

LESLIE BAPTIST CHURCH CONSTITUTION

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Adopted on the 24th November 2008 amended 24th May 2011

1. ADOPTION OF THE CONSTITUTION

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

2. NAME

The Church is to be called Leslie Baptist Church (“the Church”).

3. OBJECTS

The Church’s objects (“the Objects”) are:

- a) the advancement of the Christian faith primarily in the Leslie area and also throughout Scotland and the rest of the World by all means consistent with the teachings of the Christian Bible including worship, ministry, mission, prayer, witness, education, community service
- b) the support of agencies and individuals and other charitable organizations involved in Christian missionary work
- c) the relief of poverty or other social needs
- d) the promotion of a sense of community within the Leslie area

4. POWERS

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

- a) To carry on any other activities which further any of the Objects.
- b) To purchase, take on lease, hire, or otherwise acquire, any property or rights which are suitable for the Church’s activities.
- c) To improve, manage, develop, or otherwise deal with, all or any part of the property and rights of the Church.
- d) To sell, let, hire out, license, or otherwise dispose of, all or any part of the property and rights of the Church.
- e) To borrow money, and to give security in support of any such borrowings by the Church.
- f) To employ such staff as are considered appropriate for the proper conduct of the Church activities, and to make reasonable provision for the payment of pension and/or other benefits for members of staff, ex-members of staff and their dependants.
- g) To engage such consultants and advisers as are considered appropriate from time to time.
- h) To effect insurance of all kinds (which may include Trustees’ liability insurance).
- i) To invest any funds which are not immediately required for the Church’s activities in such investments as may be considered appropriate (and to dispose of, and vary, such investments).
- j) To liaise with other voluntary sector bodies, local authorities, UK or Scottish government departments and agencies, and other bodies, all with a view to furthering the Objects.
- k) To establish and/or support any other charitable body, and to make donations for any charitable purpose falling within the Objects.

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- l) To form any charitable company with similar objects to those of the Church, and if considered appropriate, to transfer to any such company (without any payment being required from the company) the whole or any part of the Church's assets and undertaking.
- m) To take such steps as may be deemed appropriate for the purpose of raising funds for the Church's activities.
- n) To accept grants, donations and legacies of all kinds (and to accept any reasonable conditions attaching to them) subject to approval at a Church Meeting.
- o) To do anything which may be incidental or conducive to the furtherance of any of the Objects.

5. AMENDMENTS

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

- a) a resolution is passed by not less than two thirds of those present and voting (or having submitted a postal ballot) at a Church Meeting called for the purpose by special intimation at least two Sundays before such meeting;
- b) no amendment may be made that would have the effect of making the Church cease to be a Church at law;
- c) the notice of Church Meeting includes notice of the resolution setting out the terms of the amendment proposed;
- d) the Trustees of the Church ensure that the Amendment is reflected in the official records of the Church;
- e) consent to the amendment is obtained from the Office of the Scottish Charity Regulator (OSCR) if required.¹

6. OFFICE-BEARERS AND TRUSTEES

- a) The Eldership of the Church shall serve as the Office-Bearers of the Church and shall constitute of:-
 - i) The Pastor
 - ii) any Associate or Assistant Pastor(s)
 - iii) members elected to position by the Church in General Meeting.
- b) The Trustees of the Church shall be the Eldership together with the Church Secretary and the Church Treasurer.
- c) A number of Deacons, as determined by the Church Meeting, shall be appointed to serve alongside the Eldership.
- d) There shall be a minimum of 3 Trustees, in the event of there being insufficient members under rule 6(b) the Church shall appoint a number of the Deacons to serve as Trustees.
- e) In the event of a pastoral vacancy the Eldership shall make appropriate arrangements to ensure all duties are covered.
- f) A Call to the Pastorate of the Church shall only be issued if not less than two thirds of those present and voting (or having submitted a postal ballot) at a Church Meeting, called for the

¹ *The Charities and Trustee Investment (Scotland) Act 2005 prohibits taking certain steps (e.g. change of name, an alteration to the purposes, amalgamation, winding-up) without the consent of OSCR.*

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purpose by special intimation at least two Sundays before such meeting, are in favour of the candidate.

- g) The first Trustees shall be those persons holding office at the meeting at which this Constitution is adopted.
- h) The Trustees, Eldership and Deaconate may regulate their proceedings as they think fit, subject to the provisions of this Constitution.
- i) The Eldership shall have the overall responsibility for the spiritual welfare of the Church and the implementation of the Church's objects.
- j) The Trustees will be responsible for ensuring the Church complies with all relevant legislation.
- k) The Deaconate will assist the Eldership by carrying out such tasks as may be delegated to them by the Eldership or the Church Meeting .
- l) The Church will adopt such procedures for the election of Elders and Deacons as may be required.
- m) Elders and Deacons appointed under 6.a).iii) shall be subject to periodic re-election at such times as the Church Meeting may decide.

7. OPERATION OF ACCOUNTS AND HOLDING OF PROPERTY

- a) All heritable properties of the Church shall be held on behalf of the Church by the Trustees of the Church.
- b) The Church and its property shall be managed by the Eldership in accordance with this Constitution.
- c) The signatures of two signatories appointed by the Elders shall be required in relation to all operations (other than lodgement of funds or electronic transfers e.g. Standing Orders and Direct Debits) on the bank and building society accounts held by the Church.
- d) Items of expenditure exceeding Five Thousand Pounds (£ 5,000) Sterling must be specifically authorized by the Eldership unless made in implementation of a budget or other decision approved by a Church Meeting.

8. ACCOUNTING RECORDS AND ANNUAL ACCOUNTS

- a) The Trustees of the Church shall ensure that proper accounting records are maintained in accordance with all applicable statutory requirements.
- b) The Trustees shall ensure that annual accounts are prepared. Such accounts shall comply with all relevant statutory requirements; if an audit is required under any statutory provisions or if they otherwise think fit, they shall ensure that an audit of such accounts is carried out by a qualified auditor.
- c) The Church's financial year shall begin on 1st October and end on 30th September.

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9. GENERAL MEETINGS

- a) The Church must hold a General Meeting within twelve months of the date of the adoption of this Constitution.
- b) An Annual General Meeting must be held in each subsequent year and not more than fifteen months may elapse between successive Annual General Meetings.
- c) Prior to the Annual General Meeting the Church accounts and the accounts of all the organizations of the Church, including details of stipends, salaries or other remuneration and allowances paid to the Church's staff and of expenses reimbursed to such staff and/or to other members of the Church, shall be examined and/or audited by suitably qualified persons in accordance with the requirements of current legislation.

10. CHURCH MEETINGS

- a) Church meetings shall be held at least twice a year, one of these meetings being the Annual General Meeting (AGM).
- b) One of the Eldership shall normally preside at Church Meetings ("the Convenor"), although it will be competent for the members present at the meeting to elect an alternative Convenor.
- c) Church Meetings shall be called by special intimation at least two Sundays before the date such meeting is to be held. Such notice will give an indication of the type of business to be carried out and whether or not it is an Annual General Meeting;
- d) Business at Church Meetings shall include:
 - i) a statement of the Church's finances, including presentation to the AGM of full accounts duly audited or externally examined in accordance with the requirements of current legislation;
 - ii) consultation about the Church's work and policy;
 - iii) the pastoral care of the members;
 - iv) any business remitted from the Eldership, Trustees and Deaconate.
- e) Members introducing new business are required to give one weeks notice in writing through the Eldership.
- f) Should the need arise, a Special Church Meeting may be called by the Eldership. Normally such meeting shall be called by special intimation at least two Sundays before such meeting but the Eldership may vary such requirement in exceptional circumstances.
- g) A Special Church Meeting may be called by a written notice signed by 25% of the Membership. Such notice shall outline the subject for discussion and give the wording of any motion to be decided. Such meeting shall be announced by special intimation at least two Sundays before the date it is to be held.

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- h) Every member present at a Church Meeting, or having submitted a postal ballot, shall have one vote. Any resolution shall require a majority of votes cast to be passed, abstentions shall be ignored in this calculation. In the event of a tied vote the resolution shall fall.
- i) No business shall be transacted at any Church Meeting unless a quorum is present.
- j) A quorum shall consist of 33% of the members entitled to vote upon the business to be conducted at the meeting.
- k) If:
 - (a) a quorum is not present within half an hour from the time appointed for the meeting; or
 - (b) during a meeting a quorum ceases to be present,the meeting shall be adjourned to such time and place as the Eldership shall determine.
- l) The Eldership must reconvene the meeting and must give at least one Sunday's notice of the reconvened meeting stating the date, time and place of the meeting.
- m) If no quorum is present at the reconvened meeting within fifteen minutes of the time specified for the start of the meeting the members present at that time shall constitute the quorum for that meeting.

11. PERSONAL INTERESTS

- a) An Elder or Deacon who has a personal interest in any transaction or arrangement which the Church is proposing to enter into, must declare that interest at a Church Meeting and will be debarred from voting on whether or not the Church should enter into that transaction or arrangement.
- b) Provided they have declared their interest – and have not voted on the question of whether the Church should enter into the relevant arrangement – an Elder or Deacon will not be debarred from entering into an arrangement with the Church in which he/she has a personal interest and may retain any benefit which he/she gains from his/her participation in that arrangement.

12. REMUNERATION

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

13. MEMBERSHIP

- a) The Church is congregational in its form of church government and is in membership with the Baptist Union of Scotland (“the Union”) to whose Declaration of Principle (the text of which appears in the Appendix to this Constitution) the Church subscribes.
- b) The members of the Church shall be such as profess faith in Jesus Christ as Saviour and Lord and have been baptized as believers in the name of God the Father, the Son and the Holy Spirit. All

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applicants for membership shall be accepted only upon satisfying the Church as to their faith in Christ.

- c) By joining the Church, members shall come under the following obligations:
 - i) to attend regularly at public worship, including the Ordinance of the Lord's Supper which shall be observed by the Church at least twice a month.
 - ii) to contribute systematically to the Church's finances as the Lord has prospered them;
 - iii) to use their gifts in the service of Christ and His Church;
 - iv) to maintain the spirit of Christian love and unity;
 - v) to show evidence of their Christian character in all things;
 - vi) to share in the fulfilment of the Lord's Commission in Matthew 28:19,20.
- d) Should members fail to fulfil their obligations over an extended period they shall be visited by appointees of the Eldership with a view to reviewing their membership. Should the situation remain unchanged the Eldership may recommend to the Church Meeting the removal of such persons from the Church's membership.
- e) In cases of private offences between members of the Church the rule prescribed by Christ in Matthew 18:15-17 shall be faithfully observed. In cases of open backsliding, glaring inconsistency or grave doctrinal error the Church shall exercise discipline according to the Scriptures. Where there are serious difficulties involving the Eldership and/or the Deaconate, the Ministry Advisor of the Union shall normally be consulted.
- f) All matters private to the Church shall be treated by members as strictly confidential.
- g) A copy of this Constitution shall be given to each member. Applicants for membership shall be made fully aware of its contents before acceptance into membership.

14. LIABILITY OF MEMBERS

- a) The members of the Church have no liability to pay any sums to help to meet the debts (or other liabilities) of the Church if it is wound up; accordingly, if the Church is unable to meet its debts, the members will not be held responsible.
- b) The Trustees of the Church have certain legal duties under the Charities and Trustee Investment (Scotland) Act 2005; and clause 14(a) above does not apply to any personal liabilities they might incur if they are in breach of those duties.

15. DISSOLUTION

- a) If 70% or more members of the Church are of the opinion that it is necessary or advisable to dissolve the Church, they shall call a meeting of all the members of the Church of which not less than 28 days' notice (stating the terms of the resolution to be proposed) shall be given.
- b) In the event of the Church being dissolved or otherwise ceasing to exist:
 - i) the Trustees will remain in office as Church Trustees and be responsible for winding up the affairs of the Church in accordance with this clause.

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

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

iv) In the absence of any contrary decision at a properly constituted Church Meeting, the assets of the Church shall become the property of the Union (or should the Union not then exist, the association of Baptist Churches which may then be engaged in promoting objects similar to those of the Union (“the Association”)), to be applied in accordance with the charitable purposes of the Union or the Association (if applicable).

v) If the Church is to be dissolved, the winding-up process will be carried out in accordance with the procedures set out under the Charities and Trustee Investment (Scotland) Act 2005 or its successor legislation.

This is a true and fair copy of the Constitution of Leslie Baptist Church as at 24th May 2011

Signatures of the Trustees

..... (James Faddes, Pastor)

..... (Kathleen Dick, Elder)

..... (Margaret Dunn, Elder)

..... (Jim Neilson, Elder)

..... (Alan Milnes, Treasurer)

..... (Irene McDonald, Secretary)

Date.....

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APPENDIX TO THE CONSTITUTION OF LESLIE BAPTIST CHURCH

DECLARATION OF PRINCIPLE OF THE BAPTIST UNION OF SCOTLAND

The basis of the Union is:-

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