



CONSTITUTION and RULES of PROCEDURE

LOVING GOD ... LOVING PEOPLE ... LOVING SCRIPTURE

**CONSTITUTION and RULES of PROCEDURE of
SOUTHERN CROSS CHURCH,
CONSTANTIABERG, WESTERN CAPE
A Constituent Church of the Church of England in South Africa**

1.

TO THE GLORY OF GOD.

It is hereby declared that the congregation of Southern Cross Church, Constantiaberg, is a constituent Church of the Church of England in South Africa, and has subscribed to the constitution of, and has been declared a Constituent Church by, the said Church of England in South Africa, and hereby adopts the following as its Constitution and procedure.

2.

Southern Cross Church, Constantiaberg, hereafter referred to as “this Church,” shall, in terms of Secular Law, be a Voluntary Association with full legal personality, with perpetual succession and the power to hold property in its own name, distinct from its members, and capable of being sued and suing in its own name.

All immovable property of this church shall be registered in the name of the Central Trustees of the Church of England in South Africa.

3.

The aims of and objects of this Church shall be to provide for the worship of God, in terms of the faith and doctrine laid down in the Constitution of the Church of England in South Africa.

4.

The affairs of this Church shall be regulated and controlled by a Council, hereinafter referred to as “the Council” and constituted as hereinafter provided.

5.

MEMBERSHIP

There shall be kept a register of the members of this church. A member shall be a person who has applied to the Council for membership and who has been admitted as such and has signed the membership register.

The Council shall not admit any person to membership unless he or she:

- a. has been baptised and has made a personal confession of faith in the Lord Jesus Christ;
- b. has accepted and continues to accept the Constitution of the Church of England in South Africa;
- c. is over 18 years of age;
- d. is not a member of any other church;
- e. has been a habitual worshipper at this church for a period not less than six months, provided that a member of the Church of England in South Africa, upon transfer to this church, shall be received as a member of this Church if he applies for admission as such;
- f. provided further that the provisions of clauses (d) and (e) may be relaxed where the person concerned is a full-time missionary attached to or affiliated with a recognized missionary society.

The Council will do everything in its power to take pastoral care of all the members of the church, ensuring as far as possible, a member's regular church attendance and participation in church life. However, the Council may remove from membership, after pursuing all avenues of communication, any member who has failed to be in attendance for a year or longer if they are satisfied that by their absence the member concerned no longer participates as an active member; unless that member has ceased to be a habitual worshipper on account of age or ill-health or any other reason that the Council deems valid.

ANNUAL VESTRY MEETINGS

- i. A GENERAL meeting of members shall be held once in every year, as is convenient on a date to be fixed by the Council, but in no case later than 31st May in any year.

Such meeting shall be called the Annual Vestry Meeting and shall be chaired by the Rector or his nominee. If there is no Rector or nominee, the meeting shall elect an Acting Chairman from the Council Members. The Chairman shall have a casting vote.

A quorum shall be twenty (20) percent of the total number of members as per the Membership Roll. Failing a quorum, the meeting shall be adjourned for not more than thirty days to a date determined by the Council.

- ii. The Annual Vestry Meeting shall also receive, consider and adopt or take such other action as may be deemed advisable on the Financial Report and other Reports for the past year, and shall transact such other business as is on the agenda.
- iii. Any member wishing to put forward a motion at the Annual Vestry Meeting shall, not less than two weeks before the meeting, notify in writing, the terms of the motion to the Secretary of the Council. Such motion must be seconded by a member of the Church in order to be put forward.
- iv. All voting at a Vestry Meeting (other than electing the People's Warden and the Church Council which shall be conducted by ballot) shall be by show of hands unless a ballot be requested by any two members of the Church which shall then be implemented for any specific motion.
- v. Any voting requires a simple majority (51%) of the members present in order to be accepted or approved; unless stated otherwise in this Constitution.
- vi. No person shall be entitled to vote at any Vestry Meeting or be eligible as holder of any office and/or as member of any body or council constituted by this Constitution unless he or she be a member.
- vii. Any person attending this Church, but who is not a member, may attend a Vestry Meeting, but only speak with the Chairman's permission and shall not have a vote.

7.

The annual Vestry Meeting shall elect, as necessary as per Item 12i, for the ensuing year the following office-bearers, namely:

The People's Warden and Members of the Council.

- i. No Church member shall be eligible for nomination as a Church Warden or a Council Member, unless he or she has been a registered member of this Church for a period of not less than six months.
- ii. For their validity, nominations for all Church office-bearers and Council Members must be made or seconded by members of this Church. Both nominations and acceptances thereof must be made in writing to the Secretary of the Council at least two weeks prior to the Vestry Meeting.
- iii. All such nominations require approval by a Nominations Committee consisting of the Rector and Church Wardens, in order to be a valid nomination.

8.

Verbal notice of the place, date and time of the Annual Vestry Meeting shall be given on three consecutive Sundays beforehand, at the Sunday services.

The agenda for the meeting shall be made available to the church on the two Sundays prior to the Vestry Meeting.

9.

SPECIAL VESTRY MEETINGS

A special General Meeting of members, hereinafter called a Special Vestry Meeting, may be held at any time to deal with the special business set forth on the notice convening such a meeting. Such a meeting shall be convened at the request of the Council or on receipt of a requisition by the Rector, or Secretary, or one of the Church Wardens, stating the nature of such special business, addressed to the Secretary of the Council and signed by:

- a. at least seven members, or
- b. the Rector of the congregation, or
- c. the two Church Wardens.

Upon receipt of such requisition the Secretary of the Council, or the Rector, or a Church Warden shall convene the Special Vestry Meeting in the same manner prescribed for Annual Vestry Meetings. Such a Special Vestry Meeting shall take place not more than four weeks subsequent to the date of the requisition.

The quorum for a Special Vestry Meeting shall be twenty (20) percent of the total number of members as per the Membership Roll. Failing a quorum, the meeting shall be adjourned for not more than thirty days to a date determined by the Council.

If the matter to be dealt with at such a meeting touches or concerns any member or adherent such member or adherent shall be notified in writing of the requisition at least two weeks before the date of the meeting, and of the date, place and time of the meeting, and shall be entitled to attend and speak thereat.

10.

THE COUNCIL

The Council shall consist of:

- a. the Rector and any other Presbyters(s) appointed by the congregation.
- b. The Church Wardens
- c. Such members as determined by the Annual Vestry Meeting, subject to a minimum of two (2) members and a maximum of four (4) members, provided always the number of clergy should not exceed the number of laymen.

The Council shall appoint a Secretary, hereafter called “the Secretary of the Council”, and a Treasurer. Should the Secretary or the Treasurer not be a Council Member they shall not be entitled to vote at Council meetings.

11.

CHAIRMAN OF THE COUNCIL

The Rector or his nominee, ordinarily either the Rector’s Warden or the People’s Warden, shall be the Chairman to preside at meetings of the Council. If there is no Rector, or nominee, an acting Chairman shall be elected by the Council from among their members at each meeting. The Chairman shall have a casting vote.

12.

MEMBERSHIP OF THE COUNCIL

- i. Church Wardens and Council Members will hold office for **two years** after which time they are eligible for re-election.
 - Church Wardens and Council Members shall arrange their retirement from office so that 50% or less of the incumbent Wardens and Members retire in any one year; and,
 - to achieve this, a Warden or Member may have their term extended to three years with the approval of the Council.
- ii. Immediately before the item on the Agenda at the Annual Vestry Meeting concerning the election of office-bearers the members of the Council who were appointed in terms of paragraph c. of clause 10 shall retire but shall be eligible for re-election.
- iii. Any vacancy in the membership of the Council occurring between two successive Annual Vestry Meetings may be filled by the Council co-opting a member on to the Council for the remainder of the period.
- iv. No Council Member shall serve for a continuous period of more than six years.

13.

CHURCH WARDENS

- i. The Church Wardens shall be elected as follows:
 - a. One shall be elected at the Annual Vestry Meeting from the people nominated and seconded for that office by members of the Congregation (other than the Clergy). The Church Warden so elected shall be known as “the People’s Warden”
 - b. The other shall be nominated to that office by the Rector, and shall be deemed to have been elected. The Church Warden so elected shall be known as the “Rector’s Warden”.

If the Church has no Rector, the Rector’s Warden will continue in office until the next Vestry Meeting at which the Rector is present.
- ii. The People’s Warden shall be elected by a majority vote (51%) with election by lot in the event of an equality of votes. A vacancy in the office of People’s Warden occurring during the year of office may be filled by the Council for the remainder of the period.

14.

DUTIES OF THE CHURCH WARDENS

The Church Wardens, along with the ministry staff, shall be jointly responsible for carrying out the instructions of the Council relative to the spiritual and pastoral oversight of the affairs of this Church, and shall in particular:

- a. maintain the doctrine, standards and practices of the Church of England in South Africa and this church;
- b. have power to require the various services and the Sacraments to be conducted in accordance with the Standards and Formularies of the Church of England in South Africa and to prevent and to prohibit the introduction of any Ceremony, vestment, Fitting or Ornament, which is unlawful in the Church of England in South Africa in terms of its constitution and Canons and/or the Church of England Book of Common Prayer of 1662;
- c. they shall be bound to act on a complaint made in writing under this clause by at least five members of this church, but must refer such complaint to the Council for confirmation of their actions;
- d. oversee the direction and continuance of the ministries of this church;
- e. look for ways of extending the witness of the Gospel in our area as well as seeking opportunities to plant new churches/congregations.

15.

MEETINGS OF THE COUNCIL

- i. The quorum for ordinary and Special Meetings of the Council shall be at least fifty percent of the Council.
- ii. Ordinary meetings shall be held once a month as far as circumstances permit. An Agenda for each Ordinary Meeting of the Council shall be prepared by the Secretary of the Council and may be distributed to Council members before the meeting.
- iii. The Secretary of the Council shall include on the Agenda such items as any Council Member may request them to include.
- iv. A motion duly seconded for the adjournment of a Meeting must immediately be put to the vote without further discussion.
- v. If any member of the Council absent themselves for two consecutive Ordinary meetings of the Council without leave or explanation, his or her seat may, at the discretion of the Council, be declared vacant, and another member co-opted by the Council.

16.

DUTIES OF THE COUNCIL

The Council shall be responsible for the efficient administration of the affairs of this Church and shall in particular have power to:

- a. appoint a Rector and/or Presbyter/Deacon or Lay-Minister to the congregation, to enter into contracts with the persons so appointed relative to their tenure of office and to accept the resignation of an incumbent or to terminate their appointment.
Such appointment or termination shall be subject to the approval of the Presiding Bishop as laid down in Canon 5 of the Constitution of the Church of England in South Africa;
- b. rule on the interpretation of this Constitution and Rules of Procedure;
- c. cause proper minutes and record of its proceedings and all other meetings of members and of all transactions of this Church to be kept;
- d. authorise all expenditure and payments;
- e. open or cause to be opened a current or savings account with any registered Bank and to regulate the manner in which electronic transfers/payments are made or money withdrawn;
- f. raise or borrow money from time to time by means of an overdraft or by the giving of securities and/or in such other manner as the Council may think fit;
- g. for effecting such purposes, or any of them, appoint two or more of their number to sign or execute all such acknowledgments of debt, pledges, powers of attorney to Notarial Bonds, undertakings to repay, and/or other documents as may be necessary;
- h. in respect of all moneys not immediately required to meet the immediate charges upon this Church, lend, invest, put out at interest, place of deposit, make advances or otherwise deal with such moneys upon such securities and such manner as the Council may from time to time determine and to realise, vary or re-invest or otherwise deal with such securities as the Council may from time to time determine, and for effecting such purposes, or any of them, to appoint two or more of their number to sign or execute all documents as may be necessary or convenient;

- i. take whatever steps may be necessary in terms of this Constitution to negotiate for, conclude and enter into the purchases, sale or exchange of immovable property in accordance with the provisions of clause 21 hereof; and to appoint two or more of their number to sign or execute all documents as may be necessary to this end.
- j. prepare or cause to be prepared a Financial Statement, audited by a qualified auditor covering the year 1st January to 31st December preceding, and present such Statement at the next ensuing Annual Vestry Meeting.
- k. provide for the keeping and regular revision of the Membership Register.
- l. set up and establish standing and/or ad-hoc committees or sub-committees and to delegate to such committees any of its powers.
- m. provided however that the Council shall not be entitled to invoke any of the powers contained herein unless authorised to do so by a resolution passed at a meeting of the Council by seventy-five percent of those present and entitled to vote.

17.

SPECIAL COUNCIL MEETINGS

- i. A Special Council Meeting may be called by the Rector, or by either of the Church Wardens, or by any two members of the Council, by means of a verbal request to the Secretary of the Council, or in his absence, the Rector or either of the Church Wardens stating the purpose of the meeting. The recipient of the request shall, in consultation with the Rector and the Church Wardens, decide a place, date and time of meeting and immediately advise the Members of the Council either individually in writing or verbally at a general gathering/service of the congregation, informing them also of the purpose of the meeting.
- ii. At the meeting, should the sufficiency of the notice be questioned, a two-thirds majority of those present shall be required to confirm it. If the sufficiency be not confirmed the meeting shall adjourn to such date being not less than five days ahead, as it may decide on, and any Members not present shall immediately be advised by the Secretary of the Council. At such an adjourned meeting the sufficiency of the notice shall be assumed.
- iii. Should there not be a quorum at the first meeting the Members present shall adjourn the meeting to a date not less than five days ahead and Members not present shall be advised immediately by the Secretary of the Council. At the adjourned meeting, those present shall form a quorum.

18.

DECLARATION OF LOYALTY BY OFFICE-BEARERS

Before entering upon their duties each Council Member shall solemnly assent to the Declaration of Loyalty contained in Canon V(5) of the Constitution of the Church of England in South Africa.

19.

CHURCH DISCIPLINE

- i. Allegations of heresy or of misconduct against the Rector or Presbyter/Deacon or Lay-Minister or any office-bearer of this Church shall be referred to the Council for decision and action. The Council may appoint a special committee to investigate such allegations or complaint.

The Committee shall, after its investigations have been completed, report its findings on the matter in question to the Council. Any action then taken by the Council on the matter in question shall require a resolution passed by seventy-five percent of those Council Members present at a Special Meeting called for that purpose.

- ii. Subject to the provisions of sub-clause i. of this Clause, the Rector and Church Wardens shall ex-officio be a standing Conciliation Committee to which any member of this Church, whether clerical or lay, shall refer any formal complaint of any nature which he wishes to make against any member or body of this Church, whether clerical or lay.

If the committee finds after inquiry that the complaint is well-founded, its members shall admonish and reason with the offender(s) in a spirit of love and charity and if they respond with a sincere change of mind and views, shall report the inquiry and its results to both the complainant and the Council, after which the matter will be treated as closed.

- iii. Should the defendant to a complaint be a member of the Conciliation Committee he shall recuse himself and the Committee shall fill his position for the duration of the inquiry by the appointment of another member of the Council.

20.

RIGHT OF APPEAL

If a member is not satisfied with any decision of the Council concerning themselves, they may ask the Executive Committee of Synod to mediate or arbitrate in terms of Article x (3) (f) and Canon xvii of the Constitution of the Church of England in South Africa. Such arbitration shall be subject to confirmation by the next Synod whose decision shall be final.

21.

CHURCH PROPERTY

All instructions to the Central Trustees, regarding this Church's properties, shall be given in writing by either the Rector or the Secretary of the Council after having been duly authorised thereto.

22.

CONTROL OF SUBSIDIARY BODIES

Sunday Schools, Clubs, Fellowships, and all other bodies formed to further this Church's spiritual work shall be subject to the following provisions: -

The Rector shall ex-officio be a member of any controlling committee; and may exercise control over such organisations and their activities; and may require a report of their activities and a statement of the financial position at any time from such organisation.

In the event of there being no Rector, or in his absence, the Rector's Warden shall fulfil this role.

23.

AMENDMENTS TO THIS CONSTITUTION

Amendments to this Constitution may be made only at a properly constituted Vestry Meeting and only if seventy-five percent of the members present vote in favour of such amendments. No amendments which are in any way contrary to the Constitution of the Church of England in South Africa shall be permissible.

The proposed amendments shall be set out in full in the notice convening the Vestry Meeting, and shall be effective immediately they are adopted.

CLOSURE OF THE CHURCH

The Church may close down if at least seventy-five percent of the members present and voting at a Special Vestry Meeting convened for the sole purpose of considering such matter, are in favour of closing down.

Should the Church close down as envisaged above its first obligation is to pay off all its debts. Should any money or assets remain after discharging its debts they should be given in the first instance to the Central Trustees for the time being of the Church of England in South Africa. Should the said Central Trustees not be in a position to receive any such assets then they should be given to another non-profit organisation that has similar aims, objectives and beliefs to this Church. The Special Vestry Meeting called to decide on the closure of the Church shall decide which organisation this should be. No money or assets may be paid to any member or office bearer of the Church, except in the discharging of debts.

AMENDED and ADOPTED at the ANNUAL VESTRY MEETING of the Church held on the 19th of MAY, 2024

Chairman

Rector's Warden

People's Warden



**Amendments to the
CONSTITUTION and RULES of
PROCEDURE
Made at the Annual Vestry Meeting
held on 19 May 2024.**

SUMMARY of the CHANGES

- many changes were updating of grammar and numbers to reflect current practice
- we changed our location to “Constantiaberg” to better reflect our current location and to be more inclusive going forward.
- kept all references to “Church of England in South Africa” as this is still the legal name of our denomination and used in all legal documents (“REACH- SA” is essentially a “trading” or “operating” name to facilitate ministry within our context).
- Item 5: moved paragraph from Item 16 to Item 5 as it deals with Membership.
- Item 6 & 7: reordered the paragraphs so that Item 6 deals with the AVM in general and Item 7 deals with elections at AVM in particular.
- Item 6v.: clarified that a majority is needed in all motions and decisions at the AVM.
- Item 12: extended the elected term of office of the Wardens and Council to two years for better effectiveness in the role and included a clause to ensure continuity within council.
- Item 13: Clarified how the Wardens are elected.
- Item 14: Clarified the duties of the Wardens (as distinct from the Council Members) and ensures they, along with the ministry team, take responsibility for the ongoing ministry direction, continuance and growth of SCC.
- changed the order of Items 17 to 24 for a smoother reading of the Constitution but these Items remain unchanged in content.