

# **PETERHEAD BAPTIST CHURCH**

## **PROPOSED CONSTITUTION**

### **DRAFT FOR CONSIDERATION BY CHURCH**

#### **CONSTITUTION**

Adopted on the .....200

#### **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 PETERHEAD BAPTIST CHURCH ( “the Church” )

#### **3. WHAT WE BELIEVE**

(a) We believe in God; God the Father, God the Son and God the Holy Spirit, being One God in Three persons. We believe that God created all things, saves us by the life, death and resurrection of Jesus Christ and lives in us by the Holy Spirit.

(Jn:54 Jn1:1; Acts 5:3,4 ; Mt 28:19; gen. 1:31; 1Cor 15: 1-8; Rom 8: 9-17)

(b) We believe a person becomes a Christian through faith in Jesus Christ as Saviour, this faith being a gift from God. We believe the Holy Spirit lives in all Christians providing them with gifts for His service and producing the Fruit of the Spirit which enables them to become like Christ.

(Eph 2:4-10 ; Rom 8:9-17 ; 1Cor 12:1-7 ; Gal 5:22-26)

(c) We believe that the Lord Jesus Christ is head of the whole Church.

(Col 1:18)

(d) We believe that the Holy Bible consisting of the Old and New testaments is inspired by God and has supreme authority in all matters of faith and conduct.

(1Tim 3:16)

(e) We believe in the practice of baptising believers by total immersion into the name of the Father, the Son and the Holy Spirit

(Mt 28:19; Acts 2:37-41; Acts 8:36-39)

(f) We celebrate the Lord's Supper every Sunday and invite all Christians to join us.

(Mt. 26:17-30; 1<sup>st</sup>. Cor. 11:17-34)

(g) We believe in the freedom of the individual believer in matters of personal conscience, under the guidance of the Holy Spirit.

#### 4. OBJECTS

The Church's objects ( " the Objects" ) are the advancement of the Christian faith primarily in Peterhead 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 and the support of agencies and individuals and other charitable organisations involved in Christian missionary work and the relief of poverty or other social needs.

#### 5. POWERS

In pursuance of the Objects set out in clause 4\_( 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 activities of the church .

- (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, licence, 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 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.
- (l) To form any charitable company with similar objects to those of the Church, and if considered appropriate and in keeping with the title deeds of heritable properties, to transfer to any such company ( without 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 ).

- (o) To do anything which may be incidental or conducive to the furtherance of the Objects.

## 6. 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 at a Church meeting called for the purpose.
- (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 the Church Meeting includes notice of the resolution setting out the terms of the amendment proposed;
- (d) the Trustees of the Church keep a copy of any such amendment with this Constitution;
- (e) consent to the amendment is obtained from the Office of the Scottish Charity Regulator ( OSCR ) if required.

## 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 who shall be the Office-Bearers of the Church and all appointed Deacons.
- (b) The Church and its property shall be managed and administered by the Deacons elected in accordance with this Constitution.
- (c) The signature(s) of the signatory or signatories appointed by the Deacons shall be required in relation to all operations ( other than lodgement of funds ) on the bank and

building society accounts held by the Church. If there is only one signatory, then he/she must be a Trustee. If there is more than one signatory, then at least one of the signatories must be a Trustee. All items of expenditure must be specifically authorized by the Deacons unless made in implementation of a budget or other decision approved by a Church Meeting.

## 8. OTHER FINANCIAL MATTERS

- (a) At Sunday services offerings will be taken for the general Fund and paid regularly into a bank account to be operated by the Treasurer, Secretary and one other Deacon appointed by the Church on the recommendation of the Deacons.
- (b) An offering will be received at the Lord's Supper and paid into a Fellowship Fund to be operated by the Treasurer and one other Deacon appointed by the Church on the recommendation of the Deacons.
- (c) Other funds may be set up at any time with the approval of the members, such funds to be paid into Bank Accounts operated by the Deacons.
- (d) The Trustees of the church shall ensure that proper accounting records are maintained in accordance with all applicable statutory requirements.
- (e) A statement of Church Finances is to be presented to a members meeting at least twice each year.
- (f) The Trustees shall prepare annual accounts , complying with all relevant statutory requirements, for presentation to the Church Annual General Meeting. An audit of the annual accounts is to be carried out by a Qualified Registered Auditor.

- (g) The members , on the recommendation of the Deacons, shall decide the terms and forms of payment made to all paid appointments of the Church.
- (h) 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.
- (i) All other financial matters shall be handled by the Deacons, except when it is deemed advisable to consult the Church.
- (j) The Church's financial year shall end on ...31<sup>st</sup>. July.

## 9. OFFICE-BEARERS AND TRUSTEES

- (a) The Office-Bearers of the Church shall normally be the Pastor, Secretary and Treasurer .
- (B) The Trustees of the Church shall be the Secretary, Treasurer and all serving Deacons and in this Constitution are together called “ the Trustees”.
- (c) In the event of the pastor being unable to fulfil his responsibilities, the Deacons shall be responsible for arranging pulpit ministry and the supply of the ordinances.

- (d) In the event of a pastoral vacancy a Pastorate Committee and a Chairperson shall be appointed by the Church. The Committee shall normally consist of all serving Deacons together with several Church members to be proposed by the Deacons. A Call to the Pastorate of the Church shall only be issued if at least Eighty Per Cent (80%) of those present and voting at a properly constituted Church Meeting are in favour of the candidate.
- (e) The first Trustees shall be those persons in Office and /or elected at the meeting at which this Constitution is adopted.
- (f) The Church in Annual or Half-Yearly Meeting shall elect the Deacons/Trustees.
- (g) Each Trustee shall retire with effect three years after their appointment at the Annual or Half-Yearly Church Meeting which is called near to that time but shall be eligible for re-election at that same Church Meeting.
- (h) The minimum number of Church Trustees shall consist of not less than one Deacon per thirty members, two of whom shall be appointed as Secretary and Treasurer.
- (i) The maximum number of Church Trustees can be decided by the Members at the Church Meeting on a recommendation from the Deacons.
- (j) Should the number of Trustees fall below the minimum as in 9(h) , either at a time of elections or during a term of office, the Church will decide what action to take. This may include co-option of members, a mid term election or agreement to continue to the next election due with a reduced minimum number of Trustees. Any co-option of Trustees will be by recommendation from the Deacons to a Church meeting which will vote for the candidates in the prescribed manner as in section 10 (d). Any Trustee appointed to office during a mid term will serve until the next following normal

election.

- (k) The Trustees may regulate their proceedings as they think fit, subject to the provisions of this Constitution.

#### 10. PROCEDURE FOR THE APPOINTMENT OF DEACONS

- (a) The Deacons shall be elected from those who have been in membership for not less than three years.
- (b) No-one may be elected a Deacon at any Annual or Half-Yearly General Meeting unless prior to the meeting, by a closing date set by the Deacons, the Church is given a notice, through the Church Secretary, that:
- 1) is signed by three members entitled to vote at the meeting;
  - 2) states the members intention to propose the appointment of a person as a Deacon;
  - 3) is signed by the person who is to be proposed to show their willingness to be appointed.
- (c) The Church shall be notified of the names and proposers of all nominations for election as Deacons, as soon as possible after receipt by the Secretary, by being posted on the Church notice board and published in the Church Notices.
- (d) Those elected to be Deacons will be the required number ( as in 9 (i) who in the ballot receive the greatest number of votes, subject to the qualification that they receive a minimum of sixty six per-cent (66%) of the votes cast.

- (e) The results of Deacons elections will be advised to nominees as soon as possible after the meeting and the Church will be notified at the first following communion service.

## 11. GENERAL MEETINGS

(a) The Church must hold a General meeting within twelve months of the date of 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 organisations of the church, including details of 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 audited by a qualified Registered Auditor.

(d) Elections for Pastor and for Deacons will be by secret ballot. Other normal decisions may be taken on the basis of a simple majority (more than half those voting) counted on a show of hands. Any matter deemed to be of greater importance by the Church meeting may be decided by a larger majority of two thirds of those voting at the discretion of those present, such vote may also be by secret ballot if deemed necessary.

(e) Tellers will be appointed when votes need to be counted. The number of tellers will be decided by the meeting.

## 12. CHURCH MEETINGS

(a) Church meetings shall be held at least half-yearly, one of these meetings being the Annual General Meeting (AGM), with the Pastor normally presiding, although it will be competent for the members present at the meeting to elect an alternative Chair.

(b) If the chair is not present within fifteen minutes after the time appointed for holding the meeting, the members present must choose one of their number to chair the meeting.

(c) Business at Half-Yearly and Annual General Church Meetings shall include;

(1) a statement of the Church's finances, including presentation to the AGM of full accounts duly audited in accordance with the requirements of current legislation.

(2) consultation about the Church's work and policy; and

(3) the pastoral care of the members and business remitted from the Deacons.

(d) Members introducing new business are required to give one weeks previous notice in writing through the Church Secretary.

(e) Special Church Meetings , out-with the General Meetings, may be called at any time by the Pastor and Deacons or by Ten Per-Cent (10%) of members, but only after two Sunday's prior intimation.

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

(g) All business matters must be regarded by members as being strictly private.

(h) All Church meetings are to be opened and closed with prayer.

(i) Only members are entitled to attend, speak and vote at Church Meetings. Others not in membership may attend and speak at the special invitation of the Deacons and with the consent of the Meeting.

### 13. PROCEDURE FOR CHURCH MEETINGS

(a) Notice of Church Meetings must be given by announcement from the pulpit on the two preceding Sundays and also be included in the weekly printed notices.

(b) The notice must specify the date, time and place of the Meeting and the general nature of the business to be transacted. If the Meeting is to be the Annual General Meeting, the notice must say so.

(c) No business shall be transacted at any Church Meeting unless a quorum is present.

(d) A quorum is twenty (20) members entitled to vote upon the business to be conducted at the meeting.

(e) If:

(1) a quorum is not present within half an hour from the time appointed for the meeting; or

(2) during the meeting a quorum ceases to be present, the meeting shall be adjourned to such time and place as the Deacons shall determine.

(f) The Deacons must reconvene the meeting and must give at least seven clear days' notice of the reconvened meeting stating the date, time and place of the meeting.

(g) 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.

#### 14. TRUSTEES NOT TO HAVE A PERSONAL INTEREST

(a) A Trustee 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; he/she will be debarred from voting on whether or not the Church should enter into that transaction or arrangement.

(b) Provided he/she has declared his/her interest- and has not voted on the issue - a trustee will not be debarred from entering into an arrangement with the Church in which he/she has a personal interest and may retain any benefit which he/she gains from his/her participation in that arrangement.

## 15. MEMBERSHIP

- (a) The Church is congregational in its form of 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 baptised as believers into the Name of God the Father, the Son and the Holy Spirit. The mode of baptism practised by the Church shall be that of immersion on the understanding that in special circumstances the Church Meeting may agree to make an exception. All applicants for membership shall be accepted only upon satisfying the Church as to their faith in Christ.
- (c) All applicants for membership shall be interviewed by two members appointed by the Deacon’s. This interview shall be reported to a Church meeting, and if the Church so approves the applicant shall be welcomed into membership at a celebration of the Lord’s Supper. Thereafter, the applicant’s name shall be entered into the Membership Roll.
- (d) Applicants for membership will also be accepted from Christians transferring from other Fellowships who are introduced by way of a letter of commendation.
- (e) By joining the Church, members shall come under the following obligations:
- (1) to attend regularly at public worship, including the Ordinance of the Lord’s Supper which shall be observed by the Church each Lord’s Day;
  - (2) to contribute systematically to the Church’s finances as the Lord has prospered them;
  - (3) to use their gifts in the service of Christ and His Church;
  - (4) to maintain the spirit of Christian love and unity;
  - (5) to show evidence of their Christian character in all things;
  - (6) to share in the fulfilment of the Lord’s Commission in Matthew Chapter 28, verses 19 & 20.

- (f) The Membership Roll shall be reviewed by the Deacons at least 10 weeks prior to the Annual General Meeting. Members who have not been in attendance in the period following the previous Annual General Meeting will be visited by two members appointed by the Deacon's Court and be encouraged to resume attendance. Should the situation remain unchanged the Deacons may recommend to the Church meeting the removal of such persons from the Church's membership.
- (g) Names may also be removed from the Membership Roll;
- (1) following a letter of resignation;
  - (2) when members apply to transfer their membership to other Christian Fellowships.
- (h) In cases of private offences between members of the Church the rule prescribed by Christ in Matthew Chapter 18 verses 15-18 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 Pastor and /or the Church Leaders, the Ministry Advisor of the Baptist Union of Scotland shall normally be consulted.
- (i) All matters private to the Church shall be treated by members as strictly confidential.
- (j) This Constitution shall be printed and a copy made available to each member. Applicants for membership shall be made fully aware of its content before acceptance into membership.

## 16. CHURCH ORGANISATIONS

- (a) All organisations seeking to meet within the life of Peterhead Baptist Church must do so with the approval of a Church Meeting and must submit an annual report and financial statement for the Annual General Meeting.
- (b) The Deacons are responsible for proposing suitable nominations for all Church leadership appointments.

(c) All leaders of organisations are responsible, in consultation with the Deacons, for the staffing arrangements of their own organisations. Wherever possible, leaders and staff should belong to the membership of the Church.

## 17. 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 17 (a) above does not apply to any personal liabilities they might incur if they are in breach of those duties.

## 18. DISSOLUTION

(a) If 50% 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 21 day's 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 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.

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

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

(e) In the absence of any contrary decision by a majority vote of two-thirds of the members present and voting at a properly constituted Church Meeting, the assets of the Church shall become the property of the Baptist Union of Scotland (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) to be applied in accordance with the charitable purposes of the Union or the Association (if applicable)

(f) 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.

**TRUSTEE SIGNATURES**

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**APPENDIX TO THE CONSTITUTION OF PETERHEAD BAPTIST CHURCH**

**DECLARATION OF PRINCIPLE OF THE BAPTIST UNION OF SCOTLAND**

The basis of the Union is:-

1. That the Lord Jesus Christ our God and Saviour is the sole and absolute Authority in all matters pertaining to faith and practice, as revealed in the Holy Scriptures, and that each Church has liberty, under the guidance of the Holy Spirit, to interpret and

administer His laws.

2. That Christian Baptism is the immersion in water into the name of the Father, the Son and the Holy Spirit, of those who have professed repentance towards God and faith in the Lord Jesus Christ, who died for our sins according to the Scriptures; was buried and rose again the third day.

3. That it is the duty of every disciple to bear witness to the Gospel of Jesus Christ, and to take part in the evangelisation of the world.