases with which some members of the Church may not be familiar. In a few instances the context may indicate that another meaning is intended.

“Administrative Review Panel”: see Section 2 of Chapter 15.

“ad hoc” means “for a particular specified purpose”. (The words mean “for this” (purpose).)

“Appeal”: see the Explanatory note to Chapter 15.

“Assembly” means the General Assembly.

“Begins to be heard”: See para 18.20.

“Body”: a general term which includes, amongst others, Administrative Review Panels, Courts, Councils, Committees and Boards.

“Council”: Sessions, Presbyteries, Synods, and the General Assembly are the Councils of the Church.

“Courts”: see Section 4 of Chapter 18.

“Emeritus” means, in Church contexts, “well merited”. A “Minister Emeritus” is a Minister who is recognised by General Assembly as having done well and has been given leave to retire. The plural is “Ministers Emeriti”.

“Enact” means the final step in a legislative procedure bringing a rule or amendment into being. It, therefore, does not include the stage in

para 12.50(c) when the Assembly “adopts” a proposal and sends it down to Presbyteries for their consideration and report.

“ex officio” means “by virtue of his/her office”. While a person is in an office he/she has the functions and powers given to holders of that office.

“immovable” used as a description of property: see the Foreword under the sub-heading ‘Complexity arising from the subject matter’.

“in camera” means “in private or in closed session”: see para 14.16.

“in hunc effectum” is a term previously used to refer to special meetings. The words mean “to give effect to this purpose”. The purpose is the business which was set by a previous meeting.

“incorporeal” used as a description of property: see the Foreword under the sub-heading ‘Complexity arising from the subject matter’.

“jurisdiction” means the legal authority, or the extent of power, or the area over which authority extends.

“legislation” means statutory rules brought into being by the exercise of legal authority to make rules or to change rules by amendments.

“legislative procedure” means the procedure by which rules or amendments become part of the Church's body of statutory law.

“Moderator” includes an Interim Moderator unless the context indicates otherwise.

“moveable” used as a description of property: see the Foreword under the sub-heading ‘Complexity arising from the subject matter’.

“nobile officium”: this phrase used to be used to describe the power given to Assembly in the paragraphs of the then Book of Order/Manual corresponding to paras 12.48-49. The words mean “superior office”.

“pro re nata” is a term previously used to refer to a meeting specially called for business which has arisen since the last meeting. The words mean “called into being for a particular purpose”.

“Review”: see the Explanatory note to Chapter 15 and para 15.1.

“Withdrawal” of a disciplinary sanction means withdrawal from the date of withdrawal. It does not refer back to the date when the sanction was imposed.

Section 3 – THE CONTINUANCE OF RULES IN SOME CHANGED CIRCUMSTANCES

- 19.9 Rules previously applicable to bodies which have been replaced by other bodies or have been absorbed into other bodies or whose functions, or part of whose functions, have been transferred to other bodies continue in force until cancelled or amended. They are applicable whenever the functions, previously performed by the old bodies, are being performed or are to be performed by the new bodies or sub-divisions of the new bodies.

19.10 Indicatives

In this Manual verbs in the indicative mood often impose obligations and so act as if they were in the imperative mood. Whether they are indicatives or imperatives is to be deduced from the context.¹

¹ Eg in the second sentence of para 7.4 “keeps” is an imperative – Session is obliged to do so.

Section 4 – TRANSITIONAL PROBLEMS

- 19.11 Following Assembly's request Chapters were being enacted when each was completed, that is, at different times. Hence, the dates on which the provisions in different chapters came into force vary.

Appendix A(1) CALLS

1. FORM OF CALL TO A VACANT CHARGE

CALL to AB, Minister of the Gospel/Probationer

We, the undersigned office-bearers and other members of ... Congregation of the Uniting Presbyterian Church in Southern Africa, being without a fixed Minister and being assured of your godliness and other ministerial qualifications, warmly invite and call you, A.B., to be our Minister; and, further, upon your accepting our call and being (ordained and) inducted into the pastoral charge of this Congregation, we promise you all dutiful respect, encouragement and support in the Lord.

In witness whereof we sign hereunder on this day of, 20....

2. FORM OF CALL TO A CHARGE WHICH IS ABOUT TO BECOME VACANT

If a Congregation is granted permission by the Presbytery to take steps to call a Minister before an impending vacancy occurs (e.g. when a Minister in charge is about to retire), the following is the form of the Call

CALL to AB, Minister of the Gospel/Probationer

We, the undersigned office-bearers and other members of Congregation of The Uniting Presbyterian Church in Southern Africa, who will after..... (*date*) be without a fixed Minister, and being assured of your piety, prudence and other ministerial qualifications, cordially invite and call you, A.B., to be our Minister after (*date*); and, further, upon your accepting our call and being (ordained and) inducted into the pastoral charge of this Congregation, we promise you all dutiful respect, encouragement, support and obedience in the Lord.

In witness whereof we sign hereunder on this day of, 20....

3. FORM OF CALL TO A COLLEAGUESHIP

CALL to CD, Minister of the Gospel/Probationer

We, the undersigned office-bearers and other members of Congregation of The Uniting Presbyterian Church in Southern Africa, conscious of the desirability of having a colleague (or colleague and successor) to the Revd AB, our present Minister, and being assured of your piety, prudence and other ministerial qualifications, cordially invite you, C.D., to become a Colleague (or colleague and successor) to the said Revd AB, our Minister; and further, upon your accepting our call and being (ordained and) inducted, we promise you all dutiful respect, encouragement, support and obedience in the Lord. In witness whereof we sign hereunder on this day of, 20....

4. **FORM OF ATTESTATION OF CALL BY THE MINISTER APPOINTED TO PRESIDE AT THE GIVING OF A CALL**

The above names, to the number of [*enter the number*] were subscribed in my presence, this day of, 20.....

.....
Moderator / Assessor

5. **FORM OF ATTESTATION OF CALL BY MEMBERS OF SESSION**

The above names were subscribed in my presence

.....
CD, Elder
[*date*]

Appendix A (2) STATEMENTS OF INTENT: NUCLEAR AND TRANSITIONAL CONGREGATIONS

Nuclear Congregations

We, the founder members of this fellowship of Christian believers to be known asdo hereby indicate that we desire to be recognised as a part of The Uniting Presbyterian Church in Southern Africa (hereinafter called "the Church") and as such adopt the Articles of the Faith of the Church, its forms of worship, and its system of Church Government as laid down in the Church's *Manual of Faith and Order*.

We hereby state that it is our intention to become a Transitional Congregation or Constituted Congregation of The Uniting Presbyterian Church in Southern Africa in the manner laid down by [date] and to this end appeal for the prayers of the Church and the guidance of Almighty God.

We humbly request the Presbytery of to recognise us as a Nuclear Congregation of The Uniting Presbyterian Church in Southern Africa within its boundaries, and we hereby submit ourselves to the Presbytery's oversight, discipline and jurisdiction.

Date:

Signed: Name:

Address:

Signed: Name:

Address:

Signed: Name:

Address:

Signed: Name:

Address:

Signed: Name:

Address:

Transitional Congregations

We, the founder members of this fellowship of Christian believers to be known as do hereby indicate that we desire to be recognised as a part of The Uniting Presbyterian Church in Southern Africa (hereinafter called "the Church") and as such adopt the Articles of the Faith of the Church, its forms of worship, and its system of Church Government as laid down in the Church's *Manual of Faith and Order*.

We hereby state that it is our intention to become a Constituted Congregation of The Uniting Presbyterian Church in Southern Africa in the manner laid down by

..... [date] and to this end appeal for the prayers of the Church and the guidance of Almighty God.

We humbly request the Presbytery of to recognise us as a Transitional Congregation of The Uniting Presbyterian Church in Southern Africa within its boundaries, and we hereby submit ourselves to the Presbytery's oversight, discipline and jurisdiction.

Date:

Signed: Name:

Address:

Signed: Name:

Address:

Signed: Name:

Address:

Signed: Name:

Address:

Signed: Name:

Address:

Signed: Name:

Address:

Appendix B(1) COMMISSIONS

1. COMMISSIONS TO PRESBYTERY, AND TO SYNOD WHERE APPLICABLE

(See paras 7.90 and 7.91.)

To the Clerk of the Presbytery/Synod of

ELDERS' COMMISSIONS TO PRESBYTERY

On [day] [month] [year] the Session of Church duly appointed the following active member(s) of Session to serve as a member of Presbytery for a period of 24 months from the first ordinary meeting of Presbytery after General Assembly's meeting in..... [date].

Please print the following:

1. Name:

Address:

.....

Telephone Number: Cell.....

Landline at Home.....

Landline at Work.....

Email Address:

[and if there are 150 or more members on the Roll]

2. Name:

Address:

.....

Telephone Number: Cell.....

Landline at Home.....

Landline at Work.....

Email Address:

Alternates

1. Name:

Address:

.....

Telephone No:

.....

Email Address:

[and if there are 150 or more members on the Roll]

2. Name:

Address:

.....

Telephone Number: Cell.....

Landline at Home.....

Landline at Work.....

Email Address:

Date:

Signed:

Session Clerk

Please print the following additional information:

Name of the Session Clerk:

Address:

.....

Telephone Number: Cell.....

Landline at Home.....

Landline at Work.....

Email Address:

Name of the Treasurer:

Address:

.....

Telephone Number: Cell.....

Landline at Home.....

Landline at Work.....

Email Address:

COMMISSIONS TO GENERAL ASSEMBLY

On [day] [month] [year] the Presbytery of duly appointed the following Ministers and Elders to represent it in the General Assembly at its meeting appointed to be held at from [day] [month] to [day] [month] [year].

Please print the following:

- Minister's Name:
Address:
.....
.....
Telephone Number: Cell.....
Landline at Home.....
Landline at Work.....
Email Address:
- Minister's Name:
Address:
.....
.....
Telephone Number: Cell.....
Landline at Home.....
Landline at Work.....
Email Address:

[Etc.]

- Elder's Name:
Address:
.....
Telephone Number: Cell.....
Landline at Home.....
Landline at Work.....
Email Address:
- Elder's Name:
Address:

.....

Telephone Number: Cell.....

Landline at Home.....

Landline at Work.....

Email Address:

[*Etc.*]

Date

Signed:

Presbytery Clerk

Appendix B(2)

BOUNDARIES OF THE PRESBYTERIES

SOUTH AFRICA

N.B. The boundaries of the Presbyteries within the Republic of South Africa are defined as far as possible by the boundaries of the magisterial districts in which each Presbytery is situated.

1. PRESBYTERY OF THE WESTERN CAPE

Bellville	Laingsburg	Sutherland
Bredasdorp	Malmesbury	Swellendam
Caledon	Montagu	Tulbagh
Calvinia	Namaqualand	Vanrhynsdorp
Cape Town	Paarl	Vredenburg
Ceres	Piketberg	Vredendal
Clanwilliam	Robertson	Wellington
Goodwood	Simonstown	Worcester
Hermanus	SomersetWest	Wynberg
Hopefield	Stellenbosch	
Kuils River	Strand	
Namibia is also included.		

2. PRESBYTERY OF THE CENTRAL CAPE

Aberdeen	Hankey	Pearston
Albany	Hanover	Port Elizabeth
Alexandria	Heidelberg	Prince Albert
Bathurst	Humansdorp	Richmond
Beaufort West	Jansenville	Riversdale
Bedford	Joubertina	Somerset East
Calitzdorp	Kirkwood	Steytlersville
Carnarvon	Knysna	Uitenhage
Colesberg	Ladismith	Uniondale
Cradock	Middelburg	Victoria West
Fraserburg	Mossel Bay	Willowmore
George	Murraysburg	
Graaff-Reinet	Oudtshoorn	

3. PRESBYTERY OF AMATHOLE

Adelaide	Fort Beaufort	Queenstown
Albert	Hewu	Sterkstroom
Aliwal North	Hofmeyr	Steynsburg
Cathcart	King William's Town	Stutterheim
Ciskei	Komgha	Tarka
East London	Molteno	Venterstad

4. PRESBYTERY OF TRANSKEI

Indwe

Wodehouse

The part of the former Transkei bounded on the West by the Sterkstroom and Queenstown magisterial districts and the Kei River, on the South by the Indian Ocean and on the East by the Lady Grey, Barkly East and Elliot magisterial districts and a line from Satan's Nek Pas to the Bashee River, including Engcobo, and along the river to the coast.

5. PRESBYTERY OF MTHATHABarkly East
Elliot

Lady Grey

Maclear

The parts of the former Transkei lying between Lady Grey and Lesotho and bounded on the North by Elliot and Maclear magisterial districts, on the West by the Eastern boundary of the Presbytery of Transkei, on the South by the Indian Ocean and on the East by the Mzimvubu River.

6. PRESBYTERY OF EAST GRIQUALAND

Alfred

Mount Currie

The parts of the former Transkei known as the Umzimkulu District and bounded on the North by Lesotho, on the West by the Maclear magisterial district and the Mzimvubu River, on the South by the Indian Ocean and on the East by the districts of Mount Currie, Alfred and Port Shepstone.

7. PRESBYTERY OF THEKWINICamperdown
Chatsworth
Durban
Eshowe
InandaLower Tugela
Lower Umfolozi
Mapumulo
Mtunzini
NdwedwePinetown
Port Shepstone
Umbumbulu
Umlazi
Umzinto**8. PRESBYTERY OF THE DRAKENSBERG**Estcourt
Ixopo
Lion's River
MpindleMooi River New
Hanover
Pietermaritzburg
PholelaRichmond
Umvoti
Underberg**9. PRESBYTERY OF THUKELA**Babanango
Bergville
Dannhauser
Dundee
Glencoe
Hlabisa
Ingwavuma
Klip RiverKranskop
Mahlabatini
Msinga
Mtonjaneni
Newcastle
Ngotshe
Nkandla
NongomaNqutu
Paul Pietersburg
Piet Retief (KwaZulu-Natal
part)
Ubombo
Utrecht
Vryheid
Weenen

10. PRESBYTERY OF FREE STATE

Barkly West	Harrismith	Reddersburg
Bethlehem	Hartswater	RefengkgotsoTown- ship Deneysville)
Bethulie	Heilbron	Reitz
Bloemfontein	Henneman	Rouxville
Bophuthatswana (Thaba Nchu)	Hoopstad	Sasolburg
Boshof	Jacobsdal	Senekal
Bothaville	Jagersfontein	Smithfield
Brandfort	Kimberley	Theunissen
Bultfontein	Koffiefontein	Trompsburg
Clocolan	Koppies	Ventersburg
Colesberg	Kroonstad	Viljoenskroon
Dewetsdorp	Ladybrand	Virginia
Edenburg	Lindley	Vrede
Excelsior	Marquard	Vredefort
Fauresmith	Odendaalsrus	Warrenton
Ficksburg	Parys	Welkom
Fouriesburg	Petrusburg	Wepener
Frankfort	Philippolis	Wesselsbron
	Qwa Qwa	Winburg
		Zastron

11. PRESBYTERY OF LEKOA

Bloemhof	Herbert	Potchefstroom
Bophuthatswana	Hopetown	Prieska
Britstown	Kenhardt	Schweizer Reneke
Christiana	Klerksdorp	Vanderbijl Park
Coligny	Kuruman	Ventersdorp
De Aar Delareyville	Lichtenburg	Vereeniging
Deneysville (town)	Oberholzer	Vryburg
Gordonia	Orkney	Westonaria
Hay	Philippstown	Wolmaransstad
	Postmasburg	

* The parts south of the Ramatlabana River and south and west of Vryburg

12. PRESBYTERY OF EGOLI

Johannesburg	Randburg	Roodepoort
Krugersdorp	Randfontein	

13. PRESBYTERY OF THE HIGHVELD

Alberton	Delmas Ermelo	Piet Retief
Amersfoort	Germiston	(Mpumalanga part)
Balfour	Heidelberg	Springs
Benoni	Highveld Ridge	Standerton
Bethal	Kempton Park	Volksrust
Boksburg	Nigel	Wakkerstroom
Brakpan		

Swaziland is also included.

14. PRESBYTERY OF TSHWANE

Belfast	Kangwane (southern part)	Rustenburg
Bophuthatswana*	Koster	Swartruggens
Brits	Kwandebele	Thabazimbi
Bronkhurstspruit	Marico	Warmbaths
Carolina	Middelburg	Waterberg
Cullinan	Moutse	Watervalboven
Groblersdal	Pretoria	Witbank

* The parts north of Mabopane, north of Rustenburg and north of the Ramatlabama river

15. PRESBYTERY OF LIMPOPO

Barberton	Lydenburg	Pilgrim's Rest
Ellisras	Messina	Potgietersrus
Gazankulu	Nelspruit	Soutpansberg
Kangwane*	Phalaborwa	Venda
Lebowa	Pietersburg	White River
Letaba		

* Central and Northern parts

ZIMBABWE**16. PRESBYTERY OF ZIMBABWE**

The Presbytery of Zimbabwe covers the whole country.

ZAMBIA

N.B. The following Presbyteries are components of the Synod of Zambia.

17. PRESBYTERY OF THE COPPERBELT

The North-Western, Copperbelt, Luapula and Northern Provinces

18. PRESBYTERY OF MUCHINGA

Eastern Province, North East, Lusaka, North West Lusaka, and Luangwa and Chongwe towns

19. PRESBYTERY OF MUNALI

Western and Southern Providence, Lusaka West, Lusaka South-West, Mumbwa and Kafue Towns

Appendix C(1) EDICTS

Edict 4 concerning the Ordination and / or Induction of Elders may be read at the end of the meeting at which the election takes place and from the pulpit on the following Sunday instead of from the pulpit during services of public worship on successive Sundays.

Edicts are read from the pulpit in the hearing of the Congregation on two successive Sundays and are certified for the Presbytery in the following terms on a separate page attached to the front of the edict:

The following Edict was read in the presence of the Congregation of on the following two Sundays:

(1) [date] by AB, Officiating Minister, and CD

Signatures:

.....

(2) [date] by EF, Officiating Minister, and GH.

Signatures:

Note: In the case of chaplaincies and other specialised ministries recognised by the Presbytery the Presbytery may in its discretion waive the publishing of an Edict.

1. EDICT OF VACANCY IN A PASTORAL CHARGE

It is intimated in the name of the Presbytery of that the pastoral charge of the Congregation of is now vacant as a result of the transfer (*or* the death *or* the resignation etc) of its former Minister/Probationer, AB. The Presbytery calls upon the office-bearers and members of this Congregation to take steps to fill the vacancy as soon as possible in accordance with the rules of our Church.

.....
Presbytery Clerk

2. EDICT OF ORDINATION AND/OR INDUCTION OF A MINISTER

The Presbytery of will resolve at its meeting on [day] [date] whether to proceed to the (ordination and) induction of AB, who has been called to be Minister (or Colleague or Colleague and Successor) of this Congregation. Presbytery hereby notifies the members of this Congregation that if anyone has any objections to offer to the life, conduct, character or doctrine of AB, he or she must appear before the Moderator and Clerk and two other representatives of Presbytery in the vestry of this church on [day] [date] at [time] or alternatively at the Presbytery meeting itself. Any relevant objection made will

then be reported to the meeting of Presbytery that follows, and Presbytery will decide at that meeting whether to (ordain and) induct AB to the pastoral charge of this Congregation (or to the collegiate pastoral charge of this Congregation).

.....
Presbytery Clerk

3. **EDICT OF ORDINATION OF AN ASSISTANT MINISTER**

The Presbytery of is satisfied that the General Assembly's requirements have been fulfilled in regard to the ordination of AB, who has been appointed to be Assistant Minister of this Congregation. Presbytery notifies the members of this Congregation that if anyone has any objections to offer to the character or teaching of AB, he/she must appear before the Presbytery in the vestry of this Church on day [date] at [time]. If no relevant objection is made and proved, Presbytery will ordain AB and admit him/her as Assistant Minister in the work of this Congregation.

.....
Presbytery Clerk

4. **EDICT CONCERNING THE ORDINATION AND/OR INDUCTION OF ELDERS**

The Congregation at a duly constituted meeting on [date] elected Elders to Session.

Session accordingly notifies the Congregation that these [number] members will be (ordained and) inducted at a service in this church on Sunday the [date] at [time].

.....
Session Clerk

5. **EDICT OF ADMISSION OF A CONGREGATION FROM ANOTHER CHURCH**

This Congregation applied to the Presbytery of for admission into The Uniting Presbyterian Church in Southern Africa. The Presbytery has requested and received from the General Assembly permission to admit the Congregation. It is accordingly intimated that a service will be held in [place] on [date] at [time] to receive and admit the Congregation into The Uniting Presbyterian Church in Southern Africa.

.....
Presbytery Clerk

Appendix C (2)

DECLARATIONS BY THE MODERATOR OF PRESBYTERY/SESSION

1. BY THE MODERATOR OF PRESBYTERY ON THE ORDINATION OF A MINISTER.

[Name], in the name of the Lord Jesus Christ, the King and Head of the Church, and by the authority committed to his Church, I declare that through Presbytery's laying on of hands and prayer Christ has ordained you as a Minister of the Word and sacraments in the one, holy, catholic and apostolic Church.

2. BY THE MODERATOR OF PRESBYTERY AT THE INDUCTION OF A MINISTER.

In the name of the Lord Jesus Christ, and by authority of this Presbytery, I declare you, AB, to be duly inducted into the pastoral charge of this Congregation. In token thereof we give you the right hand of fellowship in the Lord.

3. BY THE MODERATOR OF PRESBYTERY AT THE ADMISSION OF A MINISTER OF ANOTHER CHURCH.

Brother A (using his Christian name) in the name of the Lord Jesus Christ, and in virtue of the authority committed to us, we now admit you to have part with us in the Ministry of The Uniting Presbyterian Church in Southern Africa.

4. BY THE MODERATOR OF PRESBYTERY AT THE ADMISSION OF A CONGREGATION.

Note: At the service at which a Congregation is formally admitted to the UPCSA, the Moderator of Presbytery or his deputy puts following questions, which do not appear in the Service Book:

1. Are you willing to enter, as a Christian Congregation, into full membership with The Uniting Presbyterian Church in Southern Africa?
2. Do you promise to adhere to the faith that it holds and its forms of government and worship and to be subject to its councils and courts?
3. Do you undertake, while cherishing brotherly love towards all the faithful followers of Jesus Christ, to seek the purity, peace, and extension of The Uniting Presbyterian Church in Southern Africa?

The Moderator or his deputy makes the following Declaration:

In the name of the Lord Jesus Christ, the only King and Head of the Church, and in virtue of the authority committed to us, I declare you, the members of this Congregation usually worshipping in this place, to be received into The Uniting Presbyterian Church in Southern Africa.

5. BY THE MODERATOR OF SESSION AT THE ORDINATION OF ELDERS.

A.B. In the name of the Lord Jesus Christ, the King and Head of the Church, and in virtue of the authority given to me, I ordain you to the holy office of the Eldership.

6. BY THE MODERATOR OF SESSION AT THE INDUCTION OF ELDERS.

By the desire of the Congregation and in the name of its Session I now declare you to be inducted as Elders of this Congregation.

In token of this we give you the right hand of fellowship in the Lord.

7. BY THE MODERATOR OF SESSION AT THE PUBLIC PROFESSION OF FAITH OF BAPTISED MEMBERS AND THEIR ADMISSION TO THE ROLL OF MEMBERS.

In the name of the Lord Jesus Christ, the King and Head of the Church, and by virtue of the authority vested in me in the Church I now admit you to be enrolled members of the Church, with all the privileges and responsibilities which that entails. Continue to remember your baptism, to listen to the Word as it is preached and to share in the sacrament of the Lord's Supper, so that you may be faithful disciples of Christ and witnesses to him.

The Blessing

In the name of the Session I now declare that you have been admitted to full membership of the Congregation and authorise your name to be inscribed on the Roll of church members.

In token of this we give you the right hand of fellowship in the Lord.

APPENDIX C(3) NOTICES OF MEETINGS

1. PROPOSED TRANSFER OF A MINISTER

The Presbytery of has officially notified our Presbytery that it has approved the call of he Congregation of to AB, Minister of the Congregation of The Session and Congregation are invited to attend the meeting of Presbytery that will discuss the Call and, if they wish, to contribute to the discussion. The meeting will be in [place] on [day] [month] [year] at[time].

.....
Presbytery Clerk

2. RESIGNATION OF A MINISTER

(a) Session hereby gives notice that the Revd AB has resigned as Minister of this Congregation. The Congregation will hold a special meeting in [place] to discuss all aspects of the situation resulting from the resignation. All members of the Congregation are encouraged to attend this meeting, which will be on [day] [month] [year] at [time].

.....
Session Clerk on the instructions of the Moderator of Presbytery

(b) The Presbytery of will meet in [place] to consider the resignation of the Revd AB as Minister of the Congregation of and the reasons for it. Presbytery invites the members of Session and of the Congregation to attend the meeting and, if they so wish, to contribute to the discussion. The meeting will be on [day] [month] [year] at[time].

.....
Presbytery Clerk

3. MEETING OF A CONGREGATION TO FILL A VACANCY.

(a) Session hereby gives notice that the Congregation will meet in [place] to consider the steps it needs to take to fill the present vacancy. The Revd. AB, the Interim Moderator of Session, will preside. The meeting will be on [day] [month] [year] at[time].

.....
Session Clerk

(b) Session hereby gives notice that the Congregation will meet in [place] in order to ascertain whether it is ready to call a Minister. The Revd. AB, the Interim Moderator of Session, will preside. The meeting will be on [day] [month] [year] at[time].

.....
Session Clerk

4. ANNUAL MEETING OF CONGREGATION

Session hereby gives notice that the Congregation will hold its Annual Meeting in [place] on [day] [month] [year] at [time]. The meeting will receive the Financial Statement, elect members of the...[insert the title of the relevant financial authority: see chapter 4], appoint Auditors for the coming year and transact such other business as may be proposed.

.....
Session Clerk

5. SPECIAL MEETINGS OF A CONGREGATION**(a) Formation of a Session**

Notice is hereby given that Presbytery has decided to recognise the nuclear/transitional Congregation of as a constituted Congregation. It is now necessary to elect a Session. To this end the enrolled members of the Congregation are asked to submit their nominations to by Only enrolled members may be nominated. Nominees must have given their prior consent (*or* Nominations must be in written form, signed by the nominator and the nominee. Forms for this can be obtained at). The Congregation will then meet in [place] on [day] [month] [year] at[time] for the election.

.....
[To be signed by either the Session Clerk of the parent Congregation or a responsible representative of the Presbytery Committee concerned.]

(b) Formation of a Stewardship/Deacons' Board

Notice is hereby given that Presbytery has decided to recognise the Preaching Station (*or* Preaching Place) of as a Congregation. The Congregation will therefore meet to elect from among its members the members of [insert the title of the relevant financial authority: see chapter 4]. The meeting will be in [place] on [day] [month] [year] at[time].

.....
[To be signed by either the Session Clerk of the parent Congregation or the Convener or Secretary of the Presbytery Committee concerned.]

(c) Addition to the Number of Elders on the Session

Session hereby gives notice that it has decided that ... [number] ... more Elders need to be added to it and to nominate the following persons on its own behalf: AB, CD and EF. Session calls on the enrolled members of the congregation to submit any other nominations to the Session Clerk by ... [date] Only enrolled members who have given their consent may be nominated. (Nominations must be in written form, signed by the nominator and the nominee. Forms for this can be obtained at ...). Session will later announce the date and place of the meeting when the election will take place.

.....
Session Clerk

(d) Call for Objections to Nominations

Session hereby gives notice that the following nominees have been nominated for election as Elders. It calls on anyone with objections to the doctrinal opinions or the character of any of the nominees to give the Session Clerk before...[date] a full statement of the ground for the objection.

.....
Session Clerk

(e) Other

Session hereby gives notice that the Congregation will meet in [place] to consider [*state clearly the object of the meeting*] and take such further steps as may be desirable. The meeting will take place on [day] [month] [year] at[time]

.....
Session Clerk

Appendix C (4)

CERTIFICATES

1. OF PUBLIC PROFESSION OF FAITH

THE UNITING PRESBYTERIAN CHURCH IN SOUTHERN AFRICA

CERTIFICATE OF PUBLIC PROFESSION OF FAITH

The Session of certifies that, a baptised member of Christ's Church, has received special instruction in the faith and teaching of the Church, and, having made public profession of faith, has on this day of been admitted to the full privileges and responsibilities of membership in Christ's Church.

.....

Minister

.....

Session Clerk

2. OF ELDERSHIP

THE UNITING PRESBYTERIAN CHURCH IN SOUTHERN AFRICA

CERTIFICATE OF ORDINATION/INDUCTION OF AN ELDER

It is hereby certified in the name and by authority of Session that Mr/Mrs/Miss was ordained as an Elder on at and was inducted as an Elder of this Congregation on and becomes a member of Session of this Congregation at the present date.

.....

Session Clerk

3. PROBATIONER'S LICENCE

THE UNITING PRESBYTERIAN CHURCH IN SOUTHERN AFRICA

LICENCE TO PREACH THE GOSPEL

This is to certify that Probationer ..., having completed the academic theological education required for admission to the Ministry of The Uniting Presbyterian Church in Southern Africa, has been placed under the care and discipline of this Presbytery (as prescribed in Chapter 17) and has been duly licensed to preach the gospel to Congregations of the Church.

This Certificate is valid until.....

In the name of the Presbytery of.....

Date.....

.....

Moderator

.....

Clerk

4. OF TRANSFER

**The Uniting Presbyterian Church in Southern Africa and
The United Congregational Church in Southern Africa
TRANSFER CERTIFICATE**

THIS IS TO CERTIFY THAT leaves the Congregational Church / Presbyterian Congregation at as a member in full communion and is hereby commended to the Congregational Church / Presbyterian Congregation Church into which he/she is to seek admission.

Date

.....
Minister

Address to which member has gone:

.....
.....

.....
Secretary/Session Clerk

5. OF THE TRANSFER OF A MINISTER WITHOUT CHARGE FROM ONE PRESBYTERY TO ANOTHER

It is hereby certified that the Revd, an ordained Minister of this Church without pastoral charge, has resided within the boundaries of the Presbytery for the past, (that he/she has exercised his/her ministry in several of its Congregations as opportunity offered) and that his/her character and conduct so far as known to the members of Presbytery, have been in all respects consistent with his/her position as a Minister of the Gospel.

Issued in the name of the Presbytery of this day of 20.....

.....
Presbytery Clerk

6. OF A MINISTER'S MEMBERSHIP IN A PRESBYTERY

This is to certify that the Revd leaves the Presbytery of as a member in full standing and is commended to the Congregation into which he/she is to seek admission.

Issued in the name of the Presbytery of

Date

.....
Moderator

.....
Clerk

7. OF CREDENTIALS

THE UNITING PRESBYTERIAN CHURCH IN SOUTHERN AFRICA

CERTIFICATE OF CREDENTIALS

This is to certify that the Revd, having resigned from the pastoral charge of to take up employment outside the Church, has been placed under the care and discipline of this Presbytery and is recognised by the Presbytery as a Minister, authorised during the validity of this Certificate, to exercise the functions of the Ministry in Congregations of The Uniting Presbyterian Church in Southern Africa.

This certificate is valid until

In the name of the Presbytery of

Date

.....
Moderator

.....
Clerk

Appendix C(5)
NOTICES/ORDERS IN CASES OF DISCIPLINE AND OF INVESTIGATION

When parties are present in any of the Church Councils or Courts, an orally given notice suffices. When parties are absent, a written notice and evidence that it has been duly served are necessary.

IN CASES OF DISCIPLINE PROVIDED FOR IN CHAPTER 18

1. NOTICE TO A PARTY

(a) To the Revd/Mr/Mrs/Miss

Please note that you are hereby notified to appear before the Session [*or* Presbytery] of in [*place*] on [*day*] [*month*] [*year*] at [*time*] to answer to the allegation against you of the following misconduct:

.....

.....

Session [*or* Presbytery] Clerk

Served by one of the methods prescribed in paras 18.62ff of *The Manual of Faith and Order* as per the annexed certificate on [*day*] [*month*] [*year*]

or

Served by personal delivery to the Revd/Mr/Mrs/Miss on [*day*] [*month*] [*year*] by me, with acknowledgement from Mr/Mrs/Miss attached.

or

Served by [*specify*].

(b) To the Revd Mr/Mrs/Miss Minister at

Please note that you are hereby notified to appear before the Presbytery of at [*place*] on [*day*] [*month*] [*year*] at [*time*] to answer to a formal statement of alleged misconduct (using this word as in para 18.5 of *The Manual of Faith and Order*). A copy of the formal statement is attached.

.....

Presbytery Clerk

Served by etc. [as above].

2. NOTICE TO A WITNESS

To the Revd/Mr/Mrs/Miss

Please note that you are hereby notified to appear before the Session [or
Presbytery] of at [*place*] on [*day*] [*month*]
[*year*] at [time] to give evidence in the case against the
Revd/Mr/Mrs/Miss, now pending before the Session [or Presbytery].

A copy of the statement of alleged misconduct [*or false teaching*] is
enclosed.

.....
Session [*or Presbytery*] Clerk

Served by etc. [as above].

Appendix D (1)

THE RECORDS OF THE CONGREGATION

1. The Session and the relevant financial authority (see Chapter 8) are, in their separate spheres or jointly, responsible for maintaining the records of the Congregation as required under the regulations of the Church or by law and are also responsible for the preservation of previous minute books and other material of an archival nature relating to the history of the Congregation.
 2. The minute books of Session and the relevant financial authority must be submitted to Presbytery annually for inspection and attestation, and must be up to date and available at the time stipulated by Presbytery. When submitted, the books must include the Minutes of the latest Annual Congregational Meeting. Minutes of all Congregational meetings are taken by the Session Clerk. They are recorded in the Session's minute book. (See para 6.55(b).)
 3. The Roll of members must be revised and attested annually as at 31st December and at any other time considered necessary. (See paras 7.4 and 7.11. The Baptismal Register must be inspected annually by the Session. The date of such revision and inspection must be recorded in Session minutes.
 4. The stipend of the Minister/Ministers and salaries and wages of all employees must be reviewed annually and recorded in the minutes of the relevant financial authority.
 5. A record of property title deeds and of the insurance of properties and contents must be maintained and made available for inspection at the Annual Congregational Meeting. The record of information is completed on the Schedule for Register of Title Deeds, on a form (as per appended Annexure) of which one copy is rendered to the Clerk of General Assembly for the General Assembly's Register of Title Deeds. Another copy is sent to the Clerk of Presbytery within whose boundaries the Congregation is, who compiles a list of all properties held within the boundaries of the Presbytery and who will call annually for a report from Sessions on any new property transactions, any changes in title and adjustment to insurance. (See Appendix D(3).)
- N.B. The keeping of the marriage records in a Congregation is a function of the Minister, in his capacity as a Marriage Officer when so appointed by the Government.

Appendix D (2)

FORM FOR THE REGISTER OF TITLE DEEDS

- A. NAME OF Congregation.....
 City or Town and Suburb.....
 In the Presbytery of.....
- B. TYPE OF PROPERTY: - Church and Hall or Manse (please state)
 Erf or Lot No:

 Street address of Property.....
- C. REGISTERED IN THE NAME OF

- D. TITLE DEEDS PARTICULARS:
 Deed of Sale (if applicable) issued by
 Deed of Transfer number and date
 Is site diagram included?
 Are there any servitudes?
 Name of transferor.....
 Purchase price
- E. THE ABOVE PROPERTY BONDED? Please state Yes or
 No.....
 If bonded, to whom
 Amount R
 Bond No.....
 Terms and conditions of Bond.....
- F. WHO HOLD DOCUMENTS:
 Title Deeds.....
 Mortgage Bond/s
- G. INSURANCES: Church and Hall, Manse
 Name of Insurance Company.....
 Cover

R.....	Annual Premium R..... Due
Date.....	
R.....	Annual Premium R..... Due
Date.....	
R.....	Annual Premium R..... Due
Date.....	
Date of completion of above information.....	
Signature.....	

SUBSEQUENT NOTES (to be filled in when applicable)

Mortgage Bond/s cancelled on.....

Title Deeds received from bond holder.....

Title Deeds forwarded to the General Assembly Office on

(Manual para 9.11 refers)

This schedule is to be completed in triplicate.

Please post the original to the Clerk of Assembly, P O Box 96188, Brixton, 2019, send one copy to the Clerk of Presbytery and retain the other copy in your minute book.

Appendix D (3)

ANNUAL REPORT TO PRESBYTERY

See Manual paras10.29-33.

CONGREGATION

TOWN

NB. Presbyteries exercise oversight, discipline and jurisdiction over Congregations and Ministers within their boundaries. This form is to assist Presbytery to exercise these functions. Your co-operation will be appreciated.

Please complete this form and return it to the Clerk of your Presbytery by 31st March.

CONSTITUTION AND LEGAL STATUS

(See the definitions at the end of this Appendix.)

Please tick the applicable boxes:

With the right of call ☐

Without the right of call ☐

United Congregation ☐

Transitional Congregation ☐

Nuclear Congregation ☐

NUMBERS OF MEMBERS etc

Last Dec.31st

Previous Dec. 31st

Communicant members on the Roll

Sunday School scholars

Elders/Church Councillors

NUCLEAR CONGREGATIONS

A Nuclear Congregation is one described in para 6.29].

Number of nuclear Congregations, if any, under the Session's oversight:

TRANSITIONAL CONGREGATIONS

A Transitional Congregation is one described in para 6.34.

CONSTITUTED CONGREGATIONS

A constituted Congregation is one described in para 6.38.

PREACHING STATIONS

Number of Preaching Stations, if any, under the Session's oversight:

PREACHING PLACES

Number of preaching places, if any, under the Session:

OUTSTATIONS

Number of outstations, if any, under the Session:

STIPEND SUBSIDY

Does the Congregation receive a Stipend Subsidy from Assembly?

Yes / No

If Yes, how much? R

Does the Congregation receive a Stipend Subsidy from Presbytery?

Yes / No

If Yes, how much? R

ASSESSMENTS

Is the Congregation up to date with paying its assessments to General Assembly?

Yes / No

Is the Congregation up to date with paying its assessments to Presbytery?

Yes / No

If Yes, please state the amount paid for the current financial year to:

(a) General Assembly: R

(b) Presbytery: R

If No, please state what the outstanding amount is at the date of this return:

(a) General Assembly R

(b) Presbytery R

DEBTS

Is the Congregation in debt? Yes / No

If Yes, please state:

- how much the debt is: R
- the nature of the debt:
- how this is being reduced:
- how much of the debt has been repaid this year: R
- how much of the debt was repaid last year: R

PROPERTY

Has anything changed relating to the Congregation's property in the last year?

Yes / No

If Yes, has a revised 'Form for the Register of Title Deeds' (See Appendix D(2)) been submitted to Presbytery and to the General Assembly Office?

Yes / No

What is the current replacement value of your buildings? R

For what sum are your properties covered by insurance? R

When was this sum insured last reviewed?

What action was taken?

STIPENDS/SALARIES

When were stipends/salaries last reviewed?

What action was taken?

Is the payment of the Minister/s' stipend/s up to date?

If not, what is being done to bring this up to date?

Minister's stipend: R.....

Colleague Minister's stipend (where applicable): R.....

Assistant Minister's stipend (where applicable): R.....

Pastoral Assistant's stipend (where applicable): R.....

Secretary's salary / Secretaries' salaries: R.....

Does the Secretary work full-time or part-time?

Caretaker's salary: R.....

All other full time workers' salaries R.....

TRANSPORT

Does the Congregation provide transport for the Minister/s? Yes / No

If not, what cash allowance is made? R

MANSES

When did the relevant financial authority (see Chapter 4) last inspect the Manse?

Date:

What action was taken as a result of this inspection?

FINANCIAL STATEMENTS

Have copies of the statements for the last financial year been sent to the Clerk of Presbytery and the General Assembly Office?

Yes / No

GENERAL

State any special circumstances that Presbytery should consider:

.....

Minister

.....

Session Clerk

Definitions:

1. The units of this Church are: -
 - (a) congregations having the right to call a minister; and
 - (b) congregations without the right to call a minister.
(Paras 6.4, 6.55 and 6.56 refer.)
2. A United congregation is either: -
 - (a) one that is a union of Presbyterian and Congregational memberships, formed in terms of Appendix E(1); or
 - (b) one that is a union, in which any of the Presbyterian, Congregational, Methodist or Anglican Churches are participating, formed in terms of Appendix E(3);
3. A preaching station is either: -
 - (a) one that is placed under the oversight of the Session or of a Presbytery committee (paras 6.47-6.49 refer); or
 - (b) one that is placed by the Presbytery under the oversight of the Session of the parent congregation. (Para 6.50 refers.)
4. A preaching place is either: -
 - (a) one that is established by the Presbytery through its Church Extension Committee; or
 - (b) one initiated by a Session with Presbytery approval.
(para 6.44 refers.)
5. An outstation is established by the Session of the congregation in an area that is at some distance from the main station of the congregation and is under the oversight of the Session. (Para 6.42 refers.)
6. A nuclear congregation is one described in para 6.29.
7. A transitional congregation is one described in para 6.34
8. A constituted congregation is one described in para 6.38.

Appendix D(4)

RULES FOR KEEPING MINUTES

(See para 14.2 and Appendix D (5)-(11)).

1.
 - (a) The minutes of all meetings must be kept in a properly bound (not loose-leaf) book. They may be written by hand or typed. If they are typed, the typed sheets must be fully pasted to the leaves of the minute book and not merely attached to spacers. Glue, not adhesive tape, must be used.
 - (b) Each page so pasted must be initialled by the Moderator and Clerk or the corresponding officials. The initial must be partly on the inserted page and overlap onto the original leaf of the book.
 - (c) Each page in a minute book must be numbered.
1.
 - (a) Minutes must contain a true and correct record of the proceedings and all resolutions adopted. It is unnecessary to include details of discussions, but the meeting may choose to record whatever extra information it wishes. Where a vote is taken, the number of votes cast for and against need be recorded only if any member at the meeting requests this.
 - (b) Minutes should be recorded in the past tense, that is, from the perspective of future readers, except where motions etc are in quotation marks.
 - (c) The minutes of Session are confidential to it. (See para 7.72 and 14.2.)
 - (d) When the Session or the Board of Deacons/Management receives minutes from any committee, its own minutes must record that the minutes received have been tabled and any resulting resolutions, but need record no other details.
2. All minutes shall record:
 - (a) the place, date and time of the meeting;
 - (b) that the meeting was constituted with prayer and by whom;
 - (c) the names of all the members present, except that at a Congregational meeting just the number present must be recorded. At any meeting an attendance register may be signed;
 - (d) except at a Congregational meeting the names of members for whom apologies are received and approved;
 - (e) that the minutes of the previous ordinary meeting and of any special meeting held since have been confirmed, stating the dates on which the meetings were held;
 - (f) any business arising from these minutes;

- (g) except in recording routine business, the exact wording of all motions and amendments and whether they were moved and seconded and agreed;
 - (h) all decisions taken in response to motions and amendments and, when so requested for any decision, the count of votes for and against;
 - (i) the place, date and time of the next meeting, where these are appointed; and
 - (j) the closure of the meeting with prayer or the benediction.
4. The minutes of every ordinary meeting of the applicable financial authority must include financial statements drawn up on a monthly basis, detailing revenue and expenditure with a record of accounts passed for payment and/or held for later attention.
 5. Minutes are kept of all Ordinary and Special Meetings. Ordinary Meetings are the stated meetings held at standard intervals, usually on the same day of the week. Additional intervening meetings are Special Meetings. The minutes of Special Meetings record, immediately after the constitution of the meeting, the meeting's approval of the Moderator's or Convener's action in calling the meeting and of the proposed agenda. (Otherwise the meeting does not proceed.) The minutes of a Special Congregational Meeting records that it was called by the Session.
 6. The minutes of every Congregational Meeting are inserted in the minute books both of the Session and of the...[insert the name of the relevant financial authority: see Chapter 4] These must record that the meetings were duly called and whether a quorum was present.
 7. Where no quorum is present at the first meeting and it adjourns for a postponed meeting, the minutes of the postponed meeting must record that due notice of it was given.
 8. The minutes of a Congregational Meeting are scrutinised and adopted at the next meeting of Session, but are confirmed and signed only at the following stated meeting of the Congregation.
 9. When minutes of any meeting are confirmed and corrections are required, the Moderator and Clerk or the corresponding officials must attest such corrections by initialling in the margin on the left-hand side of the page.

Appendix D(5)

MINUTES OF SESSION

(See also paras 14.1-2)

CONSTITUTION

At [place], on [date] the Session met and was constituted with prayer.

Present: The Revd AB, Moderator; Mr/Mrs/Miss CD, EF, etc, Elders.

Apologies for absence were received from [names] and approved.

The Minutes of the ordinary meeting held on [date] and special meetings held on [dates] were read (*or*, having been circulated, were taken as read) and confirmed.

MODERATOR

The Session hereby records the fact that on [date] the Revd XY was (ordained to the office of the holy Ministry and) inducted as Minister of this Congregation by the Presbytery of Z, and that he/she now for the first time took his/her seat as Moderator of Session.

THE LORD'S SUPPER

(a) Session resolved that the Sacrament of the Lord's Supper be observed in this Congregation on the [date], and that notice of this be given to the Congregation.

(b) Session resolved that the sacrament of the Lord's Supper be administered at the morning/evening service in this Congregation on the Sunday every month as from and to give notice of this to the Congregation.

ADMISSION AS MEMBERS OF THE CONGREGATION

Transfer Certificates for the following persons were laid before Session with a view to their admission and enrolment as members of the Congregation: AB, from the Congregation of at Y; CD, from the Congregation of at Z etc. Having examined these certificates and found them satisfactory, Session enrolled the said persons as members of the Congregation.

The Moderator reported that AB, CD, EF etc had also applied for admission as members but without Transfer Certificates. All had produced evidence of their baptism and public profession of faith. He/she had questioned them and was satisfied as to their profession and so recommended that Session grant their application. Session agreed to admit the candidates as members of the Congregation by special resolution.

REVISION OF THE ROLL OF MEMBERS

Session resolved to meet to revise the Roll of Members on [date] at [time].

Or

In view of the proposed Call to a Minister Session resolved to meet on
[date] at [time] to bring the Roll of Members up to date.

Or

Session considered the names on the Roll of Members and found that since the
revision on [date]:

- 20 names had been added by Transfer Certificate,
- 12 by profession of faith,
- 4 by resolution of Session, and
- 10 names had been removed by Certificate of Transfer,
- 3 by death, and
- 4 by lapse of attendance and other causes,

so that the Roll now consisted of 239 names.

Session directed that the Roll consisting of the 239 names be attested by the
Moderator and Clerk and be submitted to the Presbytery as required.

SPECIMEN FORM OF ATTESTATION		
Number of the Roll on 31 December..... [previous year]		220
Additions		36
by profession of faith	12	
by Transfer Certificate	20	
by special resolution of Session	4	
Removals		17
by Transfer Certificate	10	
by death	3	
by resolution of Session	4	
Number on the Roll on 31 December [current year]		239
Attested by authority of the Session on [date].		
.....	
Moderator	Clerk	

REPRESENTATIVE(S) IN PRESBYTERY (AND SYNOD, WHERE APPLICABLE)

Session proceeded to elect a member (or members) to serve on the Presbytery
(and the Synod) during the next (24) months. Elder AB, seconded by Elder CD,
moved and it was agreed that Elder EF (and Elder GH) be elected.

Or

Elder AB, seconded by Elder CD, moved and it was agreed that Elder EF, a member of the Session of Z, be appointed to represent this Session in the Presbytery (and Synod).

The Clerk was instructed to issue the usual Commission and to transmit it to the Clerk of Presbytery (and to the Clerk of Synod) (and to the Clerk of the Session of Z).

SUNDAY SCHOOL SUPERINTENDENT

(a) Resignation

The Moderator read a letter from Mr/Mrs/Miss AB intimating that because of ill health (*or his/her leaving the district etc*) he/she had resigned from the office of Sunday School Superintendent. It was decided to note the resignation with regret (*or to postpone consideration of the resignation until the Moderator together with Elder CD had an opportunity to discuss the matter with Mr/Mrs/Miss AB and to report back at the next meeting of Session*).

(b) Appointment

Session, having learnt (as a result of inquiries made by the Minister in accordance with the instruction of the previous meeting on) that Mr/Mrs/Miss CD was willing to undertake the work of Sunday School Superintendent, resolved to appoint him/her to that office (if the other teachers in the school agreed).

DIVISION OF CONGREGATION INTO DISTRICTS.

Session considered how to divide the Congregation into Elders' districts (*or how to rearrange the districts*) and agreed that they be as follows:

Districts		Elders
..... [name] [boundaries]
..... [name] [boundaries] etc.

MOTIONS

(a) Notice of Motion

Elder AB gave notice that at the next stated meeting he/she would move as follows:

(b) Motion agreed to

Elder AB moved the following proposal (of which he/she had given notice at the meeting on [date]: This was seconded by Elder CD and unanimously agreed to.

(c) Motion Carried on a Division

Session considered [*specify the subject*]. Elder AB, seconded by Elder CD, moved that

Elder EF moved as an amendment, seconded by Elder GH, that

After discussion, the vote was taken, and the amendment was carried (the voting being for and against). The amendment was then put as

the substantive motion and carried. (*Or* After discussion the vote was taken and the amendment was lost. The original motion was then put and carried.)

(d) *Dissent from a Decision*

Elder AB and Elder CD requested that their dissent from the decision be recorded (*or* Elder EF and Elder GH dissented from the decision taken for reasons to be given in due course, *or* for the following reasons: Session appointed Elders JK and LM to draw up replies.)

(e) *Complaint*

Elders AB and CD disagreed with the decision and forwarded a complaint to the Presbytery or its Administrative Review Board, for the following reasons: Session appointed Elders EF and GH to appear before the Presbytery or its Administrative Review Board in support of Session's decision. The Clerk was instructed to send extract Minutes and any other documents relating to the case to the Presbytery Clerk.

(f) *Appeal*

Session took up the case of Elder AB, who was alleged to have After the evidence had been concluded and Elder AB had been heard in defence, it was moved by Elder CD, seconded by Elder EF, and agreed that Elder AB be found guilty of the misconduct. The Moderator recalled Elder AB and notified him/her of this finding. He/She protested against the finding and appealed to the Presbytery or its Court. At his/her request extract Minutes and relevant papers were granted to him/her. Elders GH and IJ were appointed to appear before the Presbytery or its Court in support of Session's judgement.

ELECTION AND ORDINATION OF ELDERS

(a) *Nominations*

(See Section 12 of Chapter 7.)

Session considered the desirability of adding to the number of Elders and decided that (3) more be appointed. The Minister explained the qualifications and duties of an Elder to the Congregation. He also addressed members on their duties in the matter, and called on the members of the Congregation to submit their nominations to the Session Clerk by.... [date]. Members may only be nominated with their prior consent.

(b) *Consideration and Announcement of Nominees*

Session considered the list of all those nominated to be elected as Elders, but decided that it had good reasons not to sustain one nomination. The Moderator agreed to approach the affected nominee within the next week, inform him/her of Session's reasons and give him/her the option of having it announced that he/she had withdrawn his/her name. The Moderator would announce the names of the remaining nominees on the following two Sundays and call for anyone with objections to the doctrinal opinions or the character of any of the nominees to appear at a meeting of Session on [day] [month] [year] at [time] in terms of Notice 5(d) in Appendix C(4) of the *Manual*.

(c) The Hearing of an Objection

Session heard an objection from Mr/Mrs to the doctrinal opinions of one enrolled member who had been nominated for election as an Elder. The matter was discussed, and it was decided to ask the nominee to appear before Session on [day] [month] [year].

(d) Hearing given to the Nominee

The person against whose election to be an Elder an objection had been lodged appeared before Session. Session discussed the objection with the nominee and afterwards in his/her absence. It decided that the objection was groundless and sustained the nomination of all the nominees before it, namely AB, CD, EF, GH and IJ. (Or It decided that the objection constituted good grounds not to sustain the nomination and so sustained the nomination only of: AB, CD, EF and IJ. The affected nominee would be given the option of having it announced that he had withdrawn his name.)

It was agreed that the Moderator (then) notify the Congregation of the list of sustained nominees and of the date when the Congregation would meet to elect the 3 Elders. The meeting would be in [place] on [day] [month] [year].

Session arranged for the Basic Eldership Course to be run with the nominees. **(e)**

Result of an Election and Appointment of Ordination and Induction

Session found that the Congregation had elected as Elders the following persons: AB, CD and EF. Session formally approved the election of AB, CD and EF.

Session appointed the ordination and induction of AB and CD and the induction of EF (who had been previously ordained as an Elder) to take place in the presence of the Congregation on Sunday [date] during the morning/evening service. It directed that the necessary Edict to this effect (Appendix C(1) 4) be published on Sunday the [date] and Sunday the [date].

(f) Ordination and Induction

At a duly constituted service of public worship the Moderator reported that the Edict concerning the Ordination and Induction of AB and CD and the Induction of EF as Elders had been duly published on two successive Sundays. The Moderator put to AB, CD and EF the questions appointed to be put to Elders before their admission to the office, and all gave satisfactory answers. After prayer, the Moderator, in the name of the Lord Jesus Christ and by the authority of Session, ordained AB and CD to the office of Elder and inducted them and IG to that office in this Congregation according to the order in the *Service Book and Ordinal*.

At the close of the service the names of the 3 newly admitted Elders were added to the Roll of Session.

ELECTION OF MINISTER

Session considered the desirability of finding out whether the Congregation was ready to call a Minister.

It was moved, seconded, and agreed to call a meeting of the Congregation for the above purpose in the church (*or* church hall) on [*date*] at [*time*]. The Revd AB, Interim Moderator/Assessor, would preside. Session also agreed that the Congregation would be notified of this meeting on two Sundays, the [*date*] and the [*date*].

CLOSURE

The meeting was closed with prayer (*or* with the benediction).

Appendix D(6)

MINUTES OF CONGREGATIONAL MEETINGS

(See also para 14.2)

1. ANNUAL MEETING

By appointment of Session the Annual Meeting of the Congregation was held in the church (*or* hall) on [day] [month] [year] at[time].

The Revd AB (*or* Mr/Mrs/Miss CD) presided and opened the meeting with prayer.

Mr/Mrs/Miss EF, Session Clerk, presented the Session's report on the spiritual life and work of the Congregation in its various departments during the year. On his/her proposal, seconded by KF, the report was adopted.

The Financial Report for the year, duly audited, was submitted on behalf of the [*insert the title of the relevant financial authority, see Chapter 4*] by Mr/Mrs/Miss GH, Chairperson. On his/her proposal, seconded by Mr/Mrs/Miss JK, the report was adopted.

The reports of the following organizations in the Church were presented, discussed and received: J, K, L and M.

It was proposed by Mr/Mrs/Miss LM, seconded by Mr/Mrs/Miss NM and agreed that the following persons be elected as members of Stewardship/Deacons Board for the next three years (or part thereof): DP, PJ and ZF.

It was proposed by Mr/Mrs/Miss PQ, seconded by Mr/Mrs/Miss RS and agreed to appoint Messrs TU and VW as auditors for the ensuing year.

There being no further business, the meeting was closed with prayer.

2. MEETING WHEN A VACANCY OCCURS IN THE CONGREGATION

By appointment of Session the Congregation met in the Church (*or* hall) on [day] [month] [year] at[time] with the Revd AB, Interim Moderator/Assessor in the chair.

The meeting was opened with prayer.

After the Interim Moderator/Assessor heard that the Congregation was prepared to proceed immediately to elect a Minister, the following persons were appointed to a Call Committee [*list the names*].

The meeting was closed with prayer.

3. MEETING TO ELECT A MINISTER

By appointment of Session at [place] on [day] [month] [year] at[time] the Congregation met to decide on the election of a Minister. The Revd AB, Interim Moderator/Assessor was in the chair.

The meeting was opened with prayer.

The Interim Moderator/Assessor called for the report of the Call Committee. The Clerk of the Call Committee reported that it proposed that the Congregation consider the Revd CD, Minister at Z, with a view to a Call. Mr/Mrs/Miss EF

proposed, seconded by Mr/Mrs/Miss GH, that a Call be addressed to the Revd CD, Minister at Z.

The vote on the nomination before the meeting was taken by a show of hands, and the Revd CD was elected. A form of Call was signed in the presence of the Interim Moderator/Assessor by *[number]* members. It was moved by Mr/Mrs/Miss EF, seconded by Mr/Mrs/Miss GH and agreed that all the Elders be tasked with obtaining the signatures of the enrolled members in their districts within the next 4 weeks and to appoint Mr NO, Mrs PQ and Miss RS as Commissioners from the Congregation to speak in favour of the Call at the next Presbytery meeting.

4. CLOSURE

The meeting was closed with prayer (*or* with the benediction).

Appendix D(7)

MINUTES OF THE RELEVANT FINANCIAL AUTHORITY

(See also paras 14.1-2)

1. CONSTITUTION

At [*place*] on..... [*day*] [*month*] [*year*] the ...[*insert the title of the relevant financial authority: See Chapter 4*], met and was constituted with prayer.

Present: The Revd AB; CD; EF etc (Elders), and GH, JK etc (Stewards).

In the absence of the Chairperson, Mr/Mrs/Miss CD was called to the chair.

Apologies for absence, with the reasons given, were received from LM and NO and were approved.

The Minutes of the previous meeting were read and confirmed.

2. MINUTES

[All motions, amendments and decisions are minuted in the same way as for Session.]

3. CLOSURE

The meeting was closed with prayer (or with the benediction).

Appendix D(8)

MINUTES OF ORDINARY MEETINGS OF PRESBYTERY

(See also para 14.2)

1. CONSTITUTION

At [place] on [day] [month] [year] at[time] the Presbytery of Z met and was constituted with prayer.

Present: The Revd AB, Moderator, and CD, EF, etc, Ministers, and GH, IJ, etc, Elders.

Apologies for absence, with reasons given, were received from the Revd KL and MN and Elders OP and QR and approved.

The Minutes of the last ordinary meeting (and of the special meeting held on [date]) were read and confirmed.

2. ELDERS' COMMISSIONS

The Clerk reported that Elders' Commissions had been received from the Sessions of Z, Y, etc in favour of Mr QR, Mrs OP, Miss ST etc, and that all the Commissions were in order. Presbytery approved the Commissions, and the names were added to the Roll of Presbytery.

3. CALL OF A MINISTER

(a) *Call Approved*

The Revd CD, Interim Moderator/Assessor, laid on the table a Call that the Congregation of X had addressed to the Revd UV, Minister at Y, and [number] enrolled members had signed.

The parties were heard, after which the Presbytery prayed for God's guidance.

The Presbytery formally approved the Call and resolved that the usual steps be taken. (See paras16.25ff.)

(b) *Call Accepted*

The Clerk read an extract Minute from the Presbytery of X stating that the Revd TU, Minister at Q, had accepted a Call addressed to him/her by the Congregation at P and had been duly released from his/her charge.

The Presbytery resolved to meet in the P Church for his/her induction to the pastoral charge on the [day] [month] [year] at[time].

The Presbytery directed that the Edict of (Ordination and) Induction be read on two successive Sundays. It appointed the Revd CD to preside at the (Ordination and) Induction and the Revd EF to deliver the charges to Minister and Congregation.

(c) Call Declined

The Clerk read an extract Minute from the Presbytery of W, indicating that the Presbytery had not approved the Call that the Congregation at M had addressed to the Revd RS and explaining why. The Presbytery resolved to take no further steps in the matter.

4. TRANSFER OF A MINISTER

The Clerk read an extract Minute from the Presbytery of Z, stating that it had approved the Call of the Congregation at L to the Revd BC, Minister at M.

It was resolved that Presbytery would consider the Call at a meeting at [place] on [day] [month] [year]. The Clerk was instructed to notify the Session and Congregation at M, inviting them to send a delegation to attend the meeting, if they so wished.

Presbytery proceeded to consider the Call from the Congregation at Y to the Revd BC, Minister in the Congregation at J. The Clerk tabled and read the Call. The relevant papers were tabled. The Moderator called for the parties, and the following appeared: EF for the Session of Y, GH for the Congregation at Y, JK for the Session at J and LM for the Congregation at J. The Revd LR appeared in person. Having heard the parties, the Presbytery prayed for God's guidance in the decision it was to make.

It was moved, seconded and agreed that Presbytery approve the transfer, and that the Call be placed in the hands of the Revd BC. The Moderator accordingly placed the Call in the hands of the Revd BC, who accepted it.

The Presbytery dissolved the pastoral tie between the Revd LR and the Congregation at J as from [date].

The Revd NL then led the Presbytery in prayer for the Minister and two Congregations affected.

5. (ORDINATION AND) INDUCTION OF A MINISTER

The Edict of (Ordination and) Induction was returned to the Presbytery attested as having been published.

It was noted that no objections to the character and teaching of the Revd CD had been offered.

The Presbytery entered the Church and (ordained and) inducted the Revd CD into the pastoral charge of the Congregation at Z according to the form of service in the *Service Book and Ordinal*. The Moderator presided, the Revd OQ conducted public worship, and the Revd RS delivered the charges to Minister and Congregation.

After the service the name of the Revd CD was added to the Roll of Presbytery.

6. OVERTURES**(a) Notice**

AB gave notice of intention to propose at the next ordinary meeting the adoption of the following Overture to the General Assembly: [text of the Overture].

(b) Adoption

In accordance with a notice given BC moved, seconded by CD, the adoption of the following Overture to the General Assembly: [*the text of the Overture*].

EF, seconded by GH, moved that the Overture be adopted subject to the following amendment: [*the text of the amendment*]. On being put to the vote, the amendment was lost.

The original motion was put to the vote and carried.

The Presbytery resolved to forward the Overture to the General Assembly and appointed AB and CD to appear before the General Assembly to support it.

(c) Forwarding

The Clerk reported that he had received an Overture from the Session of Z in the following terms for forwarding to the General Assembly: [*the text of the Overture*].

AB, seconded by CD, moved that the Presbytery forward the Overture without comment.

EF, seconded by GH, moved as an amendment that the Presbytery adopt and forward the Overture. On being put to the vote the amendment was agreed.

On being put as a substantive motion, the Overture was adopted and forwarded.

Presbytery appointed AB and CD to appear before the General Assembly to support the Overture.

[Note: A Presbytery may adopt and forward an Overture or just forward it without comment or forward it with its disapproval. It may not refuse to forward an Overture. Where Presbytery does not adopt an Overture but forwards it without comment or with disapproval, it need not appoint members to speak on the matter.]

7. REFERRALS**(a) From Session**

The Clerk tabled a Referral from the Session of Y for advice on the following points [*state the points clearly*] in the case of [*describe the case clearly*].

The Clerk read the extract Minutes of the Session in connection with the Referral, and the Presbytery heard AB, who had been appointed to state the Referral.

The Presbytery approved the Referral. It resolved to advise the Session of Y in the following terms, namely, [*the terms of the advice*], and to instruct it to proceed in the case according to the rules of the Church.

The Clerk tabled a Referral from the Session of Z for judgement in the case of QL, in regard to whom the Session had recorded evidence alleging him/her to be guilty of the following misconduct:

The Clerk read extract Minutes of the Session in connection with the case, and the evidence taken by the Session was tabled. The Presbytery then heard CD, whom the Session had appointed to state the Referral.

The Presbytery resolved to consider the Referral and appointed a special meeting to be held at [place] on [day] [month] [year] at[time].

The Moderator instructed the Clerk to notify QL to appear for his/her interest at that meeting.

(b) To General Assembly

Presbytery/The Court of the Presbytery resumed consideration of the case of [state the case] and heard the parties concerned.

It was moved, seconded and agreed that in view of the special difficulties the Presbytery / the Court of the Presbytery refer the case to the General Assembly / the Court of the General Assembly.

The Clerk was instructed to forward an extract minute and all papers connected with the case to the Clerk of the General Assembly / the Court of the General Assembly and to notify all parties in the case to appear before that Court for their interest.

The Presbytery appointed AB and CD to appear before the General Assembly / the Court of the General Assembly in support of the Referral.

8. APPEALS FROM SESSION

(a) If there is no Court of Presbytery

Presbytery considered an Appeal by AB against a judgement of the Session of P. Minutes of the Session and papers in connection with the case were tabled and read.

CD and EF appeared for the Session and GG appeared on his/her own behalf. The parties, having been heard, withdrew.

GH, seconded by JK, moved that the Appeal be approved and the judgement of the Session of P be reversed.

LM, seconded by NQ, moved as an amendment that the Presbytery

- (1) approve the first part of the Appeal and reverse the judgement of the Session of P on this point; but
- (2) uphold the remainder of the judgement of the Session of P.

On being put to a vote the amendment was lost.

It was further moved as an amendment by SR, seconded by ST, that Presbytery dismiss the Appeal and uphold the judgement of the Session of Z.

On being put to a vote the amendment was carried.

The amended motion was then put as a substantive motion and adopted as the finding of the Presbytery in the Appeal.

The parties were recalled, and the Moderator advised them of the finding of the Presbytery. The Clerk was instructed to send an extract Minute to the Session Clerk of P.

(c) If there is a Court of Presbytery

[When a Court of Presbytery is formed it makes up its rules of procedure and for the recording of its decision, in both cases subject to the provisions of the *Manual*.]

9. PETITIONS TO GENERAL ASSEMBLY

RL and MD, whom the Session of Q had appointed for the purpose, laid before Presbytery a Petition from the Session requesting [*state the Petition*] and spoke in support of it.

EF, seconded by GH, moved that Presbytery grant the request in the Petition.

JK, seconded by LM, moved as an amendment that [*state the amendment*].

On being put to a vote the amendment was carried.

The amended motion was then put as a substantive motion and adopted as the finding of the Presbytery.

The Moderator advised RL and MD of this finding. They appealed against it to General Assembly or, once it has been formed, to the Assembly's Administrative Review Panel for reasons to be given in due course.

Presbytery appointed JK and LM to appear before the General Assembly in support of its finding.

[Note: If a Petition affects the rights or interests of persons other than the petitioners, they must be given an opportunity to be heard. (See para14.32).

10. COMPLAINTS

[The procedure for Complaints and their minuting is the same as for Reviews.]

11. FORMATION OF A PREACHING STATION

The representatives of the Session of Q reported that they had been conducting services at X for [*number*] months, and that a recent investigation by the Session had satisfied it that the formation of a Preaching Station was desirable. The Session therefore asked Presbytery to establish a preaching station at X and place it under the Session of Q.

Or

BC, convener of the Church Development and Planning Committee, reported that in response to the petition from residents at X for a Preaching Station to be formed the Committee had visited X and met with the petitioners. As a result of these and other enquiries the Committee recommended that the petition be granted.

Presbytery received the report and resolved to open a Preaching Station on [*day*] [*month*] [*year*]. The Revd LX would conduct the service.

Presbytery placed the Preaching Station under the care of the Session of Q (*or* appointed the following committee to care for the Preaching Station:).

12. CLOSURE

The meeting was closed with prayer (*or* with the benediction).

Appendix D (9)

MINUTES OF SPECIAL MEETINGS OF PRESBYTERY

(See also para 14.2]

1. Special meeting held by the Presbytery's appointment

A special meeting of the Presbytery of Z was held, by appointment of the Presbytery, at [place] on [day] [month] [year] at[time] the Revd AB, Moderator, in the chair.

The meeting was constituted with prayer.

Present: AB, CD etc.

Apologies, with the reason given, were received from EF, GH, etc and approved.

The Minute of the ordinary meeting on the [day] [month][year] appointing this special meeting was read.

[Here record the Minutes of the proceedings, which may include only the matters for which the meeting was specifically appointed by Presbytery.]

2. Special meeting called by the Moderator.

A special meeting of the Presbytery of Z, summoned by the Moderator, was held at..... [place] on [day] [month] [year] at[time].

The meeting was constituted with prayer.

Present: AB, CD, etc.

Apologies, with the reasons given, were received from EF, GH etc and approved.

The notice convening the meeting was read, and the Moderator stated the circumstances that had led him/her to convene it.

JK, seconded by LM, moved and it was agreed to approve the action of the Moderator in calling this special meeting.

[Here record the Minutes of the proceedings, which may include only the matters specified in the notice calling the meeting.]

Appendix D (10)

MINUTES OF A PRESBYTERY SITTING AS A COUNCIL IN CASES OF DISCIPLINE

(See also para 14.2)

1. APPOINTMENT OF COMMITTEE OF INQUIRY

The Revd/Elder AB moved, seconded by CD, that Presbytery meet privately to consider reports that had come to their knowledge concerning a person under its jurisdiction. This was agreed.

On resuming in open session, AB moved, seconded by CD and it was agreed that Presbytery appoint a Committee of Inquiry, consisting of the Revd EF, GH and JK and Elders LM, NO and PQ, to report to the next meeting of Presbytery.

Or

Presbytery received a Petition (or Complaint) from [*number*] members of the Congregation at Z, alleging certain misconduct against the Revd DP, Minister at Z. Presbytery appointed a Committee of Inquiry, consisting of the Revd EF, GH and JK and Elders LM, NO and PQ, to report to the next meeting of Presbytery.

2. REPORT OF COMMITTEE OF INQUIRY

The Committee of Inquiry reported that it had investigated the matter remitted to it by Presbytery. The Report is attached to this Minute.

Presbytery discussed the Report.

3. RESOLUTION OF PRESBYTERY

(a) Where no Case Exists

CD, moved seconded by EF, that no case existed against the Revd LD, Minister at Z, and that no action be taken. This was agreed.

(b) Where the Presbytery has not Constituted a Court

CD moved, seconded by EF, that a case meriting discipline appeared to exist against the Revd LD, Minister at Z, and that Presbytery take steps to meet with him/her in a private and pastoral way to discuss the alleged misconduct. This was agreed.

Or

CD moved, seconded by EF that Presbytery meet privately to discuss the matter with the Revd LD. This was agreed. On resumption in open session GH moved, seconded by IJ that [*state the exact terms of the decision*] and that the matter be now closed. This was agreed.

Or

On resumption in open session CD moved, seconded by EF and agreed that:

- (1) 'Presbytery notes with regret its inability to reach a satisfactory conclusion in its discussion with the Revd LD and
- (2) resolves to proceed against him by formal discipline, and
- (3) appoints GH to act as the Representative and prepare a formal statement of allegation(s).'

This was agreed.

[Thereafter the procedure in paras 18.62 and 63] of the *Manual* is followed.]

(c) Where the Presbytery has Constituted a Court

CD moved, seconded by EF, that a case meriting discipline appeared to exist against the Revd LD, Minister at Z and that Presbytery refer the matter to the Clerk of the Court of Presbytery. This was agreed.

4. HEARING WHERE THE PRESBYTERY HAS NOT CONSTITUTED A COURT

The Clerk reported that he/she had received the formal statement of allegations and a full list of witnesses on [date] and had forwarded the statement of allegations to the alleged offender on [date] by [state which of the methods in para 18.62)]. CD, EF, etc. had been notified verbally at the last Presbytery meeting to appear, and GH and JK had been notified by personal delivery to appear. Acknowledgements of receipt were tabled. The Clerk reported that all parties were present.

The Clerk read the formal statement of the allegations. The Moderator asked the Revd AB whether he took exception to any part of the formal statement of the allegations. The Revd AB indicated that he did not.

The Council proceeded to hear the evidence.

[It is desirable that all the proceedings in all cases of discipline be clearly recorded on tape, and that the Clerk of the Council keep this record for a period of one year. In the event of an appeal, he/she sends the taped record to the Clerk of the Council of Appeal.]

The Representative called CD, EF etc as witnesses. They were examined by the defence, the Representative and by the Council. The Council received certain documents tabled by the Representative and by the Defence as evidence.

The evidence being completed, the Council heard the arguments of the Representative and of the Defence.

The Council retired to meet privately to consider its verdict, and appointed its next public session to meet at [time].

On resumption the Moderator delivered the verdict of the Council in the following terms [insert the precise verdict] and [if the verdict is against the offender] asked the offender whether he/she wished to enter any plea in reduction of penalty. The offender replied in the affirmative and after leading evidence addressed the Council. (Or the offender replied in the negative.) The Council retired to meet privately to consider the penalty.

On resumption the Moderator announced the penalty. The Moderator then asked the Revd AB whether he/she wished to enter an appeal, and explained his/her rights to do so.

The Revd AB intimated that he/she did not wish to appeal.

Or

The Revd AB intimated that he appealed against the verdict and/or penalty to the Court of the General Assembly on grounds to be stated in due course.

The Presbytery resolved to forward all matters relating to the case to the Clerk of the Court of General Assembly and appointed CD and EF to appear before that Court in its interests when the appeal was heard.

Or

The Moderator noted that the Council regarded the offence as of such a serious nature that it merited deposition, and therefore ruled that the case be referred to the Court of the General Assembly.

Appendix D(11)**MINUTES OF A PRESBYTERY COURT IN CASES OF
DISCIPLINE**

(A Presbytery Court in cases of discipline would record minutes similar to those of a Presbytery Council sitting in a case of discipline, i.e. similar to Appendix D(8) 6 and 7 above, except that the minutes would indicate that it was a Presbytery Court.)

Appendix E Ecumenical Documents

Appendix E(1)

Memorandum of Association for United Presbyterian/Congregational Congregations

NOTE: Negotiations are in progress to substitute The Uniting Presbyterian Church in Southern Africa for The Presbyterian Church of Southern Africa.

THE PRESBYTERIAN CHURCH OF SOUTHERN AFRICA AND THE UNITED CONGREGATIONAL CHURCH OF SOUTHERN AFRICA

Memorandum of Association for United Presbyterian/Congregational Congregations

Preamble

WHEREAS the General Assembly of the Presbyterian Church of Southern Africa and the Assembly of the United Congregational Church of Southern Africa both meeting in Port Elizabeth in 1968 had adopted the following terms of reference as a basis for the work of the Presbyterian/Congregational Joint Committee:

- (a) That the Committee shall initiate and foster co-operation in such practical matters as the following:
 - (i) Joint planning for Church Extension.
 - (ii) Combined building projects.
 - (iii) Integrated worship.
 - (iv) Mutual eligibility of membership.
 - (v) Co-ordination of existing work.
 - (vi) The elimination of competition and the acceptance of the principle of comity.
 - (vii) The establishment of fraternal relationships at all levels of Church life.
 - (viii) Consultation regarding Evangelism, Christian Education, Stewardship and other areas of common concern to both Churches with a view to the pooling of personal resources and co-operative effort.
- (b) That the Committee shall encourage the formation of liaison committees.
- (c) That the Committee be responsible for the co-ordination of the work of the Extension Committees of both Churches.
- (d) That the Committee should collect, collate and disseminate the information supplied by local committees in order that local churches and congregations may be kept informed both in regard to policy and development.

AND WHEREAS the General Assembly of the Presbyterian Church of Southern Africa meeting in Cape Town in 1970 and the Assembly of the Congregational Church of Southern Africa meeting in Paarl in the same year agreed to foster and encourage united worship and, where possible, the formation of integrated congregations, and further instructed the Presbyterian/Congregational Joint Committee to draft a Memorandum of Association for united Congregational/Presbyterian congregations (hereinafter referred to as united congregations):

AND WHEREAS that Memorandum of Association, as set out on pages 244/246 of the 1971 Proceedings of General Assembly of the PCSA and on pages 66/69 of the 1973 Manual of Constitutions and Procedures of the UCCSA has been reconfirmed, with certain amendments, by the General Assembly of the PCSA meeting in Cape Town in 1979 and the Assembly of the UCCSA meeting in Johannesburg in the same year:

NOW THEREFORE the Articles of Association which appear hereinafter set out the proper procedure for the establishment of a united congregation.

Article I:

- (a) A united congregation may be initiated by any of the following bodies:
 - (i) congregations and local churches;
 - (ii) Presbyteries and/or Regional Councils;
 - (iii) Area Presbyterian/Congregational Liaison Committees;
 - (iv) the Presbyterian/Congregational Relations Committee.
- (b) In cases where the PCSA congregations and UCCSA local churches are already in existence, they shall follow the procedures set out in the appropriate regulations and/or constitutions of their own Churches in order to obtain the consent of the congregation/local church to the proposed scheme of union at the local level. To give effect to any such scheme:
 - (i) A majority vote of two-thirds of the communicant membership shall be required; or
 - (ii) the assent of seventy-five percent of those present and entitled to vote at a special meeting of the congregation/local church.
- (c) In cases where a new united congregation or Extension Charge is contemplated, where neither the PCSA nor the UCCSA have an existing congregation, the request for the establishment of such a united congregation shall be sent, in the first instance, to the Presbyterian/Congregational Relations Committee. In all such cases the application shall be referred to the local Liaison Committee in areas where such a Committee has been constituted. Thereafter the Presbyterian/Congregational Relations Committee shall make the appropriate recommendations to the Presbytery and/or the Regional Council concerned.
- (d) In cases where in the area there is only one of the denominational bodies, such a congregation may apply through the Presbyterian/Congregational Relations Committee, which, after consulting with the area Liaison Committee where such has been constituted, will submit the application to the appropriate Presbytery and Regional Council.

Article II: Name:

United congregations shall assume such name as may be agreed upon locally. Any such local name shall be followed by "Presbyterian-Congregational" in parenthesis, until such time as organic union takes place.

Article III: Membership:

All members of the uniting congregations shall be regarded as members of the united congregation at the time of its formation. As from the date of union, the names of all new members shall be placed on a Joint Membership Roll.

Article IV: Ministry:

- (a) A Presbyterian minister serving a united congregation shall be entitled to a seat on the local Regional Council. Likewise, a Congregational minister serving a united congregation shall be entitled to a seat on the local Presbytery.
- (b) Where the present ministers of uniting congregations remain in charge of a united congregation, they shall be known as "colleague ministers". In filling all subsequent vacancies any ordained minister of either Church shall be eligible to receive a Call from a united congregation. When a Call is issued, the procedure of the Church to which the minister belongs shall be followed, except that every Call shall require a Congregational Meeting and signatures to the Call followed by the ratification of the appropriate court of the other denominational body.
- (c) The Act of Induction of a minister to a united congregation shall be in accordance with the form approved by the Assemblies and shall be shared by the appropriate Presbytery and Regional Council on a mutually agreed basis.

Article V: Government:

The government of a united congregation shall be in terms of a local constitution drafted to suit the particular circumstances of the united congregation and based on the Model Constitution for united congregations.

Article VI: Representation on church courts:

A united congregation shall be a member of the appropriate Presbytery of the PCSA and the appropriate Regional Council of the UCCSA. The congregation shall be entitled to the representation allowed by each of the said Churches.

Article VII: Finance:**(a) Church Assessments:**

The financial support given to the two denominational bodies shall, in the first two years following the date of the union, be determined in the following basis:

- (i) The aggregate of the incomes of the uniting congregations in the year prior to union is to be ascertained and the ratios (expressed as a percentage of the aggregate) between the income attributable to the uniting congregations are to be determined.

- (ii) The income of the Congregation in each year is to be divided into those parts proportionate to the percentage so determined in order to ascertain the respective amounts upon which the Congregation is assessable for the purpose of calculating the levies or dues payable to the PCSA and the UCCSA for that year in accordance with their respective rates. Thereafter the Church Council shall determine, subject to the approval of the appropriate regional Courts of the Churches concerned, the apportionment of the Congregation's annual income for the purpose of such assessments.
- (b) **Application for Grants, Loans etc:**
All applications for grants, loans and other financial assistance from the central funds of a denominational body shall be submitted to the Presbyterian-Congregational Relations Committee, which shall make a single recommendation regarding the financial aid sought to the appropriate court of each of the two Churches, which shall process the application according to the procedure of the Church concerned.
- (c) **Acceptance of Assets and Liabilities:**
All the assets of the uniting congregations shall vest in the Congregation and it accepts full responsibility for the liabilities of those congregations.

Article VIII: Property:

- (a) Where property is vested in a name pertaining to one of the denominational bodies, it is transferred to the local congregation after union has been effected. Where such transfer is not possible or is considered inadvisable, the property vesting shall remain unaltered.
- (b) Where property is vested in the name of the local congregation, the vesting shall be transferred to the united congregation at the time of union.
- (c) Where a new property is acquired at the time of union it shall be vested in the name of the united congregation concerned, except in the case of leased properties held under an Agreement of Lease which shall be registered either in the name of the Presbyterian Church of Southern Africa or the United Congregational Church of Southern Africa in terms of the Joint Property Agreement.

Article IX: Organic unity:

If and when the Presbyterian Church of Southern Africa and the United Congregational Church of Southern Africa unite to form one Church, or both enter a scheme of union with other Churches, all united congregations shall become constituent congregations of the United Church, and the Constitution of the said United Church shall replace the articles of the Memorandum of Association as from the date upon which the union takes effect.

In the event of one of the Churches entering a scheme of union, not involving the other, the terms of the Memorandum of Association would be either amended to give recognition to the changes in name and constitution of one of the co-operating Churches or, alternatively, a new Memorandum of Association would be entered into by the co-operating Churches which would replace the articles of this Memorandum of Association as from the date on which it became operative.

Article X: Dissolution prior to the formation of a United Church:

In the event of the dissolution of a united Presbyterian-Congregational congregation within five years of the date of merger, after the liquidation of all debts and liabilities, any remaining assets shall be divided between the Presbyterian Church of Southern Africa and the United Congregational Church of Southern Africa on a basis proportionate to the contributions of the said Churches; and thereafter on an equal basis. Where properties remain in the name or are transferred to one of the said Churches (or one of their constituent congregations or local churches) the other Church shall be adequately compensated on the basis outlined above for its interest in the property.

Notes:

The Memorandum of Association, as is set out above, represents the Agreement entered into by the General Assembly of the PCSA and the Assembly of the UCCSA as stated in its Preamble, but in the form revised in 1979 and further amended as approved by the Assemblies in 1985. It may be expanded to include the Evangelical Presbyterian Church in South Africa and the Reformed Presbyterian Church in Southern Africa should either or both of these Churches resolve to become signatories to the Memorandum of Association.

The Model Constitution referred to in Article V is set out in Appendix J(4) and on pages 43/48 in the 1981 Manual of Law and Procedure of the UCCSA.

As approved by the Assemblies in 1984, the Presbyterian-Congregational Joint Committee was superseded by the Presbyterian-Congregational Relations Committee. The Committee's terms of reference were adopted by the Assemblies in 1985.

Appendix E(2)

MODEL CONSTITUTION FOR UNITED PRESBYTERIAN-CONGREGATIONAL CONGREGATIONS

Source: Presbyterian-Congregational Relations Committee
(See pages 27/32 of the 1990 Papers of the PCSA)

NOTE: Negotiations are in progress to substitute The Uniting Presbyterian Church in Southern Africa for The Presbyterian Church of Southern Africa.

WHEREAS the Congregation of the Church of Southern Africa known as.....

and the Local Church of the United Congregational Church of Southern Africa known as.....

have each resolved in its Meeting of the Congregation or its Church Meeting to unite in terms of the Memorandum of Association for United Presbyterian-Congregational Congregations (hereinafter referred to as the Memorandum of Association);

AND WHEREAS the said Congregation and the said Local Church (hereinafter referred to as "the Uniting Congregations") hereby declare their intention to become one United Congregation constituted in terms of the Memorandum of Association and governed in terms of the Articles of this Constitution as amended from time to time (see Article XV);

AND WHEREAS the Uniting Congregations confess the Christian faith as understood and interpreted by the Presbyterian Church of Southern Africa and the United Congregational Church of Southern Africa;

AND WHEREAS it is recognised that the Constitution of the Congregation as set out in Appendix D(1) of the Manual of Law and Procedure is in force in the Presbyterian Church of Southern Africa and the Model Constitution for Local Churches is in force in the United Congregational Church of Southern Africa;

NOW THEREFORE the Articles of this Constitution and the Clauses of the Appendix, if such are incorporated, which appear hereunder set out the basis on which the union of the Uniting Congregations is effected.

ARTICLE I : NAME

The Congregation hereby constituted is named.....
United Church (Presbyterian-Congregational).

ARTICLE II : LEGAL STATUS

- (a) The United Church (Presbyterian-Congregational) is the legal successor of the and the It is hereinafter called "the Congregation".
- (b) The Congregation is a voluntary association of its members for the time being in the form of a corporate body having perpetual succession and the power to own and hold property (immovable, movable and incorporeal) in its own name independently of its members, as well as the power to sue and be sued in its own name. For legal purposes the members of the Congregation are its Enrolled Communicant Members.

ARTICLE III : FUNCTIONS AND POWERS

The Congregation has and exercises such functions and powers as are defined in the PCSA's Manual of Law and Procedure and the UCCSA's Manual of Constitutions and Procedures, and in particular has the following functions and powers, namely:

- (a) to provide facilities for the conduct of public worship and for the carrying out of various services normally forming part of the functions of a Congregational/Local Church;
- (b) to provide suitable premises for the conduct of public worship and for other church purposes including a manse or manses for the minister or ministers;
- (c) to acquire by purchase, exchange, hire or otherwise, any movable or immovable property, buildings, incorporeal rights or privileges which may be considered necessary or convenient for the purposes of the Congregation;
- (e) to erect, maintain, improve, alter, repair and equip any buildings or structures for the purposes of the Congregation;
- (f) to receive or accept moneys, funds, securities, donations, gifts, bequests and inheritances, whether conditional or unconditional, and to administer trusts for the purposes of the Congregation;
- (g) to invest its funds in such manner as it deems fit;
- (h) to sell, exchange, donate, let, mortgage, pledge, or otherwise deal with all or any of its assets;
- (i) to borrow or raise moneys for the purposes of the Congregation and to secure the repayment of such moneys by pledging or mortgaging any of its property or assets;
- (j) to open and operate banking and savings accounts in its own name;
- (k) to do all such things and to perform all such functions as are normally done or performed by a Congregation/Local Church.

ARTICLE IV : RELATIONSHIP TO CHURCH COURTS

- (a) Status: The Congregation has the status of a United Congregation in the PCSA and the UCCSA. As such it is recognised by the Presbytery as a Congregation of the PCSA as defined in the PCSA Manual and is a constituent Local Church of the UCCSA.
- (b) Representation: The Congregation is a member of the Presbytery of the PCSA and the Regional Council of the UCCSA within whose bounds it falls and is entitled to the representation allowed to a Congregation on the Presbytery of the PCSA and to a Local Church on the Regional Council of the UCCSA (hereinafter referred to as the Regional Courts).

ARTICLE V : MEMBERSHIP

- (a) First Members: The minister or ministers and the members of the Uniting Congregations at the time of union are the first members of the Congregation.
- (b) The Essential Conditions for Enrolled Communicant Members in the Congregation are:
 - (i) to believe in one God, Father, Son and Holy Spirit;
 - (ii) to trust not in our own goodness, but only in Jesus Christ for salvation;
 - (iii) to have been baptized into the Body of Christ, in the name of God the Father, Son and Holy Spirit and to have made public profession of faith;
 - (iv) to seek in the power of the Holy Spirit to obey and witness to Jesus Christ as Lord over every area of life;
 - (v) to accept the Bible as the record of the Word of God containing all that is necessary for salvation through faith in Christ; and
 - (vi) to be faithful in supporting the Church as it worships, witnesses and works to the glory of God and to abide by the Constitution of the Congregation.
- (c) New Members are required to accept the essential conditions for Enrolled Communicant Membership and are admitted into such Membership:
 - (i) by public confession of faith and baptism;
 - (ii) by public confession of faith, after baptism as children;
 - (iii) on transfer from other congregations of the PCSA or local churches of the UCCSA by the acceptance of certificates of transfer or similar testimonials of previous membership in them;
 - (iv) on transfer from other recognised denominations by the acceptance of similar credentials; or
 - (v) in special cases, where credentials such as transfer certificates cannot be procured, by special resolution of the Church Council.

ARTICLE VI : MINISTRY

Preamble: The Congregation calls a minister to be its leader and guide in all matters of the Faith, to preach the Word of God, to administer the Sacraments, to exercise the pastoral office, to visit all members and adherents (with the assistance of Elders/Deacons and/or other appointed visitors) and generally to build up the Congregation in its faith, its service and its witness to Jesus Christ.

- (a) Incumbents: The minister/ministers of the Uniting Congregations are the minister/ministers of the Congregation.
- (b) Colleague Ministers: If the Congregation is served by two or more ministers they shall be known as "Colleague Ministers", unless the Church Council determines otherwise.
- (c) Church Courts: A minister serving the Congregation is entitled to a seat on the regional Courts of both denominations and on the appropriate Synod where one exists.
- (d) Vacancy: In the event of a ministerial vacancy or vacancies in the Congregation the regional Courts jointly appoint an Interim Moderator and/or Acting Minister. They assist the Congregation in calling a minister or ministers.

- (e) Vacancy Committee: The Interim Moderator and/or the Acting Minister convenes a Special Meeting of the Congregation to appoint a Vacancy Committee. The Vacancy Committee acts with due regard to the procedures and requirements of the Manuals of the PCSA and UCCSA.
- (f) Eligibility: Apart from the Interim Moderator and/or the Acting Minister any ordained minister of either the PCSA or the UCCSA is eligible to receive a Call from the Congregation. When a Call is issued the procedure of the denomination to which the minister belongs is followed, except that the Call requires the ratification of both regional Courts.
- (g) Denominational Balance: In calling a minister due regard shall be given to maintaining a denominational balance.
- (h) Conditions and Discipline: With regard to the conditions of service and the discipline of ministers the procedures of the denomination to which the minister belongs are followed. The Congregation may vary the conditions of service of a minister to his/her benefit, subject to the approval of both regional Courts.

ARTICLE VII : CHURCH MEETINGS

Preamble: The Church Meeting is the Congregation assembled to worship, share fellowship and seek the mind of Christ. It receives reports from organizations in the Congregation, from the regional Courts and from ecumenical bodies, considers recommendations from the Church Council and/or discusses and decides on other relevant matters pertaining to the service of Jesus Christ.

- (a) Members' Rights: Every member of the Congregation has a right and a responsibility to attend and share in all Church Meetings. While others may speak, only the Enrolled Communicant Members may vote at any Church Meeting.
- (b) Frequency: Church Meetings are convened at the discretion and on the authority of the Church Council.
- (c) Requisition: A Church Meeting shall be convened by the Church Council if requisitioned in writing by not less than ten members of the Congregation.
- (d) Notice: Notice of any Church Meeting is given by announcement at all services on the two preceding Sundays and/or by written notice sent to all members at least two weeks prior to the date of the Meeting. The notice is to specify the business or matters to be transacted.
- (e) Annual Church Meeting: This is held not more than three months after the close of its financial year. The functions of the Annual Church Meeting are:
 - (i) to receive, consider and adopt reports of the Church Council and the financial statements for the preceding year;
 - (ii) to approve the financial policy for the ensuing year;
 - (iii) to receive reports from other organizations of the Congregation;
 - (iv) to elect Elders/Deacons, the number being recommended by the Church Council and decided by the Annual Church Meeting;
 - (v) to elect a Church Treasurer in accordance with Article IX(b), a Sunday School Superintendent and a Youth Leader, all of whom, if not elected Elders/Deacons, are invited by the Church Council to attend its meetings (without the right to vote);
 - (vi) to elect such other officers as the Church Council may propose;
 - (vii) to appoint an auditor or auditors from outside the Congregation, preferably professional;
 - (viii) to deal with any other appropriate business.

- (f) Chair: The minister, or a member of the Church Council whom he deposes, presides at any Church Meeting. If more than one minister serves the Congregation they preside in rotation, unless otherwise agreed between them.
- (g) Quorum: The Quorum at any Church Meeting is ten per cent of all the Enrolled Communicant Members, except that if the total number of members exceeds 500 the quorum is 50. If no quorum attends, the Meeting may take no decisions but may adjourn for no less than one week. Notice of the adjourned meeting is given at the intervening Sunday services. At the adjourned meeting the number of members present then constitutes a quorum.
- (h) Minutes:
 - (i) The Church Council Secretary keeps minutes of all Church Meetings in a proper Minute Book and in accordance with the rules of the regional Courts. The Church Council then scrutinises the minutes of each Church Meeting. The minutes of the Church Meeting may not be taken as read at the meeting of the Church Council, unless distributed to all members of the Church Council at least one week before the Church Council meets. When the Church Council has approved the minutes, the Chairperson initials them. At the next ordinary Church Meeting the Church Council Secretary either reads the minutes in full or with the permission of the Meeting reads a summary of the minutes. The Church Meeting then confirms the minutes, and the Chairperson signs them.
 - (ii) The minutes are submitted for annual inspection as attestation and the regional Courts direct.

ARTICLE VIII : THE CHURCH COUNCIL

Preamble: The Church Council exercises spiritual and general oversight of the Congregation. It administers the temporal affairs of the Congregation, following the procedures laid down by the Church Meeting.

- (a) Members: The Church Council consists of the minister/s and all incumbent Elders/Deacons. The minister/s and the Elders/Deacons of the Uniting Congregations in office at the time of union constitute the first Church Council. The Elders/Deacons of this Church Council remain in office until the Elders/Deacons elected at the first Annual Church Meeting are inducted.
- (b) Terms of Office: The first Annual Church Meeting of the United Congregation elects a new Church Council in terms of Article VII (e) (iv). It elects one third of the number of Elders/Deacons for a three-year period on the Church Council, one third for a two-year period and one third for a one-year period.

All subsequent Annual Church Meetings elect Elders/Deacons to a three-year period. All these periods of office end with the new induction of Elders/Deacons after the relevant Annual Church Meetings.

Deacons are inducted in accordance with the procedures of the UCCSA. Elders are ordained for life and on ordination sign the Declaration by the Elder set out in the PCSA Manual. Like Deacons, however, they are elected to a stipulated term of office on the Church Council.

- (c) Eligibility: The Congregation may elect as Elder/Deacon any person who has been an Enrolled Communicant Member of the Congregation for at least twelve months prior to the date of election. Retiring Elders/Deacons are eligible for re-election, except that any Elder/Deacon who has served for two successive terms of three years is ineligible for one year, unless not enough members are nominated to the Church Council.
- (d) Induction: Each Elder/Deacon takes office upon induction.
- (e) Vacancies: Should any vacancy occur on the Church Council between Annual Church Meetings, in terms of the number decided as prescribed by Article VII(e) (iv), the Council may request a special Church Meeting to elect a replacement. The person elected shall complete the term of office of the person being replaced.
- (f) Meetings: The Church Council ordinarily meets once every month and at such times as other meetings are necessary. It meets not less than nine times a year.
- (g) Chair: The Minister presides over meetings of the Church Council, but is subject to decisions of the Council. When there are colleague ministers serving the Congregation, they preside in rotation unless otherwise agreed between them. If a minister is not available to preside, the Council may deal only with business which the minister or ministers have approved for the agenda. At such a meeting the Council appoints one of its members present to preside.
- (h) Quorum: The Church Council determines its own procedures, but a quorum for its meetings is half the number of its members.
- (i) Minutes: The Church Council Secretary keeps minutes of each Church Council meeting in a proper Minute Book in accordance with the rules of the regional Courts. The minutes are submitted for annual inspection and attestation as the regional Courts direct.
- (j) Committees: The Church Council constitutes such committees as it or the Annual Church Meeting deems necessary, and appoints the members. Such committees are responsible to the Church Council and report to it.

ARTICLE IX : APPOINTMENT OF OFFICERS AND EMPLOYEES

- (a) Church Council Secretary: The Church Council appoints from among its members a Church Council Secretary who serves until the end of his/her current term of office on the Church Council. He/she is eligible for reappointment if re-elected to the Church Council.
- (b) Church Treasurer: The Church Council nominates, and the Annual Church Meeting elects, from among the Enrolled Communicant Members of the Congregation a Church Treasurer.
- (c) Other Officers: The Church Council may nominate and the Annual Church Meeting elect a Sunday School Superintendent and a Youth Leader from among the Enrolled Communicant Members of the Congregation.
- (d) Employees: The Church Council may engage such employees as it deems necessary. Any organist it employs is under the minister in the direction of public worship.

ARTICLE X : FINANCE

- (a) The Church Treasurer:
 - (i) The Church Treasurer
 - (1) receives contributions;

- (2) pays stipends and accounts;
 - (3) keeps proper books of account of all moneys received and expended;
 - (4) presents an up-to-date financial statement to the Church Council as often as it requires;
 - (5) sees that the books of account are audited at least once every year, or more frequently if a Church Meeting or the Church Council so determines, by a suitably qualified person or persons appointed by the Church Meeting; and
 - (6) presents a duly audited financial statement for the past financial year to the Annual Church Meeting.
- (ii) The Treasurer in attending the Church Council has a vote only if an elected Elder/Deacon.
- (b) Bank and Building Society Accounts :
 - (i) The Treasurer keeps one or more savings or other accounts with banks and/or building societies, subject to approval by the Church Council for each account. All moneys received by the Treasurer or on the Treasurer's behalf are to be banked therein without delay.
 - (ii) At least two Elders/Deacons or persons appointed by the Church Council check all the offertory moneys after every service, record the amount and sign and counter-sign the record. All such moneys are to be banked without delay in one approved account.
 - (iii) All cheques and withdrawals from banking and building society accounts are to be signed by at least two persons appointed by the Church Council, one of whom is normally the Treasurer.
 - (iv) All payments, except from petty cash, are to be made by cheque.
- (c) Budget: Before the end of the financial year the Church Council presents to a Church Meeting for its approval a budget for the ensuing year.
- (d) Applications for Grants, Loans, etc: All applications for grants, loans and other financial assistance from the central funds of either denomination shall be processed according to the agreed procedure of the respective denomination.
- (e) Financial Year: The financial year shall be the calendar year.
- (f) Assessments:
 - (i) For levies due to the UCCSA it is first determined what the Congregation's total assessable income would be according to the criteria used by the UCCSA. 50% of that is then assessed for such levies at the UCCSA rate of assessment for local churches.
 - (ii) For levies due to the PCSA it is first determined what the Congregation's total assessable income would be according to the criteria used by the PCSA. 50% of that is then assessed for such levies at the PCSA rate of assessment for congregations. The levy so arrived at shall include the Presbytery assessment.

ARTICLE XI : PROPERTY

- (a) Ownership : The properties owned by and registered in favour of the Uniting Congregations are listed in the Appendix incorporated in this Constitution. It is recorded that their properties vest in United Church (Presbyterian-Congregational).

- (b) Purchase, Sale, etc. of Immovable Property: The acquisition, sale, alienation, mortgaging or donation of any immovable property requires the consent of a Church Meeting and the approval of the regional Courts and the Finance Committee of the General Assembly of the PCSA. When purchased it is then vested in the name of the Congregation. The Congregation may not borrow money by mortgaging its property except to extend or improve its property.
- (c) Building and Rebuilding: The erection, alteration, extension, demolition or rebuilding of any church premises requires the consent of a Church Meeting and the approval of the regional Courts and the Finance Committee of the General Assembly of the PCSA.

ARTICLE XII : DISCIPLINE AND APPEALS

- (a) Members and officers of the Congregation are subject to discipline and have the rights of appeal to which they would have been subject and entitled as members of a congregation belonging to the PCSA or of a local church belonging to the UCCSA and as provided for in the PCSA Manual or the UCCSA Manual.
- (b) The members and officers of the Congregation are subject to the discipline and jurisdiction of the Courts or other appropriate bodies of the PCSA and of the UCCSA. They are also subject to the jurisdiction of the Courts or other appropriate bodies of the PCSA and of the UCCSA. They are also subject to the jurisdiction of any joint Court set up by the Regional Council and the Presbytery or by the UCCSA and the PCSA to deal with any disciplinary matter.

ARTICLE XIII : DISSOLUTION

- (a) The Congregation may be dissolved only if three fourths of the Members present and voting at a Church Meeting specially called to discuss the matter, so agree. The Church Council must have convened the meeting with not less than three months' written notice to all Members and to the regional Courts. Representatives of both the regional Courts nominated by these Courts attend the Meeting with the right to speak but not vote. The Meeting elects one of these representatives to preside. The Church Council Secretary, or in his/her absence another member of the Church Council, takes the minutes.
- (b) The special Church Meeting which agrees to the dissolution thereupon appoints three Liquidators, one of whom is nominated by the Presbytery and one by the Regional Council. The Liquidators put the dissolution into effect.
- (c) The Liquidators' functions and responsibilities will be:
 - (i) to take possession of the assets;
 - (ii) to pay the debts of the Congregation;
 - (iii) to realise to the best advantage such of the assets as they decide not to divide;
 - (iv) to divide the assets or the proceeds between the two denominations in the manner determined in paragraph (d) hereunder; and
 - (v) to account to the PCSA and the UCCSA for their administration.
- (d) The division of the assets or the proceeds, as the case may be, shall be effected in such a manner as the PCSA and the UCCSA agree. In the event of the PCSA and the UCCSA not being able to reach agreement on the

division, they shall appoint a mutually acceptable arbiter, who shall determine the division in the manner he considers fair and equitable having regard to the relative contributions to the nett assets made by the PCSA and the UCCSA respectively.

ARTICLE XIV : ORGANIC UNION

- (a) With another Congregation: The Congregation has the right to negotiate and effect a union with another congregation of the PCSA or local church of the UCCSA or of another denomination that is a member of the Church Unity Commission, provided that it follows the rules and procedures laid down for this by the PCSA and the UCCSA.
- (b) Of Either Denomination:
 - (i) If either the PCSA or the UCCSA enters into a union with one or more other denominations, the Congregation shall decide by majority vote whether it will become a constituent congregation of the united denomination or of the denomination which did not join the union or both, and it shall make all necessary consequent changes to this constitution.
 - (ii) If the Congregation does not join the united denomination, it shall repay to that denomination all outstanding loans obtained from the denomination which joined the united denomination.

ARTICLE XV : AMENDMENT OF THE CONSTITUTION

- (a) Whenever the Assemblies of the PCSA and the UCCSA agree to amend the substance of any part of the Model Constitution for United Presbyterian-Congregational Congregations, this Constitution must be amended to conform.
- (b) The Congregation may at any time amend or add to this Constitution, provided that:
 - (i) the amendments or additions do not conflict with the spirit of the Model Constitution for United Presbyterian-Congregational Congregations;
 - (ii) not less than three months' written notice of a Church Meeting to discuss the matter has been sent to all Enrolled Communicant Members and to the regional Courts;
 - (iii) the wording of the proposed amendments or additions has accompanied the notice of the Meeting;
 - (iv) a majority of not less than three fourths of all Members present and voting at the Meeting approves the proposed amendments or additions; and
 - (v) the regional Courts approve the proposed amendments or additions.

APPENDIX (see Article XI : Property)

The properties owned by, and registered in favour of, the uniting Congregations are the following :

- 1. owned by the Congregation of
- 2. owned by the Local Church of

Appendix E(3)

PROPERTY AGREEMENT

(for the joint holding of property on leased sites)
(Four contracting Churches)

NOTE: Negotiations are in progress to substitute The Uniting Presbyterian Church in Southern Africa for The Presbyterian Church of Southern Africa and the Reformed Presbyterian Church in Southern Africa.

Made and entered into by and between

The Presbyterian Church of Southern Africa

and

The Reformed Presbyterian Church in Southern Africa

and

The Evangelical Presbyterian Church in South Africa

and

The United Congregational Church of Southern Africa
(hereinafter referred to collectively as the four contracting Churches)

WHEREAS the four contracting Churches, acting on the authority of their governing bodies, have agreed to hold and develop certain properties (as may be individually declared and contracted when opportune) under Agreement of Lease registration but for joint beneficial use between two or more of the four contracting Churches:

IT IS AGREED THAT:

1. A site so held by, or to be granted to, one of the four contracting Churches in terms of a Permission to Occupy or similar document shall be deemed to be held in trust, by the Church which is registered as the Lessee, for the joint benefit of those of the four contracting Churches that are participating in the use of such site.
2. Any building erected or to be erected on such site with funds made available by those of the four contracting Churches so participating shall be regarded as their joint property. The cost of such building and its equipment is shared between the participating Churches equally or in other proportions as agreed upon at the outset. Future development costs are to be divided between the participating Churches in the same manner. The control and administration of the property shall remain with the Church in whose name the lease is granted but all running expenses including maintenance shall be shared equally by the participating

Churches.

2. In the case of buildings to be erected on any site, including future additions, the following procedure shall be adopted:
 - (a) approval for the undertaking and the financing of the cost thereof must first be obtained from the local Presbytery/Regional Council;
 - (b) building plans and specifications and draft contract documents must be submitted to the local Presbytery/Regional Council for approval;
 - (c) a supervisor for the project shall be appointed by the Presbytery/Regional Council.

If erection costs in excess of the specified amount should for unforeseen reasons require, of necessity, to be incurred, approval therefor must be obtained from the Presbytery/Regional Council. The approved excess amount shall be borne by those of the four contracting Churches participating in the project pro rata to their previously agreed contributions.
3. If the co-operation between those of the four contracting Churches participating in the use of a site be terminated, the permission to occupy registration shall remain with the Church named in the Agreement of Lease. The building on such site shall become the Church's sole property upon payment to those of the contracting Churches, that had been participating in the use of the site and buildings, of their pro rata shares (based on the proportion of the total cost of erection including improvements thereto which they contributed) of the fair value of such buildings, provided that this entitlement shall not exceed the amount of their contributions.
4. The fair value shall be determined by a competent person or persons appointed by the local Presbytery/Regional Council and shall be based on current value, regard being had to the age, state of repair and estimated life of the buildings.
5. If any of the four contracting Churches should unite/merge with any other Church and the foregoing agreement of co-operation is to be continued with the uniting Church as a party, such United Church shall be deemed to have taken the place of the contracting Church which was a party to this Property Agreement and shall be bound by all its provisions.
6. If the four contracting Churches should unite (whether the union embraces those four Churches only or another Church/Churches as well) such site and buildings thereon shall, subject to any existing legislation, become the property of the United Church.
7. If two only of the contracting Churches should unite this Property Agreement shall continue in force with the United Church as a party in place of the two uniting Churches.
8. The local Presbytery/Regional Council shall have authority to delegate specific administrative functions to the Presbyterian/Congregational Joint Committee or to the local Liaison Committee (eg the organization and conduct of the opening and dedication of church buildings).

Notes:

1. The above replaces the Property Agreement as set out on pages 242/243 of the 1971 Proceedings of the General Assembly of the Presbyterian Church of Southern Africa, and on pages 74/76 of the 1973 Manual of Constitutions of the United Congregational Church of Southern Africa.
2. The Property Agreement, in its present form, was adopted by General Assembly as per Deliverance clause 9 - page 238 of Year Book 1980. It is also set out on pages 52/53 in the 1981 Manual of Law and Procedure of the UCCSA.
3. The Tsonga Presbyterian Church changed its name in October 1981 to the "Evangelical Presbyterian Church in South Africa" and in a letter dated 2nd December 1982 notified acceptance of the Property Agreement.

Appendix E(4)

MEMORANDUM OF ASSOCIATION BETWEEN C.U.C. RELATED CHURCHES

NOTE: Negotiations are in progress to substitute The Uniting Presbyterian Church in Southern Africa for The Presbyterian Church of Southern Africa and The Reformed Presbyterian Church in Southern Africa.

MEMORANDUM OF ASSOCIATION BETWEEN C.U.C. RELATED CHURCHES

entered into between

THE CHURCH OF THE PROVINCE OF SOUTHERN AFRICA and
THE METHODIST CHURCH OF SOUTHERN AFRICA and
THE PRESBYTERIAN CHURCH OF SOUTHERN AFRICA and
THE REFORMED PRESBYTERIAN CHURCH IN SOUTHERN AFRICA and
THE EVANGELICAL PRESBYTERIAN CHURCH IN SOUTH AFRICA and
THE UNITED CONGREGATIONAL CHURCH OF SOUTHERN AFRICA

(hereinafter referred to as the participating Churches)
for the establishment of United Congregations.

WHEREAS each of the Provincial Synod of the Church of the Province of Southern Africa, the Conference of the Methodist Church of Southern Africa, the General Assembly of the Presbyterian Church of Southern Africa, the General Assembly of the Reformed Presbyterian Church in Southern Africa, the Synod of the Evangelical Presbyterian Church in South Africa and the Assembly of the United Congregational Church of Southern Africa, adopted during the period 1971-74 the Declaration of Intention to Seek Union;

AND WHEREAS the said Declaration of Intention commits the participating Churches to increasing co-operation in all areas of Church life including the sharing of Church buildings and the formation of United Congregations;

AND WHEREAS Appendix B of the Third Draft of the Proposed Covenant between the participating Churches which was received by the said Churches in 1980 requires the Churches to co-operate in the following areas:

- (a) the co-ordination of the work and mission of the Covenanting Churches "in each place";
- (b) planning and implementing church extension "in each place";
- (c) the establishment of united congregations;
- (d) arranging regular acts of worship, including ecumenical communion services, to deepen love and mutual fellowship between Christians "in each place";
- (e) service to the community "in each place";

NOW THEREFORE the Articles of Association appearing hereunder set out the proper procedure for the establishment of a United Congregation.

ARTICLE I:

- (a) A United Congregation may be initiated by any of the following bodies;
 - (i) Congregations and parishes;
 - (ii) Dioceses, District Synods, Presbyteries and Regional Councils;
 - (iii) Local CUC Committees or Regional Councils of Churches (SACC);
 - (iv) The Church Unity Commission.
- (b) In cases where congregations or parishes of the participating Churches are already in existence they shall follow the appropriate regulations of their own Churches in order to obtain the consent of the congregation/parish and of the appropriate higher courts of the Churches to the establishment of a United Congregation.
- (c) In cases where an entirely new United Congregation is contemplated, where none of the participating Churches has an existing congregation, the request for the establishment of such a United Congregation shall be dealt with at the appropriate constitutional levels in the participating Churches.
- (d) In cases where in an area there is only one of the participating Churches such a congregation/parish may make application to the superior courts of its own Church to become a United Congregation, which Church in turn, will approach the other participating Churches in regard to its intention, with a view to obtaining their approval for the establishment of a United Congregation in the area concerned.
- (e) United Congregations shall be established in terms of the "Model Constitution for a United Church Trust and Congregation".
- (f) In each area of not more than four United Congregations, contiguous or reasonably close to each other, there shall be a single Board of Trustees which shall manage and administer the Trust on behalf of the participating Churches.

ARTICLE II - NAME:

A United Congregation shall assume such name as may be agreed upon locally. Any such local name shall be followed by the names "Anglican", "Methodist", "Presbyterian", "Congregational" in parenthesis, until such time as organic union takes place.

ARTICLE III - MEMBERSHIP:

All members of the uniting congregations in terms of Article I(b) above shall be regarded as members of the United Congregation at the time of its formation;

ARTICLE IV - MINISTRY:

- (a) Ordained ministers of the participating Churches shall be eligible to minister in United Congregations, provided the requirements of their own Church in regard to appointment/call have been fulfilled, and the other participating Churches consent to the appointment/call.
- (b) A minister serving a United Congregation shall retain his accreditation and standing in his own Church, and all privileges relating thereto.

ARTICLE V - GOVERNMENT:

The government of a United Church shall be in terms of the Model Constitution for United Congregations as approved and, from time to time, amended by the participating Churches.

ARTICLE VI - REPRESENTATION ON CHURCH COURTS:

A United Congregation shall be entitled to the representation allowed by each of the participating Churches in the Regional Courts of the said Churches.

ARTICLE VII - FINANCE:

The finances of the United Congregation shall be administered in terms of Articles XV and XVIII of the Model Constitution for United Congregations.

ARTICLE VIII - PROPERTY:

- (a) Where property is vested in the name of one of the participating Churches, it shall, where possible, be transferred after union to the United Congregation in terms of the Model Constitution for United Congregations and administered by the Trustees duly appointed in terms thereof.
- (b) Where property is vested in the name of the local congregation of any of the participating Churches, the vesting shall be transferred to the Trustees of the United Congregation at the time of union and administered by them in terms of the Model Constitution for United Congregations.
- (c) Where a new property is acquired at the time of union it shall, where possible, vest in the Trustees of the United Congregation and be administered by them in terms of the Model Constitution for United Congregations.

ARTICLE IX - WITHDRAWAL FROM A UNITED CONGREGATION:

- (a) At the time when the participating Churches declare their intention to form a United Congregation, pending the adoption of the Model Constitution and the completion of the procedural and legal requirements to give effect to the said union, the Churches concerned shall give a written undertaking that they will not withdraw unilaterally from the proposed scheme whilst a United Congregation is in process of formation.
- (b) In the event of one or more of the participating Churches deciding to withdraw from a United Congregation after it has been formally constituted, due notice of its intention shall be submitted to the Trustees of the United Congregation who shall thereupon make their recommendation to the higher courts of the participating Churches regarding the proposed withdrawal.
- (c) In the event of the higher courts of the participating Churches consenting to the proposed withdrawal, the Trustees of the United Congregation shall prepare proposals for ratification by the appropriate courts of the participating Churches for the proportion of the liquid assets of the United Congregation which they deem to be due to the participating Church concerned.
- (d) A participating Church withdrawing from a United Congregation without the Trust being dissolved, shall forfeit any claim to the United Congregation's fixed property.

ARTICLE X - DISSOLUTION OF UNITED CONGREGATIONS

The dissolution of a United Congregation shall be conducted in terms of Articles XIX, XX and XXI of the Model Constitution for United Congregations.

NOTES:

The Memorandum of Association was approved by General Assembly as noted on page 203 of Year Book 1981 and on page 258 of Year Book 1982.

The Model Constitution was published in 1985 in booklet form under its full title "Model Constitution for a United Church Trust and Congregation", a revised edition being published in 1996.

Appendix E(5)

CHURCH UNITY COMMISSION - MODEL CONSTITUTION FOR A UNITED CHURCH TRUST AND CONGREGATION

NOTE: Negotiations are in progress to substitute The Uniting Presbyterian Church in Southern Africa for The Presbyterian Church of Southern Africa and The Reformed Presbyterian Church in Southern Africa.

COMPILER'S NOTE

The Model Constitution for a United Church Trust and Congregation (hereinafter referred to as the Model Constitution) is based on the Memorandum of Association entered into between the member churches of the Church Unity Commission, which outlines the basis on which a united congregation shall be established.

The Model Constitution sets out the manner in which a united congregation shall be constituted, hold and control its property, the form of its administration and its relationship to the appropriate courts of the participating churches, together with the procedure for the appointment/calling and rotation of ministers. Details in regard to local needs and arrangements may be set out in appendices to the Model Constitution (See Note on page 14).

The Model Constitution has been approved by the governing bodies of the member churches of the Church Unity Commission and must be regarded as definitive in all cases where a united congregation is either contemplated or constituted.

A united congregation may be established by any two or more of the member churches of the Church Unity Commission. It is desirable, however, that all CUC related churches working in an area where a united congregation is established, in terms of the Model Constitution, should be encouraged to participate in it.

Where there is more than one united congregation in an area (up to a maximum of four), such congregations may be administered by the same Board of Trustees.

When a united congregation is established, the signing of the Model Constitution is often a legal formality, involving the trustees and representatives of the church council. In order to obtain the maximum participation of the members, it is important that a constituting service should be held, in which the official representatives of the participating churches take part. It is recommended that this service should take the form of a celebration of the Eucharist, according to the CUC rite (Sunday Worship), followed by the suggested form for constituting a united congregation (see page 20).

This edition incorporates amendments accepted by the churches in 1993 and 1995. The Church Unity Commission acknowledges, with deep appreciation, the work of Mr Basil Corder, Mr Jack Caithness and the Rev Joseph Wing on the original constitution and Professor Alastair Kerr on the amendments.

DONALD CRAGG. Secretary. January 1996.

CHURCH UNITY COMMISSION
MODEL CONSTITUTION
for
A UNITED CHURCH TRUST and CONGREGATION

Preface

DECLARATION OF INTENTION

To seek the union of the Church of the Province of Southern Africa, the United Congregational Church of Southern Africa, the Methodist Church of Southern Africa, the Presbyterian Church of Southern Africa, the Evangelical Presbyterian Church in South Africa and the Reformed Presbyterian Church in Southern Africa.

We believe that God redeems His world through Jesus Christ and that He calls His Church to share in this mission. In humble penitence, we recognise that our divisions impair our witness to Christ in the world today.

We believe that it is God's will that His Church should be visibly one, and that the Holy Spirit is moving us to seek this union.

We recognise the Holy Scriptures as the supreme rule of faith and life, we share the apostolic faith confessed in the ancient creeds of the church, and we observe Baptism and Holy Communion as Sacraments of God's redeeming love in Jesus Christ.

We acknowledge that the ministry of each communion is a real and effective ministry of the Word and Sacraments.

Therefore we now pledge ourselves to seek together the visible unity which we believe to be God's will for His Church.

We undertake:

- * to seek agreement on a common form of ministry of Word and Sacraments, with due regard to those patterns of ministry and oversight to which God has already led us;
- * to admit to the Lord's Table communicant members of all our churches as an immediate and visible sign of our common quest;
- * to work for increasing co-operation in all areas of church life;
- * to signify our solemn acceptance of this pledge by participation, throughout our churches, in services of commitment to the search for union.

The Declaration of Intention was adopted by the Supreme Courts of the churches concerned between 1971 and 1974 and ratified at Services of Commitment to the Search for Union held throughout South Africa on November 24th, 1974.

**CONSTITUTION OF THE CHURCH TRUST AND
CONGREGATION OF UNITED CHURCH (ANGLICAN,
CONGREGATIONAL, METHODIST, PRESBYTERIAN)
AT**

PREAMBLE

WHEREAS:

The Synod of the Diocese of of the Church of the Province of Southern Africa and the Regional Council of of the United Congregational Church of Southern Africa and the Conference of the Methodist Church of Southern Africa and the Presbytery of of the Presbyterian Church of Southern Africa and the Presbytery of of the Evangelical Presbyterian Church in South Africa and the Presbytery of of the Reformed Presbyterian Church in Southern Africa have decided to establish a united congregation within the area defined below and within the concept of the Declaration of Intention as set out in the preface to this Constitution;

AND WHEREAS:

It will be necessary to purchase, take on lease or otherwise acquire fixed property or dispose of or alienate the same within the area of and to do all other things necessary to make the work of the united congregation effective;

AND WHEREAS:

The said parties have agreed to form and constitute a Trust for the purpose of acquiring such property, erecting a building or buildings thereon if necessary, equipping such buildings and thereafter administering the property and doing all other things necessary for the purpose aforesaid;

AND WHEREAS:

The members of the united congregation and the members of the Trust confess the Christian faith as understood and interpreted by the co-operating churches.

NOW THEREFORE:

The Diocesan Synod of the Church of the Province of Southern Africa and the Regional Council of the United Congregational Church of Southern Africa and the Conference of the Methodist Church of Southern Africa and the Presbytery of the Presbyterian Church of Southern Africa and the Presbytery of the Evangelical Presbyterian Church in South Africa and the Presbytery of the Reformed Presbyterian Church in Southern Africa do hereby create and constitute a Trust to be known as the UNITED CHURCH TRUST upon the terms and conditions hereinafter set forth. The congregation comes into being on the basis of the Memorandum of Association and in terms of this Constitution. Furthermore, the united congregation hereby established is named and is hereinafter referred to as the Congregation.

ARTICLE I: DEFINITIONS:

In this Constitution, unless inconsistent with the context, the under-noted terms shall bear the following meanings:

1. "ANGLICAN" shall mean a person accepted in terms of the Constitution and Canons of the Church of the Province of Southern Africa as a member of such church and when used adjectivally shall bear a corresponding meaning.
2. "CONGREGATIONAL" shall mean a person who is accepted as a member of the United Congregational Church of Southern Africa in terms of its constitution, and when used adjectivally shall bear a corresponding meaning.
3. "METHODIST" shall mean a person who is accepted as a member of the Methodist Church of Southern Africa in terms of its constitution and when used adjectivally shall bear a corresponding meaning.
4. "PRESBYTERIAN" shall mean a person who is accepted as a member of the Presbyterian Church of Southern Africa or the Evangelical Presbyterian Church in South Africa or the Reformed Presbyterian Church in Southern Africa in terms of their respective constitutions, and when used adjectivally shall bear a corresponding meaning.
5. "MEMBER CHURCHES OF THE CUC" shall mean the following Churches:
 - the Church of the Province of Southern Africa (CPSA);
 - the United Congregational Church of Southern Africa (UCCSA);
 - the Methodist Church of Southern Africa (MCSA);
 - the Presbyterian Church of Southern Africa (PCSA);
 - the Evangelical Presbyterian Church in South Africa (EPC);
 - the Reformed Presbyterian Church in Southern Africa (RPC).
6. "PARTICIPATING CHURCHES" shall mean such of the churches listed in 5 above as participate in a particular congregation.

1. ANGLICAN:

- 1.1 "BISHOP" shall mean the Bishop of the Diocese of of the Church of the Province of Southern Africa.
- 1.2 "DIOCESAN TRUSTEES" shall mean the Diocesan Trustees, for the time being, of the Diocese of of the Church of the Province of Southern Africa.
- 1.3 "DIOCESE" shall mean the Diocese of of the Church of the Province of Southern Africa.
- 1.4 "SYNOD" shall mean in relation to the Church of the Province of Southern Africa, the Synod of the Diocese of but shall include, insofar as the Provincial Synod of such church may legislate on any matter bearing on this constitution, the Provincial Synod of such church, and also include the Diocesan Council of the Diocese of and/or Diocesan Synod.

2. CONGREGATIONAL:

- 2.1 "THE CONFERENCE" shall mean the Assembly of the United Congregational Church of Southern Africa and shall include the Regional Council of when acting under authority delegated to it by such Assembly.

3. METHODIST:

- 3.1 "THE CONFERENCE" shall mean the Conference of the Methodist Church of Southern Africa, and shall include the District Synod of of such Church when acting under authority delegated to it by such Conference.
- 3.2 "PRESIDENT" shall mean the Presiding Bishop of the Conference of the Methodist Church of Southern Africa, duly elected in terms of the constitution of that body.
- 3.3 "BISHOP" shall mean the Bishop of the district of the Methodist Church of Southern African.
- 3.4 "DISTRICT TRUST PROPERTIES COMMITTEE" shall mean the District of Trust Properties Committee of the Methodist Church of Southern Africa.
- 3.5 "SUPERINTENDENT" shall mean the Superintendent Minister of any circuit of the Methodist Church of Southern Africa within the geographical boundaries of which the property in question shall be situated.

4. PRESBYTERIAN:

- 4.1 "GENERAL ASSEMBLY" shall mean either the General Assembly of the Presbyterian Church of Southern Africa, including the Presbytery of or the Executive Commission of the General Assembly of such church when acting under authority delegated to it by such Assembly; or the General Assembly of the Reformed Presbyterian Church in Southern Africa.
- 4.2 "FINANCE COMMITTEE" shall mean the Finance Committee of the General Assembly of the Presbyterian Church of Southern Africa.
- 4.3 "PRESBYTERY" shall mean the Presbytery of of the Presbyterian Church of Southern Africa, or the Presbytery of of the Evangelical Presbyterian Church in South Africa, or the Presbytery of of the Reformed Presbyterian Church in Southern Africa (as the case may be).
- 4.4 "SYNOD" shall mean the Synod of the Evangelical Presbyterian Church in South Africa.

5. UNITED CONGREGATION:

- 5.1 "UNITED CONGREGATION" shall mean a congregation established in terms of this constitution.
- 5.2 "TRUSTEES" shall mean the trustees elected or appointed in terms of Article V of this constitution by each of the churches forming the congregation; such trustees shall administer the affairs of the Trust and be responsible to the churches by which they were elected or appointed.

- 5.3 "CHURCH COUNCIL" shall mean that body appointed annually in terms of Article XVI of this constitution by the members of the congregation to govern the local domestic conduct of the congregation in accordance with the generally accepted Christian beliefs, customs and practices of the Anglican, Congregational, Methodist and Presbyterian Churches.

ARTICLE II: OBJECTS:

The Trust is established for the following purposes:

1. The promotion of Christian unity in the establishment of a united congregation of the Anglican, Congregational, Methodist and Presbyterian communions within the concept of the Declaration of Intention adopted by the Supreme Courts of the Church of the Province of Southern Africa, the United Congregational Church of Southern Africa, the Presbyterian Church of Southern Africa, the Methodist Church of Southern Africa, the Evangelical Presbyterian Church in South Africa and the Reformed Presbyterian Church in Southern Africa, adopted by the Supreme Courts of the aforesaid churches between 1971 and 1974 and ratified by Services of Commitment to the Search for Union held throughout South Africa on November 14th, 1974.
- 2.1 The acquisition of fixed property by purchase, lease, donation or otherwise, and if necessary disposal or alienation of the same, which property shall be used as a place of assembly for public worship or other purpose as approved by the church council of the congregation.
- 2.2 Erecting buildings on such property and making additions and alterations to such buildings where necessary, equipping the same and generally making the property suitable for use as aforesaid.
- 2.3 Administering such property in terms of the provision of this Constitution.
- 2.4 The raising of such loans of money to implement these objects as is necessary from time to time and to furnish security for any such loan.

ARTICLE III: MANAGEMENT AND ADMINISTRATION BY TRUSTEES:

The Trust shall be managed and administered by a Board of Trustees whose members shall be the trustees. References in this constitution to "the trustees" shall be interpreted as references to the Board of Trustees. The trustees may sue and be sued in the name of "The Trustees" of the said Trust and service of process upon any one of them shall be accepted as service on all of them.

In an area where there is only one united congregation the trustees shall be appointed in terms of Article V(1). Should another united congregation be formed in the same area (up to four in number in any given area) it shall, upon adoption of this constitution, be managed and administered by the same Board of Trustees.

ARTICLE IV: POWERS OF THE TRUSTEES:

To give effect to the objects and purposes aforesaid the trustees shall have the following powers and authorities:

1. to institute, defend, bring, carry on, compromise, discontinue or refer to arbitration any proceedings, actions, suits, claims, demands, applications

or appeals in the name of the Trust or in relation to any matter affecting the interests of the Trust;

2. to instruct the church council to insure any or all of the Trust's undertakings, property or assets, against risk or loss by fire, storm or burglary, or any other loss including liability to the public.
3. to advise the governing bodies of the participating churches of the end of the term of the current minister and of the denomination of the next minister, not less than one year before the term expires;
4. to appoint the incoming minister in conjunction with the council, congregation and the governing authorities of the participating churches;
5. to agree on the assessment to be paid to each church for the ensuing year with the appropriate authorities of the participating churches or any joint body to which the participating churches may delegate the power to determine assessments;
6. to satisfy itself on the appropriateness of a draft budget prepared and submitted by the church council for the next ensuing year;
7. to ensure that the church council, keeping within an amount agreed upon from time to time by the participating churches or by any joint body to which they may delegate the power to determine the amount, maintains the buildings and other fixed assets upon the property acquired by the Trust;
8. to open, operate and carry on any banking or savings account or other investment account with full power to change or call up any investments from time to time;
9. to provide for an annual audit of the Trust;
10. subject to the provisions of 11 below, to do all such other things for the attainment and furtherance of any of its objects or for the benefit of the participating churches and those associated therewith and, again subject to the provisions of 11 below, generally to do all such other things as may be incidental, ancillary or conducive to the attainment and furtherance of any of its objects;
11. subject to the approval of the participating churches or any joint body to which they may delegate their powers:
 - 11.1 to borrow monies with or without security, and if deemed desirable, to secure the repayment thereof in such manner as the trustees may think fit and guaranteeing or securing the acts of and payments due by any body or person whom the Trust shall appoint;
 - 11.2 to purchase, lease, exchange, accept donations or otherwise acquire, sell, let, mortgage, pledge, donate or otherwise dispose of, improve, maintain, develop, turn to account or otherwise deal with immovable property of all kinds or any rights or interests therein or thereon or any other assets of any kind corporeal or incorporeal;

- 11.3 to erect, construct, reconstruct, alter, demolish, renovate, repair and maintain buildings or additions thereto or alterations of existing buildings and other constructions and facilities, and provide and maintain such other religious, educational, cultural and social amenities as may be necessary or desirable for the furtherance of the objects of the Trust and of the participating churches;
- 11.4 to extend or withhold authorisation to the church council to carry out maintenance, reconstruction, alteration or renovations in excess of the amount within which the church council is required to operate in terms of 7 above;
- 11.5 to extend or withhold authorisation to the church council to make major changes to the furnishing and arrangement of the place of worship, to add fixtures to the place of worship, or to make permanent alterations such as the addition of plaques or tablets or the insertion of, or changes to, windows.

ARTICLE V: APPOINTMENT OF TRUSTEES:

- 1.1 The Board of Trustees shall consist of:
 - 1.1.1 two representatives of each member church of the CUC participating in the congregation;
 - 1.1.2 the minister in charge of the congregation;
 - 1.1.3 a representative appointed by the church council.
- 1.2 The two representatives of the CPSA shall be appointed by the Bishop of the Diocese of with the agreement of the Diocesan Council of the Diocese of and the Diocesan Trust Board and shall hold office for such time and under such conditions as the Bishop with the agreement of the Diocesan Council and the Diocesan Trust Board may determine from time to time, provided that:
 - 1.2.1 the Bishop with the agreement of the Diocesan Council and the Diocesan Trust Board, shall be entitled to appoint alternates to act in the absence of such representatives;
 - 1.2.2 no person shall be appointed as a representative or alternate representative of the CPSA unless he/she be a communicant of such church.
- 1.3 The two representatives of the UCCSA shall be appointed by the Regional Council of and shall hold office for such time and under such conditions as the Regional Council may from time to time appoint, provided that:
 - 1.3.1 The Regional Council shall be entitled to appoint alternates to act in the absence of representatives;
 - 1.3.2 no person shall be appointed as a representative or alternate representative of the Congregational Church unless he/she be a member of such church.

- 1.4 The two representatives of the MCSA shall be appointed annually by the Presiding Bishop or the Bishop of the District when duly deputed thereto by the Presiding Bishop, upon nomination by the superintendent provided that:
 - 1.4.1 the Presiding Bishop shall be entitled to appoint alternates to act in the absence of such representatives;
 - 1.4.2 no person shall be appointed as a representative or alternate representative of the Methodist Church unless he/she be a communicant of such church.
- 1.5 The two representatives of the PCSA and/or the EPC and/or the RPC shall be appointed by the Presbytery and shall hold office for such time and under such conditions as the Presbytery may from time to time appoint, provided that:
 - 1.5.1 the Presbytery shall be entitled to appoint alternates to act in the absence of its representatives;
 - 1.5.2 no person shall be appointed as a representative or alternate representative of either the PCSA, or the EPC and/or the RPC unless he/she be a member of such church within its local Presbytery.
2. Upon the formation of a second, third or fourth united congregation in the area, a joint Board of Trustees may be appointed constituted as in (1) above except that the minister-in-charge of each congregation and a representative appointed by each church council shall be members of the Board.

ARTICLE VI: MODERATOR:

The trustees shall elect from their own members a moderator and deputy moderators (ordained or lay) who shall hold office for one year and shall be eligible to serve not more than three years consecutively. Election to the office of Moderator or Deputy Moderator shall normally be on the basis of rotation between the participating churches.

ARTICLE VII: SECRETARY OF THE TRUSTEES:

The trustees shall appoint a secretary either from among their members or otherwise and shall define the nature and scope of his/her duties.

ARTICLE VIII: CONDUCT OF BUSINESS:

the trustees may lay down such general rules or regulations for the conduct of the business of the Trust as they may from time to time see fit and may add to, or alter, or repeal, any such rules or regulations, provided such rules and regulations are not in conflict with the laws and practices of the participating churches.

ARTICLE IX: DISQUALIFICATION OF A TRUSTEE:

A trustee shall cease to hold office if such trustee:

1. becomes of unsound mind;

2. resigns from office by notice in writing to the trustees;
3. ceases to be a member of the church by which he/she was appointed or when the appointment as trustee is terminated by the body/officer with power to appoint;
4. is absent from three consecutive meetings of the trustees without valid and sufficient reason;
5. his/her estate is sequestrated under any law relating to insolvency;
6. is placed under discipline in terms of the constitution of the church to which he/she belongs.

ARTICLE X: FILLING OF A VACANCY:

Any vacancy in the office of trustee shall be filled in the same manner as such trustee was appointed.

ARTICLE XI: PROCEEDINGS OF TRUSTEES:

1. Subject to the provisions of this constitution, the trustees may meet for the despatch of business, adjourn or otherwise conduct their proceedings in such a manner as they may determine. Questions arising at any meeting shall be decided and all functions, duties and powers vested in the trustees shall be exercised by resolution of at least three-quarters of the votes of those present at a duly constituted meeting. The moderator presiding at the meeting shall not have a casting but only a deliberative vote. Unless at least three-quarters of the votes of those present are in favour, the resolution shall be deemed rejected.
2. The quorum necessary for the transaction of the business of the trustees shall be a majority of the members, provided each participating church is represented. If, after an interval of two weeks a quorum has not been obtained and it does not appear likely that a quorum can be obtained within a reasonable time, the members present at a meeting of which due notice has been given shall form a quorum.
3. Notwithstanding any vacancy among the trustees, the remaining members may continue to act, provided that there is a quorum necessary for the transaction of the business as set out above.
4. The trustees shall keep minutes of their proceedings and such minutes having been read and approved shall be signed by the moderator and shall constitute the official record of such proceedings.

ARTICLE XII: MEETINGS OF THE TRUSTEES:

1. The moderator shall be entitled to convene a meeting of the trustees at any time. A meeting shall also be convened on the written requisition of any two trustees. The trustees shall cause a meeting of the trustees to be held within thirty days after the date of the annual meeting of the congregation for the purpose of examining the audited annual financial statement. Save as aforesaid, meeting shall be held from time to time as the trustees may determine.

- 2.1 At least fourteen days' notice in writing shall be given of each meeting to each trustee, with which notice shall be submitted the agenda and also the minutes of the last ordinary meeting and of any special meeting unless minutes of such ordinary or special meeting shall have been distributed already, provided that:
 - 2.1.1 with the concurrence of a quorum of members of the trustees, the trustees may condone any lesser period of notice or may waive the giving of notice in respect of any meeting;
 - 2.1.2 the moderator may authorise the discussion of any matter not included in the formal agenda of the meeting;
- 2.2 the address to which notices may be delivered or sent by post shall be furnished by each trustee to the secretary and any notice so given shall be deemed to have been served seven days after it was posted or, as the case may be, at the time it was delivered.

ARTICLE XIII: REGISTRATION OF IMMOVABLE PROPERTY:

All immovable property of the Trust and any registrable rights of the Trust or interests of the Trust in immovable property and all other registrable deeds or documents to which the Trust is a party shall be registered in the name of "

The Trustees of the United Church Trust" for the time being.

ARTICLE XIV: INDEMNITY FOR TRUSTEES AND AGENTS:

1. No trustee nor any agent of the trustees shall in any way be liable for loss or damage which may be suffered by the Trust through any act of omission or commission of himself/herself or any other trustee or agent in the execution of the functions, duties or powers of the trustees or their agents or of the Trust under this constitution or in relation thereto, unless the same happen through his/her own fraud or dishonesty or wilful negligence.
2. The trustees shall have authority to insure against loss due to any acts of omission or commission by any trustee or any agent of the trustees or of any official or employee of the congregation or any member of the church council or any committee or commission appointed by the church council. Such insurance shall be arranged by the church council if so directed by the trustees and at the cost of the church council.

ARTICLE XV: APPLICATION OF PROPERTY INCOME AND MONEYS

The income, property, money and other assets of the Trust whencesoever derived, shall be applied solely towards the promotion of the objects of the Trust as set forth in this constitution and no portion thereof shall be paid or transferred directly or indirectly by way of bonuses, dividend or otherwise howsoever by way of profit to the trustees or any agent of the trustees, provided that nothing herein contained shall prevent the payment in good faith of remuneration to any employee of the Trust or the reimbursement of any trustee or any agent of the trustee or any employee of the Trust for any expenditure actually incurred by such trustee, agent or employee in the interests of the Trust and with the authority of the trustees, or in the case of an employee employed

by or an agent acting in the service of the congregation on instructions or with the authority of the church council.

ARTICLE XVI: ELECTION OF A CHURCH COUNCIL:

1. The trustees shall require the registered communicant members of the congregation to elect annually and to maintain in being a church council to do such things as may be necessary in pursuance of its responsibility to both the trustees and the members in respect of the common life of the congregation.
2. The election of the church council shall take place at the annual general meeting of the congregation.
3. The congregation shall determine the number of members of the church council which shall be three or a multiple thereof.
4. The period of office of a member of the church council shall normally be three years, provided that at the first election of members one third shall be elected for one year, one third for two years and one third for the full period. It shall be permissible for the congregation to resolve that those members who have just completed three years' service as members of the church council shall not be eligible for re-election for a period of one year.
5. The church council may fill any vacancy in its number by co-option until the next annual general meeting, when the co-opted member shall retire but is eligible for election.
6. The church council may, at its discretion, co-opt not more than three persons who shall have the right to speak but not to vote.
7. The church council co-operates with the minister in the oversight of the congregation and in the administration of its affairs. It reports to the congregation and is responsible to the trustees for the discharge of its duties.
8. The minister in charge of the congregation shall be the chairman of the church council. The minister shall be entitled to appoint a deputy to act on his/her behalf.
9. The church council may appoint an executive committee, consisting of at least three persons, of whom the minister in charge must be one, with the power to act in between meetings of the church council.

ARTICLE XVII: FUNCTIONS OF THE CHURCH COUNCIL:

Subject to the provisions of Article XVI hereof the functions to be carried out by the church council for which the church council shall be responsible through the trustees to the participating churches shall be:

1. to promote the mission of the church in the local situation and to see that opportunity is given for personal devotion and Christian service;
2. to ensure that public worship ;is offered regularly; the Word preached and the sacraments duly administered;

3. to foster in the congregation a concern for witness, Christian education, ecumenical action, local inter-church relations and service to the community and the wider responsibilities of the whole church;
4. to be responsible for admission to membership and discipline of members; to keep and revise the roll of communicant members and the roll of all other baptised persons, including children not yet in full communion;
5. to be responsible for the institution and oversight of work among children and young people and of all organisations within the congregation;
6. to provide for the maintenance of buildings and other fixed assets of the Trust and to keep them insured against risk or loss by fire and against such other loss or damage as they may deem fit;
7. to be responsible for the raising of funds and all the financial matters and obligations of the congregation and of its organisations, including the payment to the governing bodies of the participating churches of such monies as may be due to them in the manner agreed upon from time to time by the participating churches or by any joint body to which they may delegate their powers under this sub-article;
- 8.1 to pay the stipends of ministers according to the practice of the church in which they hold their accreditation;
- 8.2 to make provision for the necessary staff and to pay or arrange the payment of their salaries and other emoluments due to them;
9. to open, operate, and carry on any banking or savings account or other investment account;
10. to convene the annual congregational meeting referred to in (12) below and special meetings of the congregation. All meetings shall be under the chairmanship of the minister or his/her deputy appointed with the approval of the church council. If there be no minister the church council appoints the chairman. The secretary of the church council takes the minutes of the meeting which are embodied in the records of the church council. If the minutes of a congregational meeting be not approved in draft before the close of the meeting, they are scrutinised at the next ordinary meeting of the church council and submitted to the next annual meeting of the congregation for approval. Notice of a congregational meeting shall be by public intimation at all regular services of worship on two successive Sundays or by written notice to all members. Such meeting shall not be held later than the thirtieth day or sooner than the fourteenth day following the first intimation at a service or by writing. Where public worship; is not held every Sunday intimation must be in writing;
11. to prepare and submit an annual report, together with the audited accounts, a budget for the ensuing year and such other reports as may be called for for presentation to the annual general meeting and to the trustees for onward transmission to the appropriate authorities of the participating churches with the comments of the trustees;
12. to convene an annual general meeting of the congregation to be held not later than three months after the end of the financial year at which meeting the following business shall, inter alia, be included in the agenda:

- 12.1 to adopt the audited annual financial statements of accounts of the congregation and a supporting report prepared by the church council;
- 12.2 to receive a list of the registered communicant members of the congregation as at the end of the preceding financial year which list shall have been certified by the chairman of the church council as correct and complete to the best of his/her knowledge and belief and in accordance with the information provided to him/her from church records;
- 12.3 to elect the church council in terms of Article XVI hereof;
13. to receive and act upon all such matters as may be referred to the congregation by any competent authority in the participating churches;
14. to elect representatives to the appropriate courts and committees of each of the participating churches in accordance with their respective requirements;
15. to appoint auditors, approved by the trustees, for the accounts of the congregation for the ensuing year;
16. to appoint and define the authority of such sub-committees as may be necessary to deal with such functions of the church council as the said council may deem fit.

ARTICLE XVIII: MINISTRY

1. The minister in charge shall be a duly ordained minister, in good standing, of one of the participating churches and shall be appointed according to the policy and practice of the church in which s/he is accredited subject to the provisions of sub-paragraph 2.
2. The appointment shall, in the case of the minister in charge, be for a basic period of five years and, in the case of an associate minister, be for a basic period of three years. Either period may be extended in consultation with the participating church concerned for one or more periods which periods shall not exceed six years in total. If the Trust desires a further extension for pastoral reasons it shall require the consent of all the participating churches and shall not exceed two years.
3. Should the duly appointed minister for any reason fail to complete his/her term the appropriate authority of his/her church shall make pastoral arrangements acceptable to the trustees and the congregation to complete the balance of the agreed term or until such time as a new minister has taken up ; the appointment.
4. The minister shall remain under the laws and discipline of the appropriate authority in his/her own church.
5. When a ministerial vacancy occurs or an additional ministerial appointment is deemed necessary it shall be reported by the church council to the trustees who shall notify the relevant governing bodies of the participating churches of the vacancy; whereupon the trustees shall decide in consultation with the church council, which of the participating churches shall be invited to fill the vacancy. The church nominated and consenting to fill the vacancy shall thereupon provide the interim oversight of the

vacant charge and institute proceedings leading to the call or appointment of a minister in terms of its own procedures. In the event of the church nominated to fill the vacancy declining or being unable to do so, the trustees, with the concurrence of the church council, may approach any one of the other participating churches to fill the vacancy. The appointment of a minister shall be on terms as may be agreed upon by all parties concerned in conformity with 1 and 4 above, namely, the minister invited to fill the vacancy, the church council and the trustees.

ARTICLE XIX: DISSOLUTION OF THE CONGREGATION:

1. The congregation may be dissolved:
 - 1.1 by the unanimous vote of all the trustees or their alternates acting in their absence, subject to a quorum being present, at a meeting of which fourteen days' written notice has been given specifying the purpose of the meeting;
 - 1.2 by the resolution of the Synod, Assembly, Conference and General Assembly concerned, provided that such dissolution shall not take effect until six months after written notice has been received by the trustees unless otherwise agreed by the Synod, Assembly, Conference and General Assembly as the case may be.
2. The trustees and/or the church authorities may only effect the dissolution of the congregation after a meeting of the congregation, duly convened for the purpose of acquainting the congregation with the proposed dissolution, has been held.

ARTICLE XX: DISPOSAL OF ASSETS OF THE CONGREGATION ON DISSOLUTION:

If upon dissolution of the congregation:

1. One or more of the parties hereto wishes to retain for its own use any property belonging to the trust, such property shall first be offered for sale to that denomination (wishing to retain the property) that has the greatest number of registered communicant members of the congregation within its own membership, at a price based on the valuation of a Sworn Appraiser, to be agreed upon by the trustees which shall provide for the takeover or redemption of any mortgage bond or other security over the property concerned to the satisfaction of the bond holder or other creditor concerned.
2. In the event of the denomination to which the property is first offered being unable or unwilling to accept the purchase thereof on the terms offered by the trustees, such property shall then be offered for sale on the same terms to the denomination which has the next greatest number of the registered communicant members of the congregation within its own membership, and so on until one of the denominations to which it is offered accepts the offer.
3. If any denomination to which the property is offered in turn accepts the offer, the trustees shall conclude the necessary arrangements with such denomination and shall effect transfer of the property concerned to such denomination, but if none of the parties wishes to take over the property

or if agreement as to terms cannot be reached the trustees shall realise the property and apply Article XXII hereof.

ARTICLE XXI: DISTRIBUTION OF EXCESS ASSETS:

If upon the winding up or the dissolution of the congregation there remains after satisfaction of all debts and liabilities of whatever sort of the congregation, any surplus of assets whatsoever the same shall not be paid to or distributed among the Trustees or any of them or any agents of the trustees or any employee of the Trust, but the remaining assets shall be transferred to a charitable, religious or educational institution, within the Republic of South Africa, which is itself exempt from income tax in terms of Section 10(1)(f) of the Income Tax Act in accordance with the following:

1. Each of the participating churches shall be entitled as a first charge upon such surplus assets to a repayment equal to the value of any property, monies or other assets taken over by the Trust from the Diocesan Trustees, the Regional Council, the Trust Properties Committee or the Finance Committee as defined in Article I hereof respectively or from any other body acting for or representative of any of the participating churches provided that:
 - 1.1 the value of such property, monies or other assets for such repayment purposes shall be determined and agreed upon by the trustees meeting together and shall be both recorded in the minutes of the meeting at which such decision is reached and advised in writing to the body from which such property, monies or other assets as the case may be are taken over by the Trust;
 - 1.2 if such surplus assets are insufficient to enable repayments to be made in full in respect of all such properties, moneys or other assets taken over, then payments shall be made to each of the participating churches in the same proportion as the value of the property, moneys or other assets taken over in such a way.
2. After the repayments referred to in 1 above have been made in full, any balance of the surplus of assets remaining shall be paid over to the participating churches in the proportion that the numbers of communicant members of each participating denomination registered on the roll of communicant members of the congregation bears to the total number of registered communicant members of the congregation, provided that nothing in this article shall prevent the Synod, Assembly, Conference and General Assembly agreeing to payment made in such other manner as may be consented to by them.

ARTICLE XXII: DISSOLUTION OF THE TRUST:

Upon the dissolution of the congregation and the disposal of the assets thereof in terms of Articles XX and XXI the Trust shall be dissolved. Should there be more congregations than one managed and administered by the Board of Trustees in any given area the Trust shall be dissolved only upon the dissolution of all the united congregations in the area and the disposal of their assets in terms of Articles XX and XXI.

ARTICLE XXIII: AMENDMENTS OF THIS CONSTITUTION:

This constitution may be altered or amended by the trustees by a resolution at a meeting of trustees at which not less than three quarters of the votes of those present are in favour of the alteration or amendment, provided that not less than fourteen days' notice of the date and purpose of the meeting shall have been given to all the trustees in writing and provided further that no alteration or amendment shall be valid or shall be effective until it shall have been approved by the Synod, Assembly, Conference and General Assembly concerned or any persons or bodies authorised to act on their behalf and the trustees have been advised to this effect in writing by each of the participating churches.

ARTICLE XXIV

Should the Model Constitution for a United Church Trust and Congregation, on which this constitution is based, be amended and approved by the said relevant bodies in the participating Churches, such amendments shall be incorporated in this constitution by the Trustees, unless the Constitution in question has a change falling within the terms of Article XXV which affects the clause being amended.

ARTICLE XXV

If, at the inception of a new united congregation, the Model Constitution is adopted, the constitution may incorporate such changes to meet local needs as are considered necessary and have the approval of the relevant bodies in the participating Churches.

NOTE: The model constitution may be followed by appendices in regard to the following matters:

1. Forms and times of services
2. Sunday School and/or Christian Education Department
3. Baptism
4. Membership:
 - 4.1 Reception of members (Confirmation)
 - 4.2 Responsibilities of members

SUGGESTED ORDER FOR THE CONSTITUTION OF A UNITED CONGREGATION

(This constituting act shall follow the celebration of the Eucharist according to the CUC rite, known as Sunday Worship. Only the names of the participating churches should be used in the order of service.)

The officiating ministers shall say together

In the name of the Lord Jesus Christ, the King and Head of the church, and in the name of the Church of the Province of Southern Africa, the Methodist Church of Southern Africa, the Presbyterian Church of Southern Africa, the Evangelical Presbyterian Church in South Africa, the Reformed Presbyterian Church in Southern Africa and the United Congregational Church of Southern Africa, we are here assembled to constitute United Church.

(All stand)

The minister appointed shall say:

WHEREAS the Synod of the Diocese of, the Synod of the District, the Presbytery of and the Regional Council have resolved to constitute United Church as a united congregation in terms of the Memorandum of Association of the Church Unity Commission;

AND WHEREAS the members of the Anglican, Methodist, Presbyterian and Congregational Churches worshipping at United Church, have declared their intention to become the foundation members of the said united congregation:

NOW, THEREFORE,

as one people within the household of God;
in the unity of the faith;
in the fellowship of the Holy Spirit;
and in love and goodwill to all;

will you covenant with God and with one another
as members of United Church?

All: We will, the Lord being our helper.

The members of United Church shall repeat together the Act of Commitment used in the services held throughout Southern Africa on November 24, 1974 to ratify the Declaration of Intention to seek Union.

**We acknowledge that we all share in responsibility
for our divisions,
which are plainly contrary to God's will.
We give thanks
for that unity in Christ which is
already ours by baptism
and for the Holy Spirit's reconciling work among us.**

And here in the presence of God and one another

**we solemnly pledge and commit ourselves
to pray and work for the fullness of that unity in Christ
which we believe to be His will
within the fellowship of United Church.**

Minister: Let us pray for the gift of the Holy Spirit for our task.

All: **Come, Holy Spirit, Cleanse
us by Your fire, Renew us
by Your power, Unite us
by Your love
And fill us with Your life.**

**Come, Holy Spirit,
Bind us together and make us one,
To the glory of Christ our Lord.**

THE DECLARATION:

The officiating ministers shall say together: In obedience to the Lord Jesus Christ, by the authority of the appropriate courts of the churches here represented and in terms of the constitution for united congregations, duly attested and signed by the official representatives of the participating churches, we do hereby declare United Church to be duly constituted as a united congregation, in the name of the Father, and of the Son and of the Holy Spirit, and we commend its worship, fellowship and service to the blessing of Almighty God. AMEN.

The congregation is seated.

The officiating ministers shall receive the minister and office bearers of United Church by the right hand of fellowship. Thereafter, the official representatives of the participating churches, and the minister and office bearers of United Church shall sign the Bible.

The congregation shall rise and the officiating ministers shall say together:

**Now to Him who is able to do so much more
than we ever ask for or even think of:
to God be the glory in the church and in Christ Jesus
for all time, and for eternity.**

Appendix F

CONSTITUTION OF THE PUBLIC EDUCATION COMMITTEE (ZIMBABWE)

PREAMBLE

WHEREAS

The Uniting Presbyterian Church in Southern Africa (hereafter called “the UPCSA”) is the title given to the Christian denomination more commonly referred to as the Presbyterian Church;

The UPCSA is a body corporate and is administered by a body of persons called the General Assembly;

The General Assembly is a representative group comprising of certain office holders and representatives of the bodies subsidiary to the General Assembly, namely, the Presbyteries of the UPCSA;

One of the Presbyteries of the UPCSA is the Presbytery of Zimbabwe (hereinafter called “the Presbytery”), which is made up of representatives of all the Presbyterian Churches in Zimbabwe;

The Presbytery has been delegated authority from the General Assembly of the UPCSA to be responsible for and to have authority over the Presbyterian Schools located within the country of Zimbabwe, and also to ensure that there is a report on the Schools to every Ordinary General Assembly meeting.

The said Schools are identified as follows, being the Schools presently located in Zimbabwe as being under the responsibility and authority of the Presbytery:

1. Mhondoro Presbyterian Secondary School, Mhondoro, Northern region;
2. Chitemere Presbyterian School, Chitemere, Northern region;
3. David Livingstone Presbyterian Secondary School, Southern region, and the Primary School associated with it;
4. Glogag Presbyterian Secondary School, Southern region, and the Primary School associated with it;
5. Mnondo Primary School; and
6. Robert Sinyoka Primary School

all of which are collectively referred to herein as “the Schools”;

The Schools in the Southern region of the Presbytery of Zimbabwe are collectively overseen and administered by a Schools Committee (SC) to be appointed by the Public Education Committee (PEC), to succeed the current Board of Governors for the Matabeleland Schools, comprised of parents of children in the said Schools in that area, officials of the said Schools and interested parties based in the city of Bulawayo;

The Schools in the Northern region of the Presbytery of Zimbabwe are collectively overseen and administered by a Schools Committee (SC) to be

appointed by the Public Education Committee (PEC), to succeed the current Board of Governors for the Mhondoro Schools, comprising of parents if children in the said Schools in that area, officials of the said Schools and interested parties;

To effect the full and proper administration of the Schools, and in compliance with the requirements of the General Assembly, the Presbytery has considered it appropriate to constitute, nomination and appoint a Committee, to be called the Public Education Committee, to have oversight, responsibility and control of the Schools and to be accountable for its said oversight, responsibility and control to the Presbytery.

NOW THEREFORE

1. NAME

The name of this Constitution shall be called the Public Education Committee Constitution and shall hereinafter be referred to as "the PEC".

2. DEFINITIONS

The following words, phrases or expressions shall have the following meanings attached to them as set out hereunder:

- 2.1 "UPCSA" shall mean The Uniting Presbyterian Church in Southern Africa.
- 2.2 "Presbytery" shall mean the Presbytery of Zimbabwe.
- 2.3 "the PEC" shall mean Public Education Committee.
- 2.4 "the Schools" shall mean the Schools identified in the Preamble to this document and shall be identified as the Northern region Schools or the Southern region Schools where appropriate.

3. LEGAL STATUS

- 3.1 The PEC shall be a voluntary association of its members for the time being, in the form of a voluntary body corporate independent of its members and having perpetual succession and power.
- 3.2 The PEC, being responsible and answerable to the Presbytery, shall not be entitled to institute legal proceedings in its own name, but only in the name of the Presbytery. Further, in the event of legal proceedings being instituted against the PEC for whatever reason, the PEC shall have authority to defend such action until such time as such defence can be ratified and dealt with by the Presbytery or otherwise.

4. OBJECTIVES

The objectives of the PEC shall be as set out hereunder.

- 4.1 The principle objective of the PEC shall be to ensure that the education supplied to the child of the Schools is sound and aimed to promote well-rounded, ethical, well-behaved children of sound character.
- 4.2 In order to achieve this principal objective, the PEC shall oversee, supervise, direct, manage, look after and work with the Schools' Committees to ensure that the Schools' Committees are working to promote the principal objective stated herein.

- 4.3 The PEC shall also account to the Presbytery and to the General Assembly on a regular basis in respect of its fulfilment of the objectives stated herein.

5. MEMBERSHIP OF THE PEC

The PEC shall be made up of between five (5) to eight (8) members and shall include the following:

- 5.1 A Convener, who shall be an appointee of the Presbytery and who shall be responsible for convening and chairing all meetings of the PEC.
- 5.2 At least two (2) representatives from the Southern region Schools' Committee.
- 5.3 At least two (2) representatives from the Northern region Schools' Committee.
- 5.4 Any School Chaplains to be ex-officio members of the PEC.

6. OFFICE BEARERS

- 6.1 Convener: This shall be the person stated in paragraph 5.1 above. The Convener shall chair all the meetings of the PEC and generally manage the affairs of the PEC in accordance with the powers given to him/her in terms hereof.
- 6.2 Secretary: The members of the Committee shall appoint from among their number a person to keep Minutes of the Meetings of the PEC and to undertake further administrative tasks as may be required to be conducted by the PEC from time to time.
- 6.3 It is hereby recorded that the first members of the PEC shall be as follows:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____

7. POWERS, FUNCTIONS AND DUTIES OF THE PEC

In order to faithfully meet the objectives of the PEC as set out in Paragraph 4 above, the powers, functions and duties of the PEC shall be as follows:

- 7.1 To ensure that the powers, duties and responsibilities of such PEC's are being properly and adequately conducted.
- 7.2 To advise, guide and promote the interests of the School Committees.
- 7.3 To ensure that the School Committees maintain a financial policy in keeping with the objects of the School Committees and to ensure that

a proper system of accounting is adhered to and that regular and proper audits of accounts are undertaken.

- 7.4 To maintain close contact with and exercise any control deemed necessary over any School Committee.
- 7.5 To promote good relationships between members of the School Committees and the parents and between the members of the School Committees and the PEC.
- 7.6 To ensure that the educational *curricula* in the Schools include Christian instruction throughout each of the Grades in each School.
- 7.7 To arrange for regular meetings of the PEC.
- 7.8 To report regularly to the Presbytery in respect of the PEC's oversight of the School Committees and through Presbytery to report to the General Assembly.
- 7.9 To ensure that appropriate staffing levels are being maintained by the School Committees.
- 7.10 To ensure that the assets of the Schools are being adequately provided for, maintained, developed and added to as occasion may determine from time to time.
- 7.11 To ensure that the parents of the children attending the Schools are informed, involved and encouraged to participate fully in the work of the Schools and of the Schools' Committee.
- 7.12. To ensure that, in the event of any fees being raised by the Schools' Committee, that these are appropriate and in accordance with what is expected of the facilities provided, the labour employed and the ability of the parents to meet such fees from time to time.
- 7.13 To ensure that the Schools' Committees employ labour relations and labour systems that will derive maximum co-operation from the employees of the Schools and promote, encourage and develop harmonious labour relations.
- 7.14 To have a say in the appointment of all senior members of staff in the Schools, inclusive of Chaplains, and, in particular, to ratify the appointment of Headmasters in respect of the Schools.
- 7.15 To do all such acts and to engage in all such activities which are generally incidental or conducive to the attainment of the aforesaid objectives of the PEC.
- 7.16 To ensure that Presbytery appoints Chaplains to the Schools whose stipends shall be the responsibility of the relevant Schools' Committee.

8. MEETINGS

- 8.1 The PEC shall hold four (4) meetings *per annum*.
- 8.2 The Convener, or in his/her absence, the Deputy Convener, may call for special meetings of the PEC.
- 8.3 The Deputy Convener shall be appointed by the PEC from amongst its number at the first meeting of the PEC. The Deputy Convener shall hold such office for one year, renewable at the discretion of the PEC.

- 8.4 If the Convener is not present at a meeting, the Deputy Convener shall act as Convener. If neither the Convener nor the Deputy Convener is present at a meeting, those present shall elect from their number a Convener for that meeting.
- 8.5 Each member present at a meeting, including the Convener, shall have one deliberative vote and, in the case of an equality of votes, the Convener shall have a second or casting vote.
- 8.6 The Secretary shall give notice in writing to each member of the PEC at least two (2) weeks before the date of each stated meeting and each special meeting.
- 8.7 The quorum necessary for the transaction of business shall be not less than one-half of the members for the time being of the PEC, the numbers rounded up, provided that, if a quorum is not present at a meeting duly called the meeting shall stand adjourned for a period of two (2) weeks, fresh notice shall be issued for such adjourned meeting, and when the meeting reconvenes, those present shall constitute the quorum.
- 8.8 The PEC shall keep minutes of all its meetings in accordance with the Interim Manual of Law and Procedure of the UPCSA. Copies of such minutes are sent to each member.
- 8.9 Any member of the PEC shall cease to be a member if:
 - 8.9.1 He/she is adjudged insolvent or compounds with his or her creditors;
 - 8.9.2 he/she is convicted anywhere of theft, fraud, forgery or uttering a forged document, or perjury, and is sentenced upon conviction to imprisonment without the option of a fine or to a fine of any amount;
 - 8.9.3 He/she is certified insane;
 - 8.9.4 He/she resigns from his/her office by notice in writing to the other members;
 - 8.9.5 He/she is removed by any competent court for misconduct from any office of trust; or
 - 8.9.6 An order is made under any Act disqualifying him/her from acting as a Member.
- 8.10 Should any Member vacate his/her office as Member for any of the reasons referred to above, or on the death of any Member while still holding office, the remaining Members shall have the right, which shall be exercised in their sole discretion, to appoint a person in the place of the Member who has vacated office.

9. INTERPRETATION

- 9.1 In this Constitution, the masculine shall include the feminine and impersonal and the singular shall include the plural and vice versa, as the context may require.
- 9.2 The head notes appearing in this Constitution shall not be read as part thereof, having been inserted merely for the convenience of reference.

10. RULES AND REGULATIONS

The PEC may, in its sole discretion, frame by-laws, rules or regulations for the proper running, conduct and management of the Schools Committees, provided that such by-laws, rules or regulations shall not be inconsistent with this Constitution.

11. AMENDMENTS TO THE CONSTITUTION

- 11.1 No amendments to this Constitution shall be permitted unless approved by seventy-five percent (75%) of the members of the PEC.
- 11.2 Any motions to amend this Constitution duly signed by the Proposer and Seconder thereof shall be lodged with the Secretary at least 60 (60) days before the meeting of the PEC at which shall amendment is to be moved.
- 11.3 All such amendments to this Constitution shall be ratified by the Presbytery to be effective and valid.

12. TRANSITION

- 12.1 It is hereby recorded that, at the time of this Constitution coming onto existence, the Schools Committees operate by their own Constitutions as aforesaid, which Constitutions make reference to the fact that the Schools Committee are subject to the authority of the Church Growth Division of the Presbyterian Church of Southern Africa.
- 12.2 In order for this Constitution of the PEC and the Schools Committees to operate in conjunction with one another as intended, the Christian Education Division of The Uniting Presbyterian Church in Southern Africa, or its successor, shall instruct the PEC to make such necessary amendments to their Constitutions in order to effect the structure as required herein and the Schools Committees shall forthwith comply with such directive and amend their Constitutions accordingly. The PEC shall fall within the Christian Education Division of the Church.
- 12.3 The PEC shall ensure that there are by-laws approved by the Presbytery governing the two Schools' Committees. These by-laws should satisfy the relevant Education Laws enacted by the government from time to time.
- 12.4 It is understood that this process may take some time and in the interim the PEC shall function and its decisions shall be ratified once the requirements contained within this paragraph have been effected, provided that such enactments are in accordance with the objectives and intent of this Constitution.

APPENDIX G

BASIS OF UNION

BETWEEN THE PRESBYTERIAN CHURCH OF SOUTHERN AFRICA (PCSA) AND THE REFORMED PRESBYTERIAN CHURCH IN SOUTHERN AFRICA (RPCSA)

PREAMBLE

The Churches proposing to unite do so in the belief that it is God's will for them: that this union of Churches holding the Christian Faith and practising the Presbyterian Order in Southern Africa will be a strengthening of their witness to the Word of God and a material contribution to the cause of wider Church union in Africa and in the world.

The following is placed before the Churches by the Central Committee negotiating union as the proposed Basis of Union.

1. THE NAME OF THE CHURCH

The name of the Church shall be "The Uniting Presbyterian Church in Southern Africa"

2. THE FAITH OF THE CHURCH

The Uniting Presbyterian Church in Southern Africa (hereinafter referred to as (the "Uniting Church") holds the faith which the one holy catholic and apostolic Church has ever held in Jesus Christ, the Redeemer of the world, in whom men and women are saved by grace through faith. In accordance with the revelation of God in Jesus Christ the Uniting Church worships one God, Father, Son and Holy Spirit.

The Uniting Church acknowledges the Word of God in the Scriptures of the Old and New Testaments to be the only final rule of faith and life.

The Uniting Church accepts the historic Creeds of the undivided Church, commonly called the Apostles' and Nicene Creeds, as witnessing to and safeguarding the faith which was first committed to the disciples of our Lord and which is continually confirmed by the Holy Spirit in the experience of the Church.

Similarly the Uniting Church accepts, as witnessing to and safeguarding that faith, the Westminster Confession of Faith and the Twenty Four Articles of the Faith of the Presbyterian Church of Southern Africa (PCSA) and with these the Appendix to the Twenty Four Articles and the Declaration of Faith for the Church in Southern Africa of the PCSA.

The Uniting Church affirms its right, subject to the Word of God and in dependence on the promised guidance of the Holy Spirit, to formulate, adopt, modify and interpret doctrinal statements, always in agreement with the fundamental doctrines of the Christian Faith, of which agreement the Uniting Church itself shall be the sole judge

The Uniting Church recognises liberty of conscience on all points of doctrine which are not fundamental to the faith. The Uniting Church nonetheless retains the right in every case to judge what falls within this description

3. THE WORSHIP OF THE CHURCH

The Uniting Church adheres in general to the traditional forms of Presbyterian worship. Each congregation shall have the right to continue the forms of worship to which it has been accustomed prior to union. Every Service Book, Hymnary, and other literature used in worship which has been sanctioned for use in either of the negotiating Churches is sanctioned for use in the Uniting Church Such literature shall thereafter be authorised by the General Assembly as it may see fit.

Replacement Page 2014

4. THE POLITY OF THE CHURCH

The Presbyterian form of Church government is held to be founded upon, and agreeable to, the Word of God. The form of government of the Uniting Church shall be determined in all matters by a book to be named *The Manual of Law and Procedure of The Uniting Presbyterian Church in Southern Africa*. In the interim this will be the Manual of Law and Procedure, as amended, of the former PCSA. It will be given a new title and all references in it to the PCSA will be read as references to the Uniting Church. After union the General Assembly of the Uniting Church will set up a Manual Committee to draw up the new Manual of Law and Procedure of the Uniting Church.

5. STATUS OF CONGREGATIONS, MINISTERS, ELDERS AND MEMBERS

(a) Congregations

Each congregation of each Church shall enjoy in the Uniting Church the status which it held in its own Church prior to union, and its development and status thereafter shall be constitutionally determined in terms of the *Manual of Law and Procedure*.

(b) Ministers and Elders

In conformity with the Presbyterian form of government, the ruling authority of each minister and of each elder is equal, and the teaching authority of each minister is equal, under the Word of God. This shall apply in the Uniting Church to each minister and each elder of the negotiating Churches. After union the rights and duties of each shall be constitutionally determined in terms of the *Manual of Law and Procedure*.

(c) Members

Each member of the negotiating Churches shall have rights and obligations of membership in the Uniting Church equal to those of all other members in the Uniting Church.

An official list of congregations and ministers in the negotiating Churches, indicating the status of each, will be published by the Special Commission on Union referred to in Section 6, in consultation with the Central Committee, in time for the uniting Assembly.

6. THE GOVERNMENT OF THE CHURCH

(a) Structure of the Church

The Uniting Church shall be governed by Courts at a maximum of four levels: General Assembly, Synods, Presbyteries and Sessions. Synods may be formed at the request of two or more Presbyteries.

The temporal affairs of congregations are conducted by the Board of Management or Deacons' Court or by a committee of the Session. The detailed powers, functions and duties of these Courts and committees are as set out in the *Manual of Law and Procedure*.

The official language of the General Assembly shall be English, in which language its records shall be kept. Any member of the General Assembly shall have the right to address the Assembly in his/her own language and to have his/her address interpreted into English, subject to the availability of an interpreter. Any motion to be voted upon, and the decision taken, shall be announced in whatever languages may be requested, subject to the availability of interpreters.

Each Presbytery and Synod shall have the right to determine what shall be its official language, in which its business shall be conducted. All records however shall be kept in English. Presbytery and Synod proceedings shall be interpreted, if requested, into any other language, subject to the availability of an interpreter.

Replacement Page 2014**(b) Special Commission on Union**

When the General Assembly of each negotiating Church is in a position to resolve on full acceptance of the Basis of Union, it shall at that time appoint ten Commissioners and five alternates, whom it shall empower, acting jointly with those appointed by the other negotiating Church, to make all final arrangements for the consummation of union in the name of the negotiating Churches. It shall indicate in what order of preference alternates are to be called on if needed.

The Central Committee shall call the first meeting of the Special Commission; the Co-Conveners of the Central Committee shall preside and constitute; and one of the Secretaries of the Central Committee shall act as Clerk

The first duty of the Co-Conveners shall be to conduct an election of Convener and of Secretary or Secretaries of the Special Commission on Union, who shall thereupon take office

The Special Commission on Union shall draft regulations for its continued existence and shall submit these for approval to the first General Assembly of the Uniting Church.

The Special Commission on Union shall have power to finalise all arrangements, shall receive reports from the Central Committee on matters to be finalised, and shall have the power to retain the Central Committee as an advisory body and to discharge it when this seems appropriate. Inter alia the Special Commission on Union shall be charged with arranging that meetings of the General Assemblies of the negotiating Churches be held at the same time and in the same centre for the celebration of union and shall also be charged with the selection of the first Moderator of the General Assembly of the Uniting Church from the nominations made by the Presbyteries of the negotiating Churches immediately before the Assemblies which made the final decision on union. It shall also, for that year only, draw up the agenda of the General Assembly and make nominations for the membership and convenerships of Assembly Divisions and Committees, though it may delegate these functions to sub-committees appointed by it. The Secretary of the Special Commission on union shall act as Clerk of the Uniting General Assembly until such time as a permanent appointment has been made by the General Assembly.

The Special Commission on Union shall remain in being as a judicial commission to determine any matter in dispute as to the terms of union for a period of at least three years after the Uniting General Assembly, at which time, or at any later date, it may be discharged by the General Assembly.

(c) The Uniting General Assembly and first meetings of subordinate Courts

The Uniting General Assembly shall consist of all the members of each General Assembly of the negotiating Churches. The proposed Standing Orders of this General Assembly shall be determined by the Special Commission on Union and thereafter approved by the Uniting General Assembly. In the year following the General Assembly, and any Special General Assembly, if such an Assembly needs to be called, shall be composed of commissioners from Presbyteries in terms of the *Manual of Law and Procedure* of the Uniting Church. Thereafter the basis of representation shall be as determined by the General Assembly from time to time

The Special Commission on Union shall arrange, under the authority of the

Replacement Page 2014

General Assembly, for the first meeting of each Presbytery and Synod of the Uniting Church. Each Presbytery shall be required to meet within three months of the Uniting General Assembly and each Synod within six months of the Uniting General Assembly. The first meeting of each Presbytery and Synod shall be summoned by the Special Commission on Union, in consultation with the former Presbytery officials concerned in each Uniting Church. At each first meeting there shall be present at least two members of the Special Commission on Union, appointed by the Special Commission on Union on the authority of the General Assembly to constitute the Court. These two members shall at this first meeting act as Moderator and Clerk respectively. It shall be part of their duty, after constituting the Court, to secure the election of a Moderator and Clerk and, before the Court adjourns, to induct the Moderator. Thereafter each Court shall function in terms of the Manual of Law and Procedure.

A list of proposed Presbyteries and the grouping of congregations in Presbyteries, and where necessary the grouping of Presbyteries in Synods, is attached to this Basis of Union as Schedule B.

7. RELATIONSHIP TO OTHER CHURCHES

The Uniting Church shall assume whatever relationships each of the negotiating Churches may have had with other Churches and Councils of Churches at the time of union and shall thereafter determine and develop such relationships in terms of its own policy and decisions as a united Church. Note is taken in this connection of conversations with a view to union which may at that time exist between the negotiating Churches and other member Churches of the Church Unity Commission.

It is also affirmed that the continuance of special relationships which have existed between either of the negotiating Churches and other Churches will be welcomed, e.g. that between the Reformed Presbyterian Church and the Church of Scotland.

8. EMPLOYMENT OF PERSONNEL

Each minister serving a congregation in either of the negotiating Churches shall remain in the service of the Uniting Church in the congregation in which he/she was serving at the time of union. His/her future service in the Uniting Church shall thereafter be determined by the appropriate Courts in terms of the Manual of Law and Procedure.

No gross stipend shall be reduced as a result of union. It shall be the task of the Special Commission or a Committee appointed by it to establish in the shortest possible time a new system of minimum stipends, taking into account the current minimum stipend of the PCSA and incorporating the principle of increases for length of service which obtains in the RPCSA. Levels of minimum stipend shall thereafter be determined by the General Assembly from time to time.

The body administering the temporal affairs of a congregation shall be responsible for paying the minister's stipend and other emoluments. The method of payment, whether directly to the minister or through Presbytery or the Assembly Office of the Uniting Church, and whether by the same or by different methods for the stipend and other emoluments, shall be determined after union by the Uniting Church.

The General Assembly of the Uniting Church, through its Ministry Committee, shall select candidates for the ministry and for the position of Evangelist on such conditions as the Assembly shall lay down from time to time. Until such time as the Assembly may rule otherwise, the minimum academic qualification required for a candidate for the ministry of Word and Sacrament shall be a Matriculation Certificate or its equivalent and the minimum

Replacement Page 2014

academic qualification for ordination to this ministry shall be a Diploma in Theology from an institution recognised by the Uniting Church.

A mature age candidate for the ministry shall be admitted in terms of the regulations in the *Manual of Law and Procedure*, as amended from time to time by the General Assembly of the Uniting Church.

All debts owed by bodies or individual members of the negotiating Churches to Courts or committees of those Churches shall, after the uniting Assembly, be owed to the corresponding bodies in the Uniting Church.

The Office of the General Assembly of the Uniting Church shall be situated at a new venue, to be determined by the Special Commission, until such time as the Assembly may move it elsewhere. At its first meeting the Special Commission shall set a date, not later than 1st January of the year following the uniting General Assembly, for the merging of the General Assembly/Central Offices of the negotiating Churches. At the same meeting it shall determine the posts to be created in the new Office and shall arrange for these to be advertised in good time. These posts shall include the positions of General Secretary, Deputy General Secretary, Chief Accountant, Stewardship Secretary and Ministry Secretary. The Commission shall also make the appointments in due course. If no satisfactory applications are received for any post, the Commission may approach suitably qualified individuals and invite them to apply.

On the day before the uniting of the two Offices all posts in the existing Offices shall be abolished, but the pension benefits of staff members of either of the existing Offices who are the successful applicants for any of the posts in the Office of the Uniting Church will be carried over to the Uniting Church. The Special Commission may invite any member of staff of the existing Offices to stay on for a limited period after the establishment of the Uniting Church Office, in order to familiarize new staff members with their work.

The Special Commission shall determine the length of the period of preparation for merging of the existing Offices. How this preparation will be done will be determined by the Special Commission.

9. ASSESSMENT

In order to promote and support the wider work of the Church the funds of the congregations of the Uniting Church shall be assessed on the following principles:

- (a) a charge will be made on the assessable income of each congregation and preaching station in any year, based initially on tables or percentages laid down by the Uniting Assembly and revised from time to time thereafter by the General Assembly; assessable income may be defined as the total revenue, less any determined allowable expenditure in any year;
- (b) a minimum assessment per annum will be payable to the General Assembly by every congregation and preaching station;
- (c) Presbyteries and Synods may similarly assess congregations on their assessable incomes, as each Presbytery or Synod may determine, to finance their own wider work.

10. PROPERTY AND INVESTMENTS

The properties and investments of the negotiating Churches shall become the properties and investments of the Uniting Church in the following manner:

- (a) fixed property formerly held by the General Assembly of the PCSA shall be re-registered in the name of The Uniting Presbyterian Church in Southern Africa;
- (b) fixed property formerly held by other Courts and congregations of the PCSA shall become the property of the corresponding bodies in the

Replacement Page 2014

Uniting Church;

- (c) fixed property formerly held by the RPCSA shall be re-registered in the name of The Uniting Presbyterian Church in Southern Africa;
- (d) sites in former Black townships and areas which either of the negotiating Churches has leased or has permission to occupy shall be re-registered in the name of The Uniting Presbyterian Church in Southern Africa;
- (e) fixed property acquired after the formation of the Uniting Church shall be registered in the name of The Uniting Presbyterian Church in Southern Africa; and
- (f) all investments and other assets held and registered in the name of either of the negotiating Churches shall become the property of the Uniting Church.

11. PENSION FUNDS

- (a) With effect from the first day of January of the year following the date of the uniting General Assembly, the Presbyterian Ministers' Pension and Widows' and Orphans' Fund and the Reformed Presbyterian Church in Southern Africa Pension Widows' and Orphans' Fund shall be amalgamated as follows
 - 1. all members and pensioners of the above Funds shall become members and pensioners of a new contributory fund from the date of amalgamation;
 - 2. all ministers and probationers accepted into the ministry of the Uniting Church after that date shall become members of the new fund; and
 - 3. the scheme of amalgamation shall provide that the basic benefits for service before the date of amalgamation shall, for each member and pensioner of each Fund be based on the assets of that Fund at that date.
- (b) The Presbyterian Employees' Fund of the PSCSA shall be maintained and administered by the Uniting Church for all eligible employees on a money-purchase basis;
- (c) Personnel seconded by other Churches for service in the Uniting Church shall not be required to become members of any of the Pension Funds, but may do so if they wish, in accordance with the rules of the Funds.
- (d) Any changes in the rules of any of these Funds between the date of this publication and the first day of January of the year following the date of the uniting Assembly shall be taken into account.
- (e) The members of the Finance Committee of the General Assembly of the Uniting Church shall act as the Trustees of the South African Pension Funds of the Uniting Church. Separate Boards of Trustees shall be appointed to administer the Zimbabwean and Zambian Pension Funds of the Uniting Church.

12. CUSTODY OF RECORDS

The records of the various Courts and committees of the negotiating Churches at the time of union shall thereafter be deposited and held as follows:

(a) Assembly Records

The records of the General Assembly of the Presbyterian Church of Southern Africa and of the General Assembly of the Reformed Presbyterian Church in Southern Africa shall become the property of the General Assembly of the Uniting Church and shall be in the custody of the Clerk of General Assembly until handed for safe-keeping to the official Archives of the Uniting Church. Until otherwise decided by

Replacement Page 2014

General Assembly, these shall be the William Cullen Library of the University of the Witwatersrand and the Cory Library for Historical Research of Rhodes University.

(b) Synod Records

The records of Synods from the time of their first meetings shall be in the custody of Synod Clerks, until such time as they are handed to the Clerk of General Assembly for storage in the official Archives of the Uniting Church.

(c) Presbytery Records

The minute book in current use in each Presbytery of each of the negotiating Churches shall become part of the records of the Presbytery of the Uniting Church which is its successor, and shall be in the custody of the

Presbytery Clerk. Where a Presbytery of one of the negotiating Churches is divided between two or more Presbyteries in the Uniting Church, the Special Commission on Union, when constituting such Presbyteries of the Uniting Church, shall determine which Presbytery shall have custody of the records involved. Letters and other documents referring to the period covered by

such minute books shall also be in the custody of the Presbytery Clerk concerned. All Presbytery records prior to those mentioned above shall be lodged with the official Archives of the Uniting Church. The Clerk of General Assembly shall be informed when this is done. Each Presbytery of the Uniting Church, on being constituted, shall open a new minute book. Thereafter, in respect of minute books retained at the time of union and of all subsequent minute books of Presbyteries, when a new minute book is opened, the previous minute book shall be retained in the custody of the Presbytery Clerk; but on the expiry of not more than five years the former minute book shall be lodged by him/her with the official Archives of the Uniting Church. The Clerk of General Assembly shall be informed when this is done.

(d) Session and Congregational Records

The records of Sessions and Congregations and of their committees and agencies in each of the negotiating Churches shall remain the property of these congregations in the Uniting Church and shall be in the custody of the appropriate office-bearers. It is desirable that old records of Sessions and Congregations be lodged with the official Archives of the Uniting Church. The Clerk of General Assembly shall be informed when this is done.

(e) Records of Standing Committees

All records of Standing Committees of the General Assembly in each of the negotiating Churches shall form part of the records of the Standing Committees of General Assembly in the Uniting Church which are their successors and shall be in the custody of the Conveners concerned. The same practice shall be followed with regard to Standing Committees of Presbyteries. The records of any Standing Committee which is discontinued at any time shall be lodged with the Clerk of the Court which appointed it, or of its successor. Old records shall be lodged with the official Archives of the Uniting Church. The Clerk of General Assembly shall be informed when this is done.

13. CHURCH BODIES, GROUPS AND ORGANISATIONS

The rights, powers, functions and duties of any body, group or organisation in each of the negotiating Churches shall become the rights, powers, functions and duties of the corresponding bodies in the Uniting Church and

Replacement Page 2014

shall be exercised in accordance with the provisions of the *Manual of Law and Procedure* of the Uniting Church.

Rules previously applicable to bodies which have been replaced by other bodies or have been absorbed into other bodies or whose functions, or part of whose functions, have been transferred to other bodies shall continue in force until repealed or amended and will be applicable whenever the functions previously performed by the old bodies are being performed or are to be performed by the new bodies or subdivisions of the new bodies.

Where organisations recognised on a Church-wide basis by each of the negotiating Churches have similar membership and objects, steps shall be taken for their amalgamation as follows.

Within three months of the uniting General Assembly the Special Commission on Union shall provide for the setting up of Joint Committees representative of the central authorities of such organisations, to prepare detailed proposals for their amalgamation, including a common constitution and arrangements for the amalgamation of funds. Such Joint Committees shall as soon as possible present such proposals for the approval of their organisations in terms of their separate constitutions. As soon as such proposals have received the approval of the organisations concerned, the Joint Committee shall present them to the Special Commission on Union, which in turn shall present them to the General Assembly for approval. The organisations concerned shall then be amalgamated by resolution of the General Assembly in terms of the proposals approved by the General Assembly.

SCHEDULE A

After the General Assemblies of the negotiating Churches have resolved on full acceptance of the Basis of Union (see Section 6), the necessary changes to the *Manual of Law and Procedure* of the Presbyterian Church of Southern Africa will be proposed to the Uniting Assembly by the Special Commission and/or the Central Committee. Such changes will include amendments to the provisions for Deacons' Courts.

SCHEDULE B

PROPOSED LIST OF PRESBYTERIES, WITH THEIR CONGREGATIONS, OF THE FUTURE CHURCH, "THE UNITING PRESBYTERIAN CHURCH IN SOUTHERN AFRICA"

NOTE: In the case of South Africa the boundaries of Presbyteries in almost all cases follow those of magisterial districts. It is proposed that the boundaries of the present Zimbabwean and Zambian Presbyteries of the PCSA remain unchanged, but that the name of the present Central Presbytery in Zambia be changed, because the present geographical reference may be confusing to those outside that country. The following list indicates congregations of the existing Churches which it is proposed to include in each new Presbytery in the Uniting Church. For the sake of simplicity outstations, preaching stations, etc., have been omitted.

It is suggested that congregations be responsible for the travelling costs of ministers and commissioners to Presbytery and Synod meetings.

1. Cape Town

PCSA: Atlantis United; Bellville; Blue Downs United; Bridgetown; Camps Bay United; Darling; Delft; Durbanville; Kraaifontein; Eastridge United; Gardens; Goodwood; Panorama; Guguletu; Heideveld-Manenberg United; Khayelitsha United; Kuils River United; Langa; Maitland; Milnerton; Mitchell's

Replacement Page 2014

Plain United; Mowbray; Nyanga; Pinelands; Plumstead; Retreat; Rondebosch United; St Andrew's; Salem United; Tableview United; Trinity; Wynberg; Somerset West; Stellenbosch United; St George's (Wellington); Vredenburg United; Oranjemund United.

RPCSA: Boland; Carolusberg; Elsie's River; JL Zwane; Khayelitsha; Tiyo Soga; WPT Ndibongo.

Total: 44 congregations.

2. Central Cape

PCSA: All Saints United; St Andrew's (Somerset East); Makana's Kop & Theopolis; Trinity (Grahamstown); Port Alfred; St Thomas' (Uitenhage); Arcadia; Bluewater Bay United; The Hill; Motherwell; St Andrew's; St Barnabas'; St Columba's; St James'; St Martin's; St Patrick's; Summerstrand United (PE); George; Thembaletu; Knysna; Sedgefield United; Oudtshoorn.

RPCSA: Graaff Reinet; Knysna; Patensie; Port Elizabeth; Kwazakhele; Uitenhage; Somerset East; Grahamstown.

Total: 30 congregations.

3. Amatola

PCSA: Adelaide; Davidson Memorial; Khobonqaba; Bedford; Nonzwakazi; St Columba's (Queenstown); Tarkastad; Wheatlands; Zola-Winterberg; Stutterheim & District; Fort Beaufort; Dorrington; Alice; John Knox Bokwe; St Andrew's; St Philip's (King William's Town); Mdantsane; Cambridge; Gonubie; Parkside; St George's; St Nicholas' United; St Paul's; Stirling (East London).

RPCSA: Adelaide; Bumshill; East London; Emgwali; Lovedale; Macfarlan; Pirie; Queenstown; Semple; Stuart Memorial.

Total: 34 congregations.

4. Transkei

PCSA: No congregations.

RPCSA: Columba; Cunningham; Duff; Gcuwa; Govan Blyth; Irvine; Kidston; Njoloza; Lundie Memorial; Maclay; Main; Malan; Mbulu; Ncisininde; Ndakana; Njikelana; Tutura.

Total: 17 congregations.

5. Umtata

PCSA: St Andrew's.

RPCSA: Central Rainy; Erskine; Kulani; Lower Ngqara; Lower Rainy; Miller; Rainy; Ross; Somerville; Ugie; Western Rainy.

Total: 12 congregations.

6. East Griqualand

PCSA: St Columba's (Kokstad).

Replacement Page 2014

RPCSA: Balasi; Buchanan; Gillespie; Mafube; Mbonda; Mpharane; Paballong; Rietvlei; Springside; Sterling; Tsekong; Upper Mkemane; Yekelo Mbale.
Total: 14 congregations.

7. Thekwini

PCSA: Alfred County; Berea; Christ the Redeemer; Clermont; Durban Central United; Ernest Reim Memorial; Frere Road; Greyville; Highland Hills United; Hillcrest; McDonald Memorial; Merebank; North Durban; Pinetown; St Augustine's; St George's; St Margaret's; St Paul's; Shalom; Stella; Westville.

RPCSA: Durban.
Total: 22 congregations.

8. Drakensberg

PCSA: All Saints United; Midlands. Pietennaritzburg; Scottsville; Upper Urngeni (Howick); St John's (Nottingham Road).

RPCSA: Edendale; Estcourt; Glenbain; Impendle; Impolweni; Pholela District; Pietennaritzburg
Total: 13 congregations

9. Thukela

PCSA: Ladysmith; St Andrew's (Newcastle); St Margaret's (Dannhauser); Trinity (Dundee); Vryheid; Eshowe; Richard's Bay.

RPCSA: Douglas; Dundee; Gordon Memorial; Jokweni; Ladvsrnith. Msinza. Newcastle; Ulundi.
Total: 15 congregations.

10. Free State

PCSA: St Andrew's (Bethlehem); Witsieshoek United; AR Poho Memorial (Deneysville); Frankfort- Villiers; Parys; Phomolong; St Andrew's (Kroonstad); St Andrew's (Lengau); St Andrew's (Bothaville); St Andrew's (Heilbron); St Andrew's (Virginia); St Augustine's; St Paul's (Welkom); St John's (Bloemfontein); St John's (Batho); St Luke's (Hoopstad); St Monica's (Odendaalsrus); Thaba Nchu-Botshabelo United; Zamdela (Sasolburg).

RPCSA: Welkom.
Total: 20 congregations.

11. Lekoa

PCSA: Vryburg United; St Andrew's (Beaconsfield). St Andrew's (Vergenocg) (Kimberley); St Andrew's (Westonaria); St Matthew's (Carletonville); St Michael's. Trinity (Klerksdorp); St Paul's; St Luke's (Vereeniging); St Stephen's (Vanderbijlpark); St Silas. St Timothy's. St Anthony's (Sebokeng); St Andrew's (Henley-on-Klip).

RPCSA: Kimberley; Stilfontein; Vaal.
Total: 17 congregations.

Replacement Page 2014**12. Egoli**

PCSA: Chartwell United. Hamilton Memorial. Kagiso; Krugersdorp; Kensington United; Linden; Mayfair; Meadowlands; Midrand; Moletsane; Orlando; Randburg; Randpark Ridge United. St Barnabas' United; St Columba's. St George's United. St Giles'. St James'; St John the Evangelist (Ecumenical); St John's (Turffontein); St Mark's; St Magnus; St Mungo's United; St Ninian's (Parktown North); St Ninian's (Roodepoort); St Patrick's; Alexandra; St Paul's United; St Stephen's; Trinity.

RPCSA: Johannesburg; Central Johannesburg.
Total: 32 congregations.

13. Highveld

PCSA: St Paul's (Alberton); All Saints United (Balfour); Heidelberg; Crystal Park; St Thomas's; St Mark's; St Andrew's (Benoni); St Andrew's (Brakpan); St Peter's; Kempton Park; St Andrew's; Trinity (Germiston); KwaThema; St Michael's (Springs); Ebenezer; St John's (Boksburg); St David's; St Peter's (Nigel); St Peter's United (Secunda).

RPCSA: East Rand; Germiston; Tembisa.
Total 22 congregations.

14. Tshwane

PCSA: Saints; Saintspark (Centurion); Emmanuel; Jonas Lediga; Mamelodi; ; St Andrew's; St Columba's; St Francis'; St Mark's. Trinity (Pretoria); Ga Rankuwa; Mabopane; St Thomas' (Temba); Soshanguve; St Andrew's (Witbank); St John's (Middelburg); Rustcnburg; St Peter's (Brits).

RPCSA: Pretoria; Rustenburg.
Total: 20 congregations.

15. Polokwane

PCSA: Lowveld; Mahwelereng; Mount Horeb; Nazareth; Wm Samson Memorial; Seshego (Pietersburg).

RPCSA: Blaauwberg; Donhill; Polokwane; Gooldville; Phalaborwa; Stuartville; Weirdale.
Total: 13 congregations.

16. Zimbabwe

PCSA: St Columba's; (Mutare); City; Chitungwiza; Hatfield; Highfield; Highlands; Kuwadzana; Mbare; Trinity (Harare); Lomagundi (Chinhoyi); St Peter's; Trinity (Gweru); Mlasvingo; Ntabazinduna; Makokoba; Njube; St Andrew's; (Bulawayo).

RPCSA: No congregations
Total: 17 congregations.

Replacement Page 2014

17. Lusaka (Zambia)

PCSA: David Livingstone Memorial (Livingstone); L Chawama; Kabwata; Kaunda Square; Matera; St Columba's (Lusaka).

RPCSA: No congregations
Total: 6 congregations.

18. Copperbelt (Zambia)

PCSA: Chimwemwe; St Andrew's; Wusakili (Kitwe); John Knox (Luanshya); Kabushi (Ndola); St Columba's (Kabwe).

RPCSA: No congregations
Total: 6 congregations.