



# EVANGELICAL LUTHERAN CHURCH IN SOUTHERN AFRICA

## **PART I: THE NATURE OF THE CHURCH**

### **CHAPTER 1:**

#### **1.1 THE NAME**

The name of the Church is the "**EVANGELICAL LUTHERAN CHURCH IN SOUTHERN AFRICA (ELCSA)**", hereinafter referred to as the Church.

#### **1.2 CHARACTER**

ELCSA is an Episcopal Church. The Church shall therefore have an office of Bishop entrusted with and oversight concerning the Teachings and Spiritual matters.

### **CHAPTER 2: THE FAITH AND DOCTRINE OF THE CHURCH**

2.1 The foundation upon which the Church stands is Jesus Christ, the Word of God as proclaimed in the canonical books of the Old and New Testaments, which we believe to be correctly explained by the three ecumenical symbols, namely the Apostles Creed, the Nicene Creed and the Athanasian Creed and the writings of the Lutheran Reformation, especially the Catechisms of Dr Martin Luther and the Unaltered Augsburg Confession.

2.2 In addition to the above the Church may be called upon to make doctrinal statements in order to witness to and to defend Biblical truth and Christian Faith against anti-Christian forces in her environment and heresies within the Church.

### **CHAPTER 3: THE MISSION OF THE CHURCH**

The mission of the Church is to glorify and praise the name of the Triune God.

It is realized by:

3.1 Proclaiming the crucified and risen Christ.

3.2 Bringing the gospel to all people through preaching and teaching the word of God and through administering the sacraments.

3.3 Being a witness of Jesus Christ as servant to the world by word and deed in faith, love and hope.

3.4 Working towards the realization of the oneness of the Body of Christ.

3.5 Actively supporting ecumenical movements and by being prepared to co-operate with other Churches for the extension of the Kingdom of God, provided such co-operation does not violate the confessional basis of the Church.

3.6 Advocating for justice, peace and reconciliation for the people of God.

## **PART II: LEGAL STATUS OF THE CHURCH**

### **CHAPTER 1: THE CHURCH AS A LEGAL PERSONA**

The Church is a Legal Persona who can sue and be sued in its own right. Any power of attorney, consent or other document required for the purpose of transfer or mortgage or in connection with any deed of transfer or mortgage bond, or any power of attorney required for instituting, conducting or defending any action or other proceedings brought by or against the Church and/or by or against the officiating members of the Church Council in their official capacities, shall be deemed to be duly executed when signed by any two of the following officials: The Presiding Bishop or his/her Deputy; the President of the General Assembly or his/her Deputy; the General Secretary and the General Treasurer and witnessed in accordance with law.

## **PART III: THE MINISTRY**

### **CHAPTER 1: THE GENERAL MINISTRY**

- 1.1 The ministry of the Church by which it carries out its mission in the world is diverse.
- 1.2 Every member of the Church is called to participate in the ministry in his/her own life, household and neighbourhood (1 Peter 2:9)
- 1.3 Individual members may be given tasks within the Church in a specific area and for a certain period of time.
- 1.4 Members of the Church who have been trained for certain tasks in the Church can be received into the service of the Church and their services be availed to the church or to an affiliate institution.

### **CHAPTER 2: THE OFFICE OF THE ORDAINED MINISTRY**

- 2.1 The office of the ordained ministry is the office of the Means of Grace as instituted by the Lord Himself according to Matt. 28:19-20 and John 20:22-23 to preach and to teach the Word of God, to administer the Holy Sacraments and to shepherd His flock.
- 2.2 This office shall be given to and be undertaken and performed only by the one who has received a regular call by the Church and who has been ordained.
- 2.3 Before a person can be accepted into the ministry, that person shall, during his/her time of training and probation, convince the Church of his/her fitness and suitability for the office.
- 2.4 Everyone who is accepted for this ministry shall be ordained according to the rules and regulations of the Church, and under his/her signature he/she shall bind himself/herself to observe the doctrine, laws and regulations of the Church.
- 2.5 When a minister has been assigned to a congregation or a special office, he/she shall be inducted into the congregation or special office according to the Altar Book.
- 2.6 The pastoral skills for which the minister is trained, especially preaching, teaching, pastoral care and counselling and the special ministry of the forgiveness of sins assigned to him/her in ordination must receive priority in his/her ministry.
- 2.7 Those serving in the ministry of the Church should admonish and reprove each other.

### **CHAPTER 3: TYPES OF ORDAINED MINISTRIES**

- 3.1 **Full-Time Ministry** – Those who have been trained and ordained by the Church and assigned to a parish and receive a remuneration from the church.

- 3.2 **Secondment Ministry** - Those who have been trained and ordained by the Church but are seconded to other Church related organizations for ministerial purposes. They will receive their salaries from those organisations.
- 3.3 **Self-Supporting Ministry** - Those who have gone through theological training and are ordained by the Church to assist in an identified congregation, but do not receive remuneration from the church and they shall not appear in the election clergy roster.
- 3.4. **Deaconesses and Deacons Ministry** - Those who have gone through diaconic training and are ordained by the church and assigned to a parish for diaconic work and assisting the pastor/s in charge and receive remuneration. Their duties shall be detailed in the condition of service for the deaconesses and deacons.

**CHAPTER 4: THE TRANSLATIONS OF THE HOLY BIBLE, THE ALTAR BOOKS AND THE HYMN BOOKS OF THE CHURCH**

In all regular services of her congregations, the Church shall use the translation of the Holy Bible, the altar books and hymn books as decided upon by the General Assembly. Each diocese may submit recommendations to the Church Council.

**PART IV: MEMBERSHIP**

**CHAPTER 1: MEMBERSHIP OF THE CHURCH**

- 1.1 All adults and children who have been received into the Church through Baptism.
- 1.2 All members of Lutheran churches transferred according to the regulations of the Church.
- 1.3 All persons baptized in the name of the Triune God and in the recognized manner who have been admitted from other denominations after having been instructed in the Lutheran doctrine and who have expressed their adherence thereto.

**CHAPTER 2: THE DUTIES OF THE CHURCH MEMBERS**

- 2.1 The essence of church membership is the call, election and incorporation into the Body of Christ, effected by the Word and the Holy Sacraments. Therefore every member of the church must be a member of a congregation.
- 2.2 Members of the Church are:
  - 2.2.1 To worship and adore God as their Lord, to abide faithfully in the Word of God, to make regular use of the sacraments and to embrace and profess the faith and doctrine of the church;
  - 2.2.2 To lead a Christian life, to promote the true edification and growth of the Church and to lead non-believers to Him who is the Saviour of all;
  - 2.2.3 To observe the rules and regulations of the Church and to counsel all who profess themselves to be her members to do the same;
  - 2.2.4 To bear one another's burdens and be prepared to sacrifice their own interest for the sake of the community;
  - 2.2.5 To bring regularly all contributions and offerings which have been decided upon by the Church, and to make every effort otherwise to support the Church financially, provided that no member shall be liable for any debts of the church, save to the extent of his/her unpaid contributions;

2.2.6 To submit to the discipline of the Church in accordance with biblical scriptures.

### **CHAPTER 3: THE PRIVILEGES OF THE CHURCH MEMBERS**

- 3.1 Baptized members shall have the privilege of partaking in the Holy Communion.
- 3.2 Every member is entitled to the spiritual care and spiritual instruction which it is the duty of the Church to give.
- 3.3 Confirmed members shall have the privilege to act as sponsors for children who are brought for baptism.
- 3.4 Every confirmed member of the Church who is 18 years and above has the privilege to participate in deliberations on Congregational affairs and to use his/her vote when decisions are taken.
- 3.5 Members who have the right to vote and who are known to take an active interest in Congregational affairs may be entrusted with honorary tasks within the Congregation.
- 3.6 Appeal by an individual Church member against the decision of any council in terms of this Constitution in disciplinary cases shall be made to the next higher office.

### **CHAPTER 4 LOSS OF PRIVILEGES**

- 4.1 A member shall lose his/her privileges only after the Congregational Council has first tried to win him/her according to biblical scriptures.
- 4.2 Everyone who is undergoing Church discipline and is suspended from Holy Communion loses the rights and privileges as mentioned under Part IV, Chapter 3 Par. 3.3 and 3.4.
- 4.3 Everyone who for two years has not attended Church services or has not partaken of Holy Communion, or has failed to bring regularly all contributions and offerings, loses the right to take active part in deliberations and to hold any office of trust except when valid reasons approved by the Congregational Council can be shown.

### **CHAPTER 5: TERMINATION OF CHURCH MEMBERSHIP**

- 5.1 Any person wishing to sever connections with the Church shall submit a written statement or make a verbal declaration to the Congregational Council.
- 5.2 Membership may be terminated by the Bishop after careful consideration by the Congregational, the Parish, the Circuit and the Diocesan Councils.
- 5.3 Any person who has for any reason whatsoever ceased to be a member of the Church shall forfeit the right of membership and any right and claim to any property of the Church and/or any congregation of the Church, as well as any claim for refund, in whole or in part, of any contribution, subscription or other dues paid by such person prior to the cessation of membership.
- 5.4 Neither the heirs nor the executor nor the administrator of the estate of a deceased member shall have any claim whatsoever against the Church or any of her Congregations for refund of any contributions or subscriptions or other dues paid by or on behalf of such deceased member.

## **PART V: CHURCH SERVANTS IN THE CONGREGATION**

### **CHAPTER 1: THE PASTOR**

When a Pastor, called and ordained according to Part III. Chapter 2, of this constitution, and has been entrusted with the care of the Congregation, he/she shall be inducted by the Dean of the Circuit and is in duty bound to observe the rules and regulations of the Church. He/she shall be transferable to any place

within the area of the Church in accordance with Part IX, Chapter 7, and Par. 7.4.

## **CHAPTER 2: THE DUTIES OF THE PASTOR ARE:**

- 2.1 To preach and teach the Word of God to Christians and non-Christians and to administer the Holy Sacraments in accordance with the confessions of the Church.
- 2.2 To lead his/her fellow Christians in the Christian way of life, himself/herself setting an example.
- 2.3 To visit and call regularly on all members of his/her Congregation, especially the sick, the depressed, the poor and needy, and to give them pastoral care.
- 2.4 To comfort, instruct, admonish and warn both publicly and privately the members of his/her Congregation as the Word of God directs.
- 2.5 To hear public and private confession, absolve and discipline according to the word of God. He/she shall not reveal to anybody what has been entrusted to him/her in private confession or pastoral counselling.
- 2.6 To devote himself/herself to the teaching and nurturing of young people.
- 2.7 To be ever mindful of his/her calling to bring people to Christ.
- 2.8 To guide the life of the Congregation in co-operation with the Congregational Council through conducting weekly Bible Studies.
- 2.9 To be the ex-officio member of the Congregational Council and the Congregational Meeting.
- 2.10 To keep clear and accurate records and make annual and other reports as required.

## **CHAPTER 3: OTHER CHURCH SERVANTS**

- 3.1 Other trained servants who shall serve Church are evangelists, deacons, deaconesses, social workers, nurses and such others as may serve the Church. They shall be inducted by the Parish Pastor and are transferable to any place within the Church.
- 3.2 The Evangelist is an assistant to the Pastor in Congregational work, especially in the teaching ministry and the missionary outreach.
- 3.3 The Deaconess shall assist the Pastor in work among children and women, in the visiting of the sick, and such other duties as may be assigned by the Parish Council.
- 3.4 Other offices shall be regulated in bye-laws.
- 3.5 The Pastor shall meet with these workers monthly to help them in carrying out their duties and to plan the work in the Congregation with them.

## **CHAPTER 4: HONORARY SERVANTS (WORKERS – to be deleted)**

Members of the church who have accepted the call for a special lay office in the Congregation (Part III, Ch.1 par.1.3) serve the Church in an honorary capacity. They shall do their work in close co-operation with the trained servants of the Church. The Church shall endeavour to offer them guidance and to invite them for training and refresher courses.

## **PART VI: STRUCTURE OF THE CHURCH**

### **CHAPTER 1: THE CONGREGATION**

- 1.1 A Congregation is the communion of saints in a certain locality, where the Word of God is regularly taught and the sacraments are administered.
- 1.2 The establishment of a Congregation needs approval of the Diocesan Council.
- 1.3 In every Congregation there shall be a person commissioned to proclaim the Word of God. The responsibility for shepherding and administering the affairs of the Congregation shall rest with the Pastor, except otherwise defined in Part VII, Ch.1, Par.1.4.
- 1.4 A place where the Means of Grace are regularly offered, but where a Congregation has not been established, shall be known as a preaching place.
- 1.5 A Congregation should have at least 50 confirmed members. However, the immediate higher body with the approval of the Diocesan Council, may accord a special Congregational status for a particular location under particular circumstances.
- 1.6 A Congregation may acquire or dispose of movable or immovable property on behalf of the Church provided the Diocesan Council ratifies the recommendation from the Circuit Council.
- 1.7 In every Congregation a meeting shall be convened at least once a year. The congregational meeting consists of all members of the Congregation who are entitled to vote. It shall elect from amongst its members the Chairperson, his/her Deputy and the Congregational Council.
- 1.8 In case of a demand by the Congregational Council or by the majority of congregants, the Pastor-in-Charge in consultation with the Chairperson shall call a Congregational Meeting. If he/she fails to comply with the demand, the Congregational Council may appeal to the Parish Council. The Pastor in charge is to be informed accordingly.
- 1.9 The Congregational Meeting receives and discusses reports of the Pastor on the work of the Congregation, Leagues and Organizations and on the finances and property of the Church within the Congregational Council.

## **CHAPTER 2: MEMBERS OF THE CONGREGATIONAL COUNCIL**

- 2.1 Each Congregation shall have a Congregational Council. Elected members shall be the Elders who are elected for a period of six years and may be re-elected. Leaders of Local Leagues and Organisations shall be co-opted with no voting rights.
- 2.2 The number of Elders shall be determined by the incumbent Parish Council in accordance with the needs of each Congregation. The Church Servant's shall be ex-officio member(s) of the Congregational Council and its committees.
- 2.3 All confirmed members from 18 years and over are eligible for the office of Elders.
- 2.4 The induction of the Elders shall be performed according to the Altar Book.
- 2.5 Should any member of the Congregational Council cease during his/her period of office to hold the necessary qualifications, or should he/she manifestly neglect his/her office, or act contrary to resolutions of the Congregational or the Parish Council or the Diocesan Synod or Council, and show himself/herself unworthy in any way to hold office, he/she ceases to be a member of the Congregational Council, final action to be taken by the Parish Council. An announcement to that effect shall be made by the Pastor-in-Charge or his/her Deputy.
- 2.6 Should any member of the Congregational Council resign or die during his/her term of office, or should he/she be suspended from office, the Congregational Council shall have the power to co-opt a substitute for him/her for the remainder of his/her period of office. He/she, too, shall be inducted according to the Altar Book.

## **CHAPTER 3: THE CONGREGATIONAL COUNCIL**

### **Par. 1: Members of the Congregational Council**

- 3.1 The Congregational Council shall elect from amongst its members the Secretary, Assistant Secretary, Treasurer and the Delegate to the Circuit Meeting from amongst its members who shall serve for a period of six years. The Chairperson of the Congregational Meeting shall be the Chairperson of the Congregational Council, and his/her Deputy shall be the Deputy Chairperson of the Congregational Council. The Pastor-in-Charge is the ex-officio member of the Congregational Council.
- 3.2 The Pastor- in-Charge in consultation with the Chairperson shall convene the Congregational Council meeting. The Chairperson shall be responsible for orderly conduct of meetings and the Pastor-in-Charge shall be responsible for the implementation of decisions.
- 3.3 The Chairperson, Vice-chairperson, Secretary, Assistant Secretary, Treasurer, and the Pastor-in-Charge as the ex-officio member shall form the Executive Committee of the Congregational Council. The minutes of the Executive Committee shall be tabled at the Congregational Council meeting for ratification.
- 3.4 The Congregational Council Vice Chairperson, Treasurer and two other members of the Congregation with requisite skills shall form a standing committee on finance. The Pastor shall be an ex-officio member. The Congregational Finance and Planning Committee shall elect a chairperson and a Secretary from amongst its members. Should the need arise the Parish Council and or the Circuit Council shall enlist the services of an external auditor.
- 3.5 Meetings shall be held at least once a quarter.
- 3.6 Minutes of the meetings shall be recorded by the Secretary and signed by the, Chairperson, Secretary and the Pastor-in-Charge. The Pastor-in-Charge shall have custody of the minute's book and they shall be kept in the office. A copy of the minutes shall be sent to the Pastor-in-Charge for the Parish Council.
- 3.7 The Treasurer shall administer the funds of the Congregation under the guidance of the Congregational Council.
- 3.8 To form a quorum at least half the number of members including the Chairperson, or in his/her absence the Vice Chairperson, or in his/her absence the Secretary and the Pastor-in-Charge shall be present. In the event of none of the aforementioned office bearers being present, no meeting shall be held.
- 3.9 All resolutions shall be passed by a majority of votes except for those relating to the amendment of the constitution. In case of a tie, the Chairperson shall have a casting vote.

## **CHAPTER 4: THE FUNCTIONS OF THE CONGREGATIONAL COUNCIL**

- 4.1 The Congregational Council shall assist the person in charge of the Congregation in administering the affairs of the Congregation.
- 4.2 It shall strive to stimulate congregational life and shall be alert to guard against unchristian practices and beliefs penetrating the Congregation and against the influence of sectarian activities.
- 4.3 It shall assist in arranging for locality and times for children services, leagues and organisations of the Church.
- 4.4 It shall mediate in cases of discord, dispute and schism, which may arise among the members of the Congregation. In its responsibility to God and in strict impartiality, it shall strive to effect reconciliation and discourage the parties from resorting to courts of law.
- 4.5 It shall ensure that the regulations of the Church and the decisions of the higher councils are implemented in the Congregation. It shall conduct an Annual General Meeting where officers will table



their annual reports to the whole congregation.

- 4.6 It shall collect all income from the congregation and shall, together with the Treasurer, be responsible for the same to the Parish Council. All income shall be added to the parish funds which are administered by the Parish Council. The Congregational Council shall have the power to vote expenditure only within the limits defined by the Parish Council. Special offering and expenditure require special permission from the Parish Council. It shall see to it that the church buildings and the cemetery are maintained in a dignified manner and a good condition.
- 4.7 It shall see to it that the Church properties are maintained in a dignified manner and in a good condition.
- 4.8 It shall be generally accountable to the Congregation.
- 4.9 It shall have a disciplinary/appeal/dispute/mediation committee composed of people with requisite skills.
- 4.10 It shall have election procedures in terms of the by-laws hereof.

#### **CHAPTER 5: THE PROPERTY OF THE CONGREGATION**

- 5.1 The Congregational Council is empowered to collect and administer funds for Church purposes and, subject to the consent of the Diocesan Council, is empowered to acquire, own, sell or in any reasonable manner deal with movable property.
- 5.2 Such funds as may be collected and such movable property as may be acquired will be owned by the Congregation in perpetual succession and no individual member shall have any rights thereto by reason only of his/her membership of the Church.
- 5.3 Subject to such bye-laws as may be promulgated from time to time, such documents as may be required for the purposes stated in 5.1 shall be deemed to be duly executed when signed by any two of the following four officers of the diocese concerned: the Bishop, the President of the Diocesan Synod, the Diocesan Executive Secretary and the Diocesan Executive Treasurer.
- 5.4 Any immovable property already acquired by or for any Congregation and any immovable property which may hereinafter be acquired by or for any Congregation and all bonds and other securities in favour of any Congregation shall be transferred to and registered in the name of the Diocese.
- 5.5 Any power of attorney, consent or other document required for the purposes stated in 5.3 or 5.4 above where necessary, shall be deemed to be duly executed when signed by any two of the four officers of the diocese as mentioned in 5.3 above.
- 5.6 Any property of any Congregation shall become the property of the Diocese when such a Congregation ceases to exist or has terminated its association with the Church.

#### **CHAPTER 6: THE CONSTITUTION OF THE CONGREGATION**

- 6.1 The provisions of Part VI of this Constitution shall be deemed to be the Constitution of a Congregation.

#### **PART VII: THE PARISH**

##### **CHAPTER 1: GENERAL PARISH MEMBERSHIP**

- 1.1 A Parish is a Congregation or a group of Congregations within a defined area. The Parish shall consist of at least 300 members taking into consideration the geographical, financial and spirituality factors. The Parish shall be defined by the Diocesan Council upon recommendation of the Circuit Council.
- 1.2 The boundaries of the Parish shall be defined by the Diocesan Council upon recommendation of the Circuit Council.



- 1.3 Regulations in respect of transfer of Church membership from one Parish to another shall be laid down by the Diocesan Council from time to time.
- 1.4 The Parish shall be headed by an ordained minister. Where there are several pastors serving in one Parish, the Diocesan Council upon recommendation of the Circuit Council shall define their duties and appoint one as Pastor-in-Charge and other/s as Assistant Pastor/s. The Pastor-in-Charge is an ex-officio member of all Congregational Councils and Committees in the Parish.
- 1.5 The Pastor-in-Charge shall send two copies of his/her annual report to the Dean of the Circuit and the Dean in turn sends a copy to the Bishop with his/her comments.
- 1.6 A Parish rally shall be called at least once a year for edification, devotion and strengthening the sense of fellowship in Christ. Where Parishes are too big, separate meetings should be held at different centres within the Parish.
- 1.7 In every Parish there shall be a Parish Meeting convened at least once a year. The Parish Meeting consists of all members of the Congregational Council/s and all fulltime ordained church servants who are entitled to vote. It shall elect from amongst its members the Chairperson, his/her Deputy. Leaders of Leagues and Organizations shall be co-opted with no voting rights.
- 1.8 In case of a demand by the Parish Council or by the majority of (Congregational Councils members) the Pastor-in-Charge in consultation with the Chairperson shall call a Parish Meeting. If he/she fails to comply with the demand, the Parish Council may appeal to the Circuit Council. The Pastor in charge is to be informed accordingly.
- 1.9 The Parish Meeting receives and discusses reports of the Pastor on the work of the Parish, Leagues and Organizations and on finances and property of the Church within the Parish Council.
- 1.10 In case of a one Congregation Parish, the Congregational Council shall be the Parish Council, the chairperson and vice chairperson shall be elected by the Congregation. The Congregational Meeting shall be a Parish Meeting.

## **CHAPTER 2: THE PARISH COUNCIL**

- 2.1 Each Parish shall have a Parish Council elected for a period of six years. Leaders of Leagues and Organizations shall be co-opted with no voting rights. The number of Parish Council members shall be determined by the Circuit Council in accordance with the needs of each Parish. The Church Servants shall be ex-officio member(s) of the Parish Council and its sub-committees.
- 2.2 Should any member of the Parish Council cease during his/her period of office to hold the requisite skills or should he/she manifestly neglect his/her office or act contrary to resolutions of the Parish Council or the Diocesan Synod or Council and show himself/herself unworthy in any way to hold office, he/she ceases to be a member of the Parish Council. An announcement to that effect shall be made by the Pastor-in-charge.

## **CHAPTER 3: MEETINGS OF THE PARISH COUNCIL**

- 3.1 It shall elect the Secretary, Assistant Secretary, Synod delegate/s and Treasurer from amongst its members.
- 3.2 The Pastor-in-Charge in consultation with the Chairperson shall convene the Parish Council meeting. The Chairperson shall be responsible for the orderly conduct of meetings and the Pastor-in-Charge shall be responsible for the implementation of the decisions.
- 3.3 The Pastor-in-Charge, the Chairperson, the Vice-Chairperson, the Secretary, the Treasurer, the Synod Delegate shall form the Executive of the Parish Council.

3.4 The Vice-Chairperson of the Parish Council, Congregational Treasurers, Parish Treasurer, two other members of the Parish with requisite skills and the Pastor-in-Charge as the ex-officio member, shall form Parish Finance and Planning Committee [PFPC]. The Parish Finance and Planning Committee shall elect a chairperson and a Secretary from amongst its members. The members of the committee shall serve for a period of six years and may be re-elected.

In case of a one Congregation Parish the Vice-Chairperson, the Pastor-in-charge in his/her capacity as an ex-officio member, the Treasurer and two members with requisite skills shall constitute the PFPC.

3.5 It shall meet regularly once in every three months. Extra-ordinary meetings may be convened by the Pastor-in-Charge in consultation with the Chairperson.

3.6 To form a quorum, at least half the number of members including the Chairperson, or in his/her absence the Vice-Chairperson, or in his/her absence the Secretary and the Pastor-in-Charge shall be present. In the event of none of the aforementioned office bearers being present, no meeting shall be held.

3.7 All resolutions shall be passed by a majority of votes except for those relating to the amendment of the Constitution. In case of a tie, the Chairperson shall have a casting vote.

3.8 Minutes of the meetings shall be recorded by the Secretary and signed by the Chairperson, Secretary and the Pastor-in-Charge. The minute's book shall be kept in the office of the Parish. A copy of the minutes shall be sent to the Dean for the Circuit Council.

3.9 It shall have an Executive Committee consisting of the Chairperson, the Vice-Chairperson, the Synod Delegate(s), the Secretary, the Treasurer, and the Pastor-in-Charge. The Executive Committee shall decide on matters which need immediate attention when the Parish Council is not in session. The minutes of the Executive Committee shall be tabled at the Parish Council meeting for ratification.

#### **CHAPTER 4: FUNCTIONS OF THE PARISH COUNCIL**

4.1 The Parish Council shall faithfully assist all Congregational Councils and Church Servants in the Parish in congregational and evangelistic work. It shall take care of all activities in the Parish. It shall also promote and supervise the meetings and rallies of all leagues / organisations held in the Parish.

4.2 It shall act upon matters referred to it by the Congregational Councils.

4.3 It shall, within its area, put into effect the resolutions of the Circuit Council, the Diocesan Council, Synod, Church Council and General Assembly.

4.4 Any matter which it wishes to refer to the Diocesan Council must be sent through the Circuit Council.

4.5 Difficult questions which are beyond its powers shall be submitted to the Circuit Council for consideration.

4.6 Under the supervision of the Diocesan Council it shall administer Church funds and property within the Parish. It shall also supervise the erection and maintenance of all church buildings in the Parish.

4.7 The Treasurer shall keep the Parish accounts, receive and disburse, invest and withdraw money as ordered by the Parish Council.

4.8 The Treasurer shall immediately submit the monthly returns of income and expenditure together with an assessed amount of the income as decided upon by the Diocesan Council.

4.9 A standing Finance and Planning Committee shall be responsible to the Parish Council for the proper keeping of the books, for compiling the monthly returns of income and expenditure at the end of each month, for preparing the annual estimates for the ensuing year and for auditing all accounts of the Congregations. Should the need arise the Parish Council and or the Circuit Council shall enlist the

services of an external auditor.

- 4.9 It shall have a disciplinary/appeal/dispute/mediation committee composed of with requisite skills.
- 5.10 It shall have election procedures in terms of the by-laws hereof.

## **CHAPTER 5: THE PROPERTY OF THE PARISH**

- 5.1 The Parish Council is empowered to collect and administer funds for Church purposes and, subject to the consent of the Diocesan Council, is empowered to acquire, own, sell or in any reasonable manner to deal with movable property.
- 5.2 Such funds as may be collected and such movable property as may be acquired will be owned by the Parish on behalf of the Church in perpetual succession and no individual member shall have any rights thereto by reason only of his/her membership of the Church.
- 5.3 Subject to such bye-laws as may be promulgated from time to time, such documents as may be required for the purposes stated in 5.1 above shall be deemed to be duly executed when signed by any two of the following four officers of the Diocese concerned: the Bishop, the President of the Diocesan Synod, the Diocesan Executive Secretary and the Diocesan Executive Treasurer.
- 5.4 Any immovable property already acquired by or for any Parish and any immovable property which may hereinafter be acquired by or for any Parish and all bonds and other securities in favour of any Parish may be transferred to and registered in the name of the Parish which shall own them on behalf of the Church.
- 5.5 Any power of attorney, consent or other document required for the purposes stated in Part VII, Ch. 5, Par.5.3 or 5.4) shall be deemed to be duly executed when signed by any two of the four officers of the Diocese as mentioned in Part VII, Ch.5, (Par. 5.4). Any property of any Parish shall become the property of the Diocese when such Parish ceases to exist or has terminated its association with the Church.

## **CHAPTER 6: THE CONSTITUTION OF THE PARISH**

- 6.1 The provisions of Part VII of this Constitution shall be deemed to be the Constitution of the Parish.

## **PART VIII: THE CIRCUIT**

### **CHAPTER 1: GENERAL CIRCUIT MEMBERSHIP**

- 1.1.1 A Circuit consists of a group of Parishes within a defined area. It shall consist of at least 4000 members taking into consideration the geographical, financial and spirituality factors. The Circuit shall be defined by the Diocesan Synod upon recommendation of the Diocesan Council.

### **CHAPTER 2: CIRCUIT MEETING**

- 2.1 It shall elect the Chairperson, Vice-Chairperson from amongst its members. The Chairperson of the Circuit Meeting and his/her Deputy shall be the Chairperson and Deputy the Circuit Council.
- 2.2 The Dean in consultation with the Chairperson shall convene the Circuit Meeting.
- 2.3 The Chairperson is responsible for the orderly conduct of the meetings and the Circuit Dean is responsible for the implementation of the decisions.
- 2.4 Circuit Meetings shall be held at least once a year.
- 2.5 Members of the Circuit Meeting shall be the Dean and all ordained full-time Church Servants, the Parish Synod Delegate(s), and one lay delegate from each Congregation who shall not be eligible to be elected

to any position in the Circuit Meeting.

- 2.6 The Circuit Meeting shall elect its own Recording Secretaries who shall be responsible for recording proceedings at each meeting. A copy of the minutes shall be sent to the Office of the Diocese.
- 2.7 To form a quorum at least half the number of members, including the Chairperson, or in his/her absence the Deputy, or in his/her absence the Secretary and the Dean or Deans' Deputy shall be present. In the absence of the aforementioned office bearers, no meeting shall be held.
- 2.8 All resolutions taken shall be passed by a majority of votes. In case of a tie, the Chairperson shall have a casting vote.
- 2.9 The Circuit Meeting shall during its session receive a report from the Dean on the work in the Circuit. It shall discuss and make suggestions and recommendations to the Circuit Council on tasks and problems in the Parishes and/or in the Circuit. It shall also make recommendations on implementation of decisions of the Church.
- 2.10. The Circuit Meeting shall during its session elect the Circuit Council from amongst its members.
- 2.11 The Circuit Meeting shall elect the Dean from amongst the five candidates presented to it by the Diocesan Council after nominations. It shall elect the Deans' Deputy from amongst the Circuit Clergy.

### **CHAPTER 3: CIRCUIT CONVENTION**

- 3.1 In every Circuit there shall be a Circuit Convention called by the Dean at least once a year.
- 3.2 It shall consist of the Dean who is ex-officio Chairperson, his/her Deputy and all ordained and unordained Church Servants within the Circuit.
- 3.3 The Circuit Convention shall elect a Secretary and Assistant Secretary from its members. They shall be responsible for recording the proceedings of the convention. Minutes shall be submitted to the Circuit Council, the Office of the Diocese, all Parish Councils and to Pastors within the Circuit.
- 3.4 It shall elect ordained and unordained workers to the Diocesan Synod in accordance with Part IX, Ch. 2 Par. 2.2.3.
- 3.5 The purpose of the Circuit Convention is to foster theological studies and the discussion of challenges and ways of co-operation and to make proposals to the Diocesan Council through the Circuit Council.

### **CHAPTER 4: THE CIRCUIT COUNCIL**

- 4.1 Each Circuit shall have a Circuit Council elected for a period of six years (6).
- 4.2 The Dean, the Dean's Deputy and two Pastors elected by the Circuit Meeting shall be members of the Circuit Council. The Chairperson and his/her Deputy of the Circuit Meeting shall be the Chairpersons of the Circuit Council.
- 4.3 Leaders of Leagues and Organizations shall be co-opted with no voting rights. Each Parish shall be represented by the Synod Delegate/s in the Circuit Council.
- 4.4 It shall elect the Secretary, Vice Secretary and Treasurer from amongst its members.
- 4.5 Should any member of the Circuit Council cease during his/her period of office to hold the requisite skills or should he/she manifestly neglect his/her office or act contrary to resolutions of the Circuit Council or the Diocesan Synod or Church Council and show himself/herself unworthy in any way to hold office, he/she ceases to be a member of the Circuit Council. An announcement to that effect shall be made by the Dean.

## **CHAPTER 5: MEETINGS OF THE CIRCUIT COUNCIL**

- 5.1 The Dean in consultation with the Chairperson shall convene the Circuit Council meeting. The Chairperson shall be responsible for the orderly conduct of the meetings and the Dean shall be responsible for the implementation of the decisions.
- 5.2 It shall elect the Secretary, Assistant Secretary, Circuit Delegate to the Diocesan Council and Treasurer from amongst its members.
- 5.3 The Dean, Deans' Deputy, the Chairperson, the Vice-Chairperson, the Secretary, the Treasurer and the Circuit Delegate to the Diocesan Council shall form the Executive Committee of the Circuit Council. The minutes of the Executive Committee should be tabled at the Circuit Council meeting for ratification.
- 5.4 The Vice Chairperson, Treasurer, Parish Treasurers and two members from the Circuit with requisite skills shall constitute Circuit Finance and Planning Committee (CFPC). The Dean and his/her Deputy shall be ex-officio members. It shall elect a chairperson and a secretary from amongst its members.

## **CHAPTER 6: FUNCTIONS OF THE CIRCUIT COUNCIL**

- 6.1 It shall be accountable to the Circuit Meeting and the Diocesan Council.
- 6.2 It shall be responsible for the implementation of the resolutions of the Church in Parishes of the Circuit.
- 6.3 It shall faithfully assist the Dean in the carrying out of his/her duties, especially in his/her service of visiting the Parishes.
- 6.4 It shall examine the budget estimates of the Parishes and place them before the Diocesan Council for approval.
- 6.5 It shall further appoint internal auditors to audit all Parish accounts at least once a year and report on the audit to the Diocesan Council. Should the need arise the Circuit and or the Diocesan Council shall enlist the services of an external auditor.
- 6.6 It shall have a disciplinary/appeal/dispute/mediation committee composed of people with requisite skills.
- 6.7 It shall have election procedures in terms of the by-laws hereof.

## **CHAPTER 7: PROPERTY OF THE CIRCUIT**

- 7.1 Any immovable property already acquired by or for the Circuit and any immovable property which may hereinafter be acquired by or for the Circuit; all bonds and other securities in favour of the Circuit shall be transferred to and registered in the name of the Diocese.
- 7.2 The Circuit Council, at the meeting, is empowered to collect and administer funds for Church purposes subject to a two-thirds majority vote of members, to acquire, own, and sell or in any reasonable manner deal with movable property.
- 7.3 Funds and movable property as may be collected and acquired in terms of 7.2 here above, will be owned by the Circuit in perpetual succession and no individual member shall have any right thereto only by reason of his/her membership of the Church. Any immovable property already acquired by or for the Circuit and any immovable property which may hereinafter be acquired by or for the Circuit and all bonds and other securities in favour of the Circuit, shall be made out in, or transferred to and registered in the name of the Circuit established for the area into which such immovable properties or bonds or securities fall.
- 7.4 Any power of attorney, consent or other document required for the purposes stated in par.7.3 here above

or any power of attorney required for instituting, conducting or defending any action or other proceedings brought by or against the Circuit, Parish or Congregation and/or by or against officiating members of the Circuit, Parish or Congregational Councils in their official capacities, shall be deemed to be duly executed when witnessed in accordance with the law and signed by any two of the following four officers of the diocese concerned: the Bishop, the President of the Diocesan Synod, the Diocesan Executive Secretary and the Diocesan Executive Treasurer.

- 7.5 Proof as to who the members of the Diocesan Council are, when required, shall be furnished by way of a copy of the minutes recording their election and/or appointment duly certified as correct under the hand of any two of the following four officers of the Diocese concerned: the Bishop, the President of the Diocesan Synod, the Diocesan Executive Secretary and the Diocesan Executive Treasurer.

#### **CHAPTER 8: THE DEAN**

- 8.1 The Dean shall be an ordained minister who is on full-time ministry. Three months before the Circuit meeting, which is to elect the Dean, the Diocesan Executive Secretary will send the clergy roster with all the names of Pastors who are in the full-time ministry in the Diocese to all Pastors who are in the full-time ministry and to the Parish Councils of the Circuit concerned. After nominations have been received, the Diocesan Council shall open these nomination votes at a meeting of the Diocesan Council. The names of the highest five candidates shall be sent to the Circuit Meeting. The Circuit Meeting shall elect the Dean and his/her Deputy during its meeting.
- 8.2 The Bishop shall conduct the elections of the Dean and his/her deputy during the Circuit Meeting.
- 8.3 The Dean and his/her deputy shall be elected for a period of six years.
- 8.4 He/she shall be inducted by the Bishop of the Diocese.

#### **CHAPTER 9: THE DUTIES OF THE DEAN**

- 9.1 He/she shall be the spiritual leader of the Circuit and as such shall visit the Congregations at least once in every three years, so that he/she may be fully acquainted with the life and work of the Congregations in his/her Circuit. He/she shall encourage, comfort, give advice and counsel with the Word of God and also help and give spiritual care to the Pastors and other Church Servants.
- 9.2 He/she shall ordinarily assist at the ordination of Pastors and shall induct the Pastors and other Church Servants in his/her Circuit.
- 9.3 He/she shall from time to time hold Church rallies for the edification of the Body of Christ and for mutual strengthening of the faith and Christian endeavour amongst members for the various parishes of the Circuit.
- 9.4 He/she shall in consultation with the Chairperson convene Circuit Meetings and Circuit Council meetings.
- 9.5 He/she shall convene Circuit Conventions, other conferences and retreats for Pastors and other Church Servants within the Circuit.
- 9.6 He/she shall in consultation with the Circuit Council recommend transfers and appointments of workers to the Diocesan Council and shall meet applicants and scrutinize all applications for theological and other training of the Church.
- 9.7 He/she shall submit to the Bishop and Diocesan Council an annual report of the work in his/her Circuit.
- 9.8 He/she shall be an ex-officio member of the Circuit Council, Circuit meeting, all Parish councils and Circuit committees.

## **CHAPTER 10: THE DEAN'S DEPUTY**

- 10.1 The Dean's Deputy shall be an ordained minister who is on full-time ministry. He shall act on behalf of the Dean in case of absence or illness or in any matter delegated to him/her by the Dean.
- 10.2 In case of death and or incapacitation of any kind or absence for a consecutive period of six months of the Dean, by-elections are to be conducted.
- 10.3 three months before the Circuit Meeting which is to elect the Dean's Deputy, the Secretary of the Circuit Council shall send the clergy roster of all Pastors in the Circuit to all Pastors in the Circuit and to the Circuit Parish Councils to nominate their candidates. After nominations have been received from all Pastors in the Circuit and Parish Councils of the Circuit, the Circuit Council shall open these nomination votes at their meeting. The names of the highest five candidates shall be sent to the Circuit Meeting. The Circuit Meeting shall elect the Dean's Deputy during its meeting.
- 10.4 The Dean's Deputy shall be elected for a period of six years by the Circuit Meeting from amongst the pastors in the Circuit.

## **CHAPTER 11: THE CONSTITUTION OF THE CIRCUIT**

- 11.1 The provisions of Part VIII of this Constitution shall be deemed to be the Constitution of the Circuit.

## **PART IX: THE DIOCESE**

### **CHAPTER 1: GENERAL MEMBERSHIP OF THE DIOCESE**

- 1.1 The Diocese consists of a group of Circuits within a defined area. It shall consist of ten thousand [10 000] or more members taking into consideration the geographical, financial and spirituality factors. The Diocese shall be defined by the General Assembly upon recommendation of the Church Council.
- 1.2 Each Diocese shall be headed by a Bishop.

### **CHAPTER 2: THE DIOCESAN SYNOD**

- 2.1 The Diocesan Synod shall meet every second year. The Bishop of the Diocese, in consultation with the Chairperson of the Synod, shall have the right to convene an extraordinary meeting of the Synod.
- 2.2 Delegates to the Diocesan Synod shall be:
  - 2.2.1 The Bishop, the Deans of the Circuits, all members of the Diocesan Council and all members of the General Assembly in the Diocese.
  - 2.2.2 One layperson from each Parish of the Diocese, as elected by the Parish Council; deputies are to be elected. Parishes with more than two thousand [2000] confirmed members shall have the right to elect an additional lay delegate.
  - 2.2.3 Ordained and un-ordained Church Servants who are in the fulltime ministry elected by a Convention in terms of Part VIII, Ch. 3 Par.3.4 of the respective Circuits, their number not to exceed half of that of lay delegates of that respective Circuit.
  - 2.2.4 Non-voting members shall be one representative from each Institution, Leagues and Organisations within the Diocese, as appointed by the governing body of the respective Institution, League or Organisation. These members are entitled to take part in the discussion and shall be heard when the body represented by them is under discussion.
  - 2.2.5 The elected members of the Diocesan Synod shall hold office for six years.



## **CHAPTER 3: MEETINGS OF THE DIOCESAN SYNOD**

- 3.1 The Bishop, in consultation with the Chairperson, shall announce to all parishes of the Diocese the time, place and the general agenda not less than four weeks prior to the meeting.
- 3.2 To form a quorum, at least half the number of members including the Chairperson of the Synod, or in his/her absence the Vice-President, or in his/her absence the Bishop shall be present. In the event of none of the aforementioned office bearers being present, no meeting shall be held.
- 3.3 The standing agenda shall contain the following items:
  - 3.3.1 The matters arising from the minutes of the previous Synod.
  - 3.3.2 The report of the Bishop on the work of the Diocese.
  - 3.3.3 The reports of the Deans on the work of the Circuits.
  - 3.3.4 Matters submitted by the Diocesan Council.
  - 3.3.5 Reports from the Institutions, Leagues, Organizations and Associations which serve the Diocese.
  - 3.3.6 Financial report and budget of the Diocese.
  - 3.3.7 Matters submitted by the parishes as referred by the Diocesan Council through the Circuit Councils.
  - 3.3.8 Bible studies and lectures on important matters.
  - 3.3.9 Election of office bearers.
- 3.4 The Diocesan Synod shall elect its own Chairperson and Vice-Chairperson for a period of six years [6] who shall be known as Chairperson and Vice Chairperson.
- 3.5 The Diocesan Synod shall elect Recording Secretaries who shall be responsible for keeping the minutes of the meeting. All proceedings shall be entered in a minute book. Before the meeting disperses the minutes must be read. They shall be signed by the Chairperson and the Secretary, duplicated and sent to all Parish Councils and Pastors, to all voting and non-voting delegates of the synod, and to all Bishops, Deans and office bearers of the other Dioceses of the Church, not later than four weeks after the closing of the Synod meeting.
- 3.6 Resolutions, except those relating to the amendments of the Constitution (cf. Part X, Ch.13 Par. 13.1.2), shall be adopted by a majority of votes. In case of a tie, the Chairperson shall have a casting vote.
- 3.7 Holy Communion shall be celebrated at the meeting. The meeting shall be opened and closed by a divine service, and there shall be daily readings of God's Word and prayer.

## **CHAPTER 4: THE FUNCTIONS OF THE DIOCESAN SYNOD**

- 4.1 The Diocesan Synod shall have the duty:
  - 4.1.1 To ensure that the mission of the Church is carried out within the ambit of the Diocese;
  - 4.1.2 To give advice and counsel and help in matters concerning the Congregations of the Diocese;
  - 4.1.3 To elect the Bishop, Bishop's deputy, Chairperson and vice chairperson, General Assembly members, Clergy members of the DC, and ratification of Lay Diocesan Council members as submitted by the Circuits.

- 4.1.5 To supervise the work of the institutions, Leagues and Organisations within the Diocese;
- 4.1.6 To appoint, if it deems it necessary, commissions to study certain aspects of the work and to advise the Church Authorities.

#### **CHAPTER 5: THE DIOCESAN COUNCIL**

- 5.1 The Diocesan Council shall consist of the Bishop of the Diocese, his/her Deputy, the President of the Diocesan Synod who shall be the Chairperson of the Diocesan Council, his/her Deputy who shall be the Deputy Chairperson, the Deans of the Diocese, the Diocesan Executive Secretary and the Diocesan Executive Treasurer *and as many lay members as there are circuits* in the Diocese, and two Pastors elected by the Diocesan Synod for a period of six years [6] from its delegates. Deputies, if required, are called from those who gained the next highest vote at the election.
- 5.2 To form a quorum at least half the number of members including the Chairperson, or in his/her absence the Deputy Chairperson, and in his/her absence the Bishop or his/her Deputy shall be present. In the event of none of the aforementioned office bearers being present, no meeting shall be held.
- 5.3 Should any member of the Diocesan Council cease during his/her period of office to hold the necessary qualifications, or he/she manifestly neglect his/her office, or act contrary to resolutions of the Diocesan Council or synod and show himself/herself unworthy in any way to hold office, he/she ceases to be a member of the Diocesan Council. An announcement to that effect shall be made by the Bishop.
- 5.4 The Diocesan Council shall be convened by the Bishop in consultation with the Chairperson whenever necessary but not less than twice a year. The Chairperson shall be responsible for the orderly conduct of meetings whereas the Bishop shall be responsible for the implementation of decisions.
- 5.6 The Diocesan Council shall appoint a Recording Secretary for each meeting.
- 5.7 All resolutions shall be passed by a majority of votes. In case of a tie, the Chairperson shall have a casting vote.

#### **CHAPTER 6: THE EXECUTIVE OF THE DIOCESAN COUNCIL**

- 6.1 The Diocesan Council shall have an Executive Committee consisting of the Bishop; his/her deputy; President of the Synod who shall serve as Chairperson and his/her Deputy who shall serve as the Chairperson's Deputy; Diocesan Executive Secretary; the Diocesan Executive Treasurer and two lay members from the Diocesan Council elected by it. The minutes of the Executive Committee should be tabled at the Diocesan Council meeting for ratification.

#### **CHAPTER 7: FUNCTIONS OF THE DIOCESAN COUNCIL**

- 7.1 The Diocesan Council functions on behalf of the Diocesan Synod when the latter is not in session and shall be responsible to it.
- 7.2 The Diocesan Council has the right, authority and power:
  - 7.2.1 To do or cause to be done whatever may be deemed necessary to carry out the object of the Church and the decisions of the Diocesan synod.
  - 7.2.2 To manage and direct the business and affairs of the Diocese.
- 7.3 It shall prepare in advance the agenda for the meeting of the Diocesan Synod.
- 7.4 It shall call, appoint, transfer, suspend and terminate services of Church Servants assigned to the Diocese by the Church Council.

- 7.5 In disciplinary matters as referred to it by the Ministerial Council the Diocesan Council shall take appropriate action. Servants involved shall have the right to appeal against the decision of the Diocesan Council within 30 days. The decision of the Church Council shall be final.
- 7.6 In matters involving Pastors, Evangelists and other full-time Church Servants the following procedure shall be followed: The Parish Pastor will try to admonish the worker and rectify the matter. If he/she fails, the matter will be referred to the Dean. If the Dean is unable to resolve the matter he/she will refer it to the Bishop who will try to help the Servant. If the Bishop fails he/she will then refer the matter to the Ministerial Council and the procedure as outlined above shall apply.
- 7.7 It has the right to appoint commissions subject to approval by the Church Council.
- 7.8 It shall regularly call ministers' and other Church Servants' Conferences. Proposals on matter relating to faith and doctrine shall be referred for finalisation to the Church Council.
- 7.9 It shall have a Diocesan Finance and Planning Committee [DFPC]. It shall consist of the Vice Chairperson of the Diocesan Council, Diocesan Executive Treasurer, Circuit Treasurers and two members from the Diocese with requisite skills. The Bishop and his/her deputy shall be an ex-officio member. It shall elect a chairperson and a secretary from amongst its members.
- 7.9.1 It shall see to it that all income received from the Parishes, Circuits and from the Church-wide treasury shall be deposited to the Diocesan account from which payments shall be made. The Diocesan account shall transfer an assessed amount of its income from the parishes to the Churchwide treasury, from time to time as defined by the General Assembly.
- 7.10 The Diocesan Council shall appoint auditors and shall submit an audited financial statement to the Church Council annually.
- 7.11 To pass resolutions in regard to financial assistance to the Congregations, to prepare the budget of the Diocese and to authorise collections for special purposes;
- 7.11 It shall have a disciplinary/appeal/dispute/mediation committee composed of people with requisite skills.
- 7.12 It shall have election procedures in terms of the by-laws hereof.

## **CHAPTER 8: THE PROPERTY OF THE DIOCESE**

- 8.1 The Diocesan Council is empowered to collect and administer funds for Church purposes and subject to a two-thirds majority of members present and voting at a meeting of the Diocesan Council, to acquire, own, and sell or in any reasonable manner to deal with movable property.
- 8.2 Such funds as may be collected and such movable property as may be acquired will be owned by the Diocese in perpetual succession and no individual member shall have any right thereto by reason only of his/her membership of the Church.
- 8.3 Any immovable property already acquired by or for any Diocese and any immovable property which may hereinafter be acquired by or for any Diocese and all bonds and other securities in favour of any Diocese may be transferred to and registered in the name of the Diocese.
- 8.4 Any power of attorney, consent or other document required for the purposes stated in Part. IX, Ch.8, par. 8.3 or any power of attorney required for instituting, conducting or defending any action or other proceedings brought by or against a Diocese, Circuit, Parish or Congregation and/or by or against officiating members of any Diocesan Council, Circuit Council, Parish Council or Congregational Council in their official capacities, shall be deemed to be duly executed when witnessed in accordance with law and signed by any two of the following four officers of the Diocese concerned: the Bishop, the President of the Diocesan Synod, the Diocesan Executive Secretary and the Diocesan Executive Treasurer. Proof as to who the members of the Diocesan Council are, when required, shall be furnished by way of a copy of the

minutes recording their election and/or appointment duly certified as correct under the hand of any two of the following four officers of the Diocese concerned: the Bishop, the President of the Diocesan Synod, the Diocesan Executive Secretary and the Diocesan Executive Treasurer.

## **CHAPTER 9: THE MINISTERIAL COUNCIL**

- 9.1 The Ministerial Council shall consist of the Bishop as Chairperson, the Deans of the Circuits and one Pastor elected by the respective Circuit Conventions. The Ministerial Council shall have the power to co-opt experts from each Circuit.
- 9.2 To form a quorum at least half the number of members including the Chairperson or in his /her absence the Vice-Chairperson shall be present. In the event of none of the aforementioned office bearers being present, no meeting shall be held.
- 9.3 The duty of the Council shall be to deal with matters concerning Doctrine, applications to the ministry, examination and ordination of candidates for the ministry, as well as with matters of pastoral care. Furthermore it shall be the duty of this Council to counsel, admonish, reprimand and/or mediate in disciplinary matters. Cases which demand further disciplinary action shall be referred to the Diocesan Council. This Council should also be responsible for arranging refresher courses for Church Servants.
- 9.4 Matters of faith and doctrine must not be decided by a majority vote but after serious theological study. Matters requiring the decision of the General Assembly must be referred to the Episcopal Council.
- 9.5 The Ministerial Council shall elect a Secretary from amongst its members.
- 9.6 All decisions of the Ministerial Council must be reported to and reviewed by the Diocesan Council.

## **CHAPTER 10: THE OFFICERS OF THE DIOCESE**

### **10.1 THE BISHOP**

- 10.1.1 The Bishop shall be an ordained minister serving in the fulltime ministry. Three months before the Diocesan Synod, which is to elect the Bishop the General Secretary of the church will send the clergy roster of all the Pastors who are in the full-time ministry in the Church to all Pastors, who shall nominate one candidate on this roster and send it by registered post to the Chairperson of the Church Council marked "Nomination Vote". The Church Council will open these nomination votes at a Church Council meeting and the names of the ten candidates receiving the highest number of votes will be given to the Diocesan Council concerned. The Diocesan Synod shall elect the Bishop by ballot from among the ten candidates. After each ballot the candidate receiving the lowest number of votes will drop out, unless at any ballot one candidate receives a two-thirds majority of all votes cast. If at the end of the 9th ballot no candidate has received a two-third majority, the Bishop will be elected on the last ballot with a simple majority.
- 10.1.2 The Bishop shall be consecrated by the Presiding Bishop assisted by other Bishops as determined by the Church Council. He/she shall hold office until he/she reaches retirement age. He/she may, however, lay down his/her office on his/her own. He/she may be suspended or dismissed from office because of false teaching or conduct in his/her life or deed unbecoming his/her high office.

### **10.2 THE DUTIES OF THE BISHOP**

- 10.2.1 He/she is a preacher of the Word of Salvation together with all other Pastors, bound with them in ordination by the confessional writings of the Church to be obedient to the Word of God.
- 10.2.2 He/she is the spiritual leader of the Diocese. He/she shall encourage, comfort, give advice and reprimand the Church Workers by the Word of God.
- 10.2.3 He/she shall ordain Pastors on recommendation of the Diocesan Council and induct the Deans.

- 10.2.4 He/she shall call and conduct yearly conventions for Pastors/their spouses and/or other Church Workers and shall accept motions and proposals of such conventions and submit them to the Diocesan Council.
- 10.2.5 He/she shall dedicate church buildings and lay cornerstones.
- 10.2.6 He/she shall carry out visitations to the Parishes and Congregations of the Diocese.
- 10.2.7 He/she shall be an ex-officio member of all councils in the Diocese.
- 10.2.8 He/she shall act as the formal head and representative of the Diocese in dealing with other churches, government and other public bodies in matters pertaining to his/her Diocese.
- 10.2.9 He/she shall ensure that the decisions of the Diocesan Synod and Diocesan Council, as well as those of the General Assembly and Church Council, are carried out.
- 10.2.10 If he/she feels that theological questions are involved which need further study before the final decision can be taken, or if he/she considers that they are in conflict with decisions of the General Assembly, he/she may delay such decisions of the Diocesan Synod until the next session of the Synod, provided that he/she refers the matter to the Ministerial Council.
- 10.2.11 He/she shall draw up an annual report of the work in the Diocese which shall be sent to all Parishes and Pastors of the Diocese and to the Church Council.
- 10.2.12 If for any reason he/she is unable to carry out his/her duties, the Bishop's Deputy shall take over his/her functions.

### **10.3 THE BISHOP'S DEPUTY**

The Bishop's Deputy shall be elected by the Diocesan Synod from amongst the Deans of the Diocese. He/she shall be elected by simple majority for six years and shall be a member of the Diocesan Council and take over duties in the absence of the Bishop as well as duties assigned to him/her by the Bishop.

### **10.4 THE DIOCESAN EXECUTIVE SECRETARY**

- 10.4.1 He/she shall be appointed by the Diocesan Council and shall be responsible to the Bishop and the Diocesan Council. He/she must be a Lutheran communicant.
- 10.4.2 He/she shall be the head of the administration in the office of the Diocese.
- 10.4.3 He/she shall inform the parishes of all decisions taken by the Diocesan Synod and Diocesan Council, and shall ensure that such decisions are carried out.
- 10.4.4 He/she shall inform the parishes of all decisions taken by the General Assembly and Church Council.
- 10.4.5 He/she shall be responsible for administrative matters of the Diocese.
- 10.4.6 He/she is ex-officio member of the Diocesan Council, Diocesan Synod, Church Council and all Circuit Meetings and has the right to attend meetings of Circuit Councils without the right to vote.

### **10.5 THE DIOCESAN EXECUTIVE TREASURER**

- 10.5.1 He/she shall be appointed by the Diocesan Council and shall be responsible to the Bishop and the Diocesan Council. He/she shall be a Lutheran communicant.
- 10.5.2 He/she shall receive and keep safely all moneys entrusted to him/her by the Church and use such moneys in accordance with the directives of the Diocesan Council.

- 10.5.3 He/she shall keep accurate accounts of income and expenditure and submit Reports to the Diocesan Council and the office of the General Treasurer whenever required and has the right to be heard when matters affecting his/her work are discussed.
- 10.5.4 His/her books shall be audited in terms of Part IX, Ch.7, Par. 7.10.
- 10.5.5 He/she is the ex-officio member of the Diocesan Council, Diocesan Synod, Church Council, and all Circuit Meetings and has the right to attend meetings of Circuit Councils without the right to vote.

## **CHAPTER 11: THE CONSTITUTION OF THE DIOCESE**

The provisions of Part IX of this constitution shall be deemed to be the constitution of the Diocese.

## **PART X: THE CHURCHWIDE**

### **CHAPTER 1: THE GENERAL ASSEMBLY**

- 1.1 Delegates to the General Assembly shall be:
  - 1.1.1 The Bishops of the Dioceses of the Church, all members of the Church Council and four ordained ministers and eight lay members from each Diocese as elected by the Diocesan Synod from amongst its members. Each Diocesan Synod shall make provision for deputies.
  - 1.1.2 Non-voting members shall be the General Secretary; General Treasurer; Diocesan Executive Secretaries; Diocesan Executive Treasurers; the Rectors/Principals of Theological Colleges; representatives of institutions, leagues and organisations of the Church, as appointed by the Church Council and respective governing boards.
  - 1.1.3 The elected members of the General Assembly shall hold office for six years.

### **CHAPTER 2: MEETINGS OF THE GENERAL ASSEMBLY**

- 2.1 The General Assembly shall meet every second year.
- 2.2 The Presiding Bishop, in consultation with the President of the General Assembly, shall have the right to convene an extraordinary meeting.

Members who shall attend the extraordinary General Assembly meeting are the members of the ordinary General Assembly meeting.
- 2.3 For ordinary meetings the Presiding Bishop in consultation with the President of the General Assembly shall announce to all Dioceses the time, place and the general agenda not less than three months prior to the meeting.
- 2.4 To form a quorum, at least half the number of members, including the President, or in his/her absence the Vice-President, and the Presiding Bishop or his/her Deputy shall be present. In the event of none of the aforementioned office bearers being present, no meeting shall be held.
- 2.5 The standing agenda shall contain the following:
  - 2.5.1 The report of the Presiding Bishop on the work of the Church.
  - 2.5.2 The reports of the Bishops on the work of the Dioceses.
  - 2.5.3 The report of the General Secretary.

- 2.5.4 The report of the General Treasurer on the Finances of the Church.
- 2.5.5 Reports from Institutions, Leagues, Organizations and Associations.
- 2.5.6 Matters submitted by the Church Council.
- 2.5.7 Matters submitted by the Diocesan Councils and processed through the Church Council.
- 2.5.8 Bible studies and lectures on important matters.
- 2.5.9 Election of office bearers.
- 2.6 The President or his/her Deputy shall be the Chairperson of the General Assembly. The Diocesan Executive Secretaries shall serve as recording secretaries during the General Assembly meetings. Before the meeting disperses the minutes must be read. They shall be signed by the Chairperson, Secretaries and the Presiding Bishop duplicated and sent to all Diocesan Councils, to all voting and non-voting delegates of the assembly and to all Pastors of the Church not later than four weeks after the closing of the assembly.
- 2.7 Resolutions, except those relating to amendments of the constitution (cf. Part X, Ch.13, Par. 13.1.2) shall be passed by a majority of votes. In case of a tie, the Chairperson shall have a casting vote.
- 2.8 Holy Communion shall be celebrated at the meeting. The meeting shall be opened and closed by a divine service, and there shall be daily readings of God's Word and prayer.

### **CHAPTER 3: THE FUNCTIONS OF THE GENERAL ASSEMBLY**

- 3.1 The General Assembly shall have the duty:
  - 3.1.1 To ensure that the mission of the Church is carried out within the ambit of the Church;
  - 3.1.2 To participate in the world mission responsibility of the Church universal;
  - 3.1.3 In the year of general elections, it shall elect the Presiding Bishop and his/her deputy who shall preside over the sitting where the President and his/her Deputy are elected at the beginning of the meeting.
  - 3.1.4 To commission the Church Council;
  - 3.1.5 To establish to which ecumenical bodies the Church will relate to and be a member of;
  - 3.1.6 To be responsible for laying down conditions of service for Church Servants especially with regard to:
    - 3.1.6.1 Proper training of Church Servants.
    - 3.1.6.2 Establishment of salary scales.
    - 3.1.6.3 Emolument of Church Servants.
  - 3.1.7 To lay down the principles of inter-Diocesan aid.
  - 3.1.8 To decide the budget of the Church and to make provisions for the proper administration of the funds of the Church.
  - 3.1.9 To approve the agenda submitted by the Church Council and to receive motions.
  - 3.1.10 To provide for standing orders for visitations by Bishops and Deans.



3.1.11 To approve the bye-laws of the Church.

3.1.12 To finalise all matters that normally fall within the ambit and power of the General Assembly.

#### **CHAPTER 4: THE CHURCH COUNCIL**

4.1 The Church Council shall consist of the Presiding Bishop who is ex-officio member, his/her Deputy, the President of the General Assembly who is the Chairperson, his/her Deputy who is the Deputy Chairperson, the Bishops of the Dioceses, one ordained member and two lay members from each Diocese as elected by the Diocesan Councils for a period of six years. Each Diocesan Council shall make provision for alternates.

4.2 The General Secretary, General Treasurer, Diocesan Executive Secretaries and the Diocesan Executive Treasurers shall be non-voting members of the Church Council.

4.3 To form a quorum, at least half the number of members, including the President, or in his/her absence the Deputy, and the Presiding Bishop or his/her Deputy shall be present. In the event of none of the aforementioned office bearers being present, no meeting shall be held.

4.4 All resolutions shall be passed by a majority of votes. In case of a tie, the Chairperson shall have a casting vote.

4.5 The Presiding Bishop in consultation with the President of the General Assembly shall convene the meeting of Church Council whenever necessary, as a rule, four times a year.

#### **CHAPTER 5: FUNCTIONS OF THE CHURCH COUNCIL**

5.1 It functions on behalf of the General Assembly when this is not in session and is responsible to it.

5.2 It shall provide the channel through which each of the Dioceses can assist and support the others.

5.3 It shall appoint representatives/delegates to ecumenical bodies.

5.4 It has the right, authority and power:

5.4.1 To do or cause to be done whatever may be deemed necessary to carry out the object of the Church and the decisions of the general assembly when the latter is not in session.

5.4.2 To manage and direct the business and affairs of the Church.

5.5 It shall be responsible for payment of salaries to Church workers and to take the final decision on the dismissal of Church Servants on recommendations of the Diocesan Council.

5.6 It shall receive and disburse funds donated to the Church and an assessed amount from the income of each Diocese, as may be decided upon by the General Assembly from time to time.

5.7 It shall give a financial report to each General Assembly.

5.8 It shall prepare the agenda for the meeting of the General Assembly.

5.9 It shall be responsible for the assignment and cross transfers of ordained servants to the Dioceses in consultation with the Diocesan Councils.

5.10 It shall have an Executive Committee consisting of the Presiding Bishop, his/her Deputy, President of the General Assembly who shall be the Chairperson, his/her Deputy who shall be the Vice-Chairperson, General Secretary, General Treasurer, and two lay members from the Church Council elected by it. The functions of this committee shall be laid down in the bye-laws. The minutes of the Executive Committee

should be tabled at Church Council meeting for ratification.

- 5.11 It shall have a Churchwide Finance and Planning Committee [CFPC]. It shall consist of the Vice Chairperson of the Church Council, General Treasurer, Diocesan Executive Treasurers, and one member from each Diocese with requisite skills. The Presiding Bishop and his deputy shall be ex-officio members. It shall elect a chairperson and a secretary from amongst its members.
- 5.12 It shall have a disciplinary/appeal/dispute/mediation committee composed of people with requisite skills.
- 5.13 It shall have election procedures in terms of the by-laws hereof.

## **CHAPTER 6: THE EPISCOPAL COUNCIL**

- 6.1 There shall be an Episcopal Council presided over by the Presiding Bishop and his/her Deputy, consisting of the Bishops of the Dioceses and one ordained member from each Diocese appointed by the Diocesan Council. It shall have the power to co-opt.
- 6.2 To form a quorum, at least half the number of members, including the Presiding Bishop or in his/her absence the deputy, shall be present.
- 6.3 The Council shall meet at least once a year.
- 6.4 The Episcopal Council shall have the duty to advise and admonish the church as a whole and all councils of the Church.
- 6.5 One of the outstanding duties shall be to take care that the unity of the Church is always manifested at its life.
- 6.6 If it considers that decisions may tend to be harmful or contradictory to the Teaching of the Word of God or to the doctrine of the Church, it may defer such decisions of either the General Assembly or the Church Council until the next meeting of the respective bodies.
- 6.7 It shall have a Bishops' Forum for sharing, counselling and empowering each other.

## **CHAPTER 7: OFFICERS OF THE CHURCH**

### **7.1 THE PRESIDING BISHOP**

- 7.1.1 He/she and his/her Deputy shall be elected by the General Assembly from amongst the Bishops of the Dioceses and shall hold office for a period of six years and may be re-elected.
- 7.1.2 He/she shall open the meetings of the General Assembly and the Church Council. He/she shall commission all General Assembly delegates.
- 7.1.3 He/she shall act as the formal head and representative of the Church in dealing with other Churches, government and other public bodies in matters concerning the whole Church or more than one diocese.
- 7.1.4 He/she is an ex-officio member of all Diocesan Synods and has the right to attend meetings of the Diocesan Councils.
- 7.1.5 Should the Presiding Bishop be unable to carry out his/her duties, the deputy shall act until the next meeting of the General Assembly.
- 7.1.6 He/she shall call and conduct conventions for Pastors/their Spouses and other Church Servants on ELCSA level and shall accept motions and proposals of such conventions and submit them to the Church Council.

## **7.2 THE PRESIDING BISHOP'S DEPUTY**

- 7.2.1 He/she shall carry out duties in the absence of the Presiding Bishop and/or as assigned to him/her.
- 7.2.2 Should the Presiding Bishop be unable to carry out his/her duties the deputy shall act until the next meeting of the General Assembly.

## **7.3 THE GENERAL SECRETARY**

- 7.3.1 He/she shall be appointed by the Church Council and be responsible to it as well as to the Presiding Bishop. He/she must be a Lutheran communicant.
- 7.3.2 He/she shall be responsible for the administration of the Churchwide Office of the Church and work in close co-operation with the Presiding Bishop.
- 7.3.3 He/she shall inform all Dioceses of the decisions taken by the General Assembly and the Church Council.
- 7.3.4 He/she shall be responsible for organisational and administrative matters of the Church as instructed.
- 7.3.5 He/she is an ex-officio member without the right to vote at the General Assembly, the Church Council and all Diocesan Synods and has the right to attend meetings of Diocesan Councils.

## **7.4 THE GENERAL TREASURER**

- 7.4.1 He/she shall be appointed by the Church Council and be responsible to it as well as to the Presiding Bishop. He/she shall be a Lutheran communicant.
- 7.4.2 He/she shall receive and keep safely all moneys entrusted to him/her by the Church, and use such moneys in accordance with the directives of the Church Council.
- 7.4.3 He/she shall keep accurate accounts of income and expenditure and submit reports to the Church Council whenever required and has the right to be heard when matters affecting his/her work are being discussed.
- 7.4.4 His/her books must be audited by a chartered accountant at the end of every financial year.
- 7.4.5 He/she is an ex-officio member without the right to vote at the General Assembly, the Church Council and all Diocesan Synods and has the right to attend meetings of Diocesan Councils.

## **CHAPTER 8: RULES OF PROCEDURE**

All Councils, Synods and the Assembly shall draw up their own rules of procedure.

## **CHAPTER 9: ACCEPTANCE OF OTHER MEMBERS**

Other Churches or Synods and Dioceses or other Congregations may become members of this Church by presenting a written application which indicates their agreement with the constitution and bye-laws of this Church. Acceptance of these applicants requires a two-thirds vote of the General Assembly of the Church.

## **CHAPTER 10: PROPERTY OF THE CHURCH**

- 10.1 Subject to the approval of the Church Council or the Diocesan Council concerned, the Evangelical Lutheran Church in Southern Africa and every Congregation, Parish and Diocese incorporated in or associated under the Church shall respectively be entitled to acquire and own movable and immovable property.

- 10.2 Any immovable property which may have already been acquired or which may hereinafter be acquired by or for the Church and which is not registered in the name of any individual Congregation, Parish or Diocese, and all other bonds and other securities in favour of the Church shall be made out in, transferred to, and registered in the name of the Church.
- 10.3 The Church, acting only with the consent of a two-thirds majority of members present and voting at a meeting of the Church Council, as also any individual Congregation or Parish or Diocese acting only with the consent of a two-thirds majority of members present and voting at a meeting of the Congregational Council or Parish Council or Diocesan Council, shall have the full right, power and authority to manage and control, to purchase, exchange, accept as a gift or otherwise lawfully acquire, to lease, invest, hire, alienate, sell or otherwise dispose of, to mortgage, pledge, hypothecate or otherwise encumber, or in any other manner deal with all or any of their respective immovable property and assets, and to cancel, vary and cede bonds or other securities provided always that the said diocesan council shall not exercise its powers under this paragraph insofar as concerns the property of any individual Congregation or Parish without the concurrence of the officiating Congregational Council or Parish Council, a certificate of that effect under the hand of Chairperson of such Council to be accepted as sufficient prima facie proof of concurrence.
- 10.4 Any power of attorney, consent or other document required for the purpose of transfer or mortgage or in connection with any deed of transfer or mortgage bond, or any power of attorney required for instituting, conducting or defending any action or other proceedings brought by or against the Church and/or by or against the officiating members of the Church Council in their official capacities, shall be deemed to be duly executed when signed by any two of the following officials: The Presiding Bishop or his/her Deputy; the President of the General Assembly; the General Secretary and the General Treasurer and witnessed in accordance with law. Any power of attorney required for instituting, conducting or defending any action or other proceedings brought by or against a Diocese, Parish or Congregation and/or by or against the officiating members of such Diocese, Parish or Congregation in their capacities, shall be deemed to be duly executed when signed by any two of the following four officers of the Diocese concerned: the Bishop, the President of the Diocesan Synod, the Diocesan Executive Secretary and the Diocesan Executive Treasurer. Proof of who the members of the Church Council or of a Diocesan Council, are, when required, shall be furnished by way of a copy of the minute recording their election and/or appointment duly certified as correct under the hand of the Presiding Bishop or his/her deputy and the General Secretary or the General Treasurer, or under the hand of any two of the following four officers of the Diocese concerned: the Bishop, the President of the Diocesan Synod, the Diocesan Executive Secretary and the Diocesan Executive treasurer, as the case may be.

#### **CHAPTER 11: BYE-LAWS OF THIS CONSTITUTION**

- 11.1 All questions and details not covered, either in whole or in part, by this constitution shall be regulated by the bye-laws of the Church.
- 11.2 Bye-laws of the Church shall be adopted and/or amended by a two-thirds majority of votes of voting members present in an ordinary called meeting of the General Assembly.

#### **CHAPTER 12 INTERPRETATION OF THIS CONSTITUTION**

The interpretation of this constitution rests with the General Assembly. In the event of ambiguity arising out of translation, the English text will be decisive.

#### **CHAPTER 13: AMENDMENTS TO THIS CONSTITUTION**

- 13.1 This constitution may be amended in the following manner:
- 13.1.1 A proposed amendment to this constitution shall be submitted through a Diocesan Council to the Church Council in writing at least eight weeks before the meeting of the General Assembly and shall be sent to all members of the General Assembly together with the agenda.

13.1.2 The proposed amendment must be approved by a two-thirds majority of the voting members present at an ordinary meeting of the General Assembly at two readings which shall not be held on the same day.

#### CHAPTER 14: DISSOLUTION CLAUSE

14.1 The General Assembly finalises all matters that normally fall within the ambit of its power which includes but not limited to the dissolution of the church.

14.2 During the dissolution of the church no assets of the church shall be disposed for the benefit of any donor, office bearer, or any individual member. No member shall be entitled to share in the distribution of such assets. Upon dissolution all liabilities shall be settled, and any remaining assets shall be distributed to one or more organisations of the similar faith and practice.

The Amended text as passed by the Seventeenth General Assembly of 11<sup>th</sup> July 2011..

THIS TEXT SUPERSEDES ALL PREVIOUS ONES.

REV. PB MATHE  
ELCSA GENERAL SECRETARY

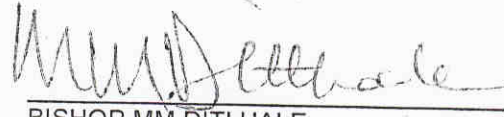
DATE: 11<sup>th</sup> JUNE 2011

SIGNING

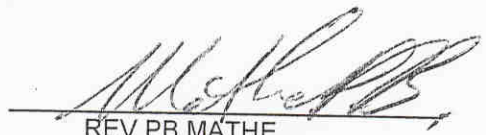
Signed for on behalf of the Evangelical Lutheran Church in Southern Africa (ELCSA)



MR SA MKHIZE  
PRESIDENT OF THE GENERAL ASSEMBLY



BISHOP MM DITLHALE  
PRESIDING BISHOP



REV PB MATHE  
GENERAL SECRETARY

ELCSA  
CHURCH